

## **Nicholas "Nicky" Vu**

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**From:** Housing  
**Sent:** Wednesday, August 9, 2023 4:37 PM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: SCLP comments on July 26, 2023 update, San Mateo 2023-2031 Housing Element  
**Attachments:** Aug 9 2023 SCLP letter to San Mateo.pdf

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**From:** Dashiell Leeds [REDACTED]  
**Sent:** Wednesday, August 9, 2023 3:52 PM  
**To:** Housing <housing@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>  
**Cc:** Gita Dev [REDACTED]; James Eggers [REDACTED]; Gladwyn D'Souza [REDACTED]; Mike Ferreira [REDACTED]  
**Subject:** SCLP comments on July 26, 2023 update, San Mateo 2023-2031 Housing Element

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

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (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 July 26, 2023 Updated Draft San Mateo 2023-2031 Housing Element (HE).

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 see the attached letter for our full comments.

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

email sent from account of:  
Dashiell Leeds  
Conservation Coordinator  
Sierra Club Loma Prieta Chapter



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

August 9, 2023

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

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 – comments on July 26, 2023 update

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

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (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 July 26, 2023 Updated Draft San Mateo 2023-2031 Housing Element (HE).

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. Our key comments are listed below.

**City staff need to communicate very closely with the California Department of Housing and Community Development (HCD) to assure a high likely hood that this HE version will be approved.**

This is the third review of a proposed HE to HCD and time is running out to get the HE certified. Not having the HE certified in a timely manner has major negative consequences for San Mateo. This includes losing control of development (e.g., Builders Remedy), losing access to government funding, and undermining all the other important aspects of the proposed 2040 General Plan including the planned vote in November 2024 to consider changes to Measure Y.

City staff should be in very close communication with HCD staff to assure that this HE version is very likely to be certified.

**The City must take strong new actions to assure that the RHNA goals are met**

Obtaining a HCD certified HE is just an interim step toward the real goal of having the RHNA goals met, particularly for affordable housing units. The HE Housing Plan (p. H-70 to H-97) needs to demonstrate a significant change to current policies and programs in order to realistically be able to reach the goal. The lack of affordable housing on the Peninsula is a significant contributor to environmental degradation as workers 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.

The “buffer” for meeting the goals for affordable units (low and very low) is only 9% as shown on page H-7. This is a lower number than in the earlier versions of the HE. This makes it less likely that enough affordable units will be built. The buffer number for affordable units should be higher.

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:

H1.7 -Update Zoning Codes to Support Housing Production,

H 1.8 - Adopt Objective Design Standards,

H 1.9 – Establish Minimum Densities for Mixed-Use Projects, and

H 1.12 - Encourage Development of Missing Middle Housing within half mile of the transit corridor.

Funding that can be used to support affordable housing is a fundamental need and more must be done to obtain funding. 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 New Affordable Housing,

b. H 1.3 - Increase Affordable Housing Production,

c. H 1.17 - Permitting and Development 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 **in high resource areas**.

f. H 5.1.2 - Support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households. However, the units should be dedicated for at least 30 years, with affirmative marketing to households with disproportionately high housing needs including persons with disabilities, single parents, and minority households, and

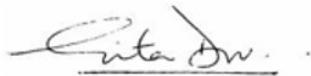
g. H 5.1.3 - Explore the potential to implement a loan program for ADU construction If a City-funded ADU loan program is determined to be infeasible. The City will support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years.

**The updating of H1.20 “Adopt San Mateo General Plan 2040” is built into the HE.**

**H1.20** would lead to a ballot measure in November 2024 to update Measure Y. If approved by the voters, significantly higher density and heights would be possible in key areas, such as near transit. This change, if approved, will make meeting the RHNA numbers more possible. It will also potentially make providing more open space to “green” the City more feasible (parks, open space, trees, wider and safer bike and pedestrian paths, restoring creeks and riparian areas, etc.). However, it is important that the City have a strong communication plan to inform the voters of the reasons for this vote and the consequences of approval or denial. The plan to meet RHNA needs to be clear in case the measure fails.

We ask that you consider this information as you finalize the Housing Element for submission to the State HCD. 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

## **Nicholas "Nicky" Vu**

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**From:** Ashley Snodgrass  
**Sent:** Thursday, August 10, 2023 8:56 AM  
**To:** Nicholas "Nicky" Vu  
**Subject:** FW: Public Comment on Latest Draft Housing Element  
**Attachments:** 2023.8.9 City of San Mateo Housing Element Letter.pdf

Hi Nicky,

Please see the comments below.

Ashley

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**From:** Jeremy Levine [REDACTED]  
**Sent:** Wednesday, August 9, 2023 4:41 PM  
**To:** City Council (San Mateo) <CityCouncil@cityofsanmateo.org>  
**Cc:** Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Planning <planning@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>  
**Subject:** Public Comment on Latest Draft Housing Element

Good afternoon San Mateo City Council and staff,

Please see the attached letter for comments from the Housing Leadership Council regarding San Mateo's latest draft housing element. We greatly appreciate the progress the city has made with this draft and look forward to continuing to work on further improvements.

Thank you for your consideration,  
Jeremy

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**Jeremy Levine (he • him)**  
Policy Manager  
Housing Leadership Council of San Mateo County  
[REDACTED]

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August 9, 2023

City of San Mateo  
330 W 20th Ave.  
San Mateo, CA 94403

To the honorable San Mateo City Council,

The Housing Leadership Council of San Mateo County appreciates this opportunity to engage the City of San Mateo on its housing element. This is our fourth formal letter to the city. In the middle of last year, we sent the city two letters outlining opportunities to improve the initial draft of its housing element, [one](#) focused primarily on needs and constraints, [the other](#) focused on affirmatively furthering fair housing, the sites inventory, and the goals, policies, and programs. We followed up with a more [policy-focused letter](#) last November.

At their core, housing elements are about policy change. All of the elaborate research that makes up a housing element—of local housing need, the governmental constraints to meeting that need, and the fair housing implications of the city's policy choices—are supposed to lead to policy outcomes that respond to what the city learns. The analyses alone cannot make a housing element comply with state law, only appropriate policy change can.

The newest draft of the housing element makes several necessary policy changes that will help the city achieve compliance by responding to specific issues raised by the department of Housing and Community Development (HCD). Of most significance, HLC recognizes the commitments to development timelines for publicly owned sites in **policy H1.2**; to eliminate the pre-application and third-party design review requirements for new projects and approve projects up to 25 units administratively in **policy H1.6**<sup>1</sup>; to reduce parking requirements in **policy H1.7**<sup>2</sup>; and to increase the base density by a minimum of 25 du/ac in all General Plan update study areas as described in **policy H1.20**.<sup>3</sup> These are excellent and substantial changes.

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<sup>1</sup> HCD's [March 27, 2023 Review Letter](#), p. 6: "[The permitting process] should be addressed as a constraint including but not limited to findings one, two and three and add or modify programs as appropriate. Lastly, the preapplication process adds at least four months in addition to the typical approval times listed and the element should add or modify programs as appropriate to address the constraint."

<sup>2</sup> HCD's [March 27, 2023 Review Letter](#), pp. 5-6: "In addition, Program 1.7 must include specific implementation actions to reduce parking requirements for studio and one-bedroom units city-wide as well as for units that are at least 1,400 square feet."

<sup>3</sup> HCD's [March 27, 2023 Review Letter](#), p. 8: "While the element includes Program 1.21 (Adopt San Mateo General Plan 2040), it must include specific commitments to increase densities and adjustments to development standards. In addition, the element should include a specific program to address the constraint of Measure Y."

These policies form the foundation by which San Mateo can create a great housing plan that complies with state law. Nonetheless, these policies do not yet fully respond to the findings in the city's analyses, in part because the findings are not yet accurate. The city should pursue a couple of methodological changes that will better align the housing element with state law and indicate where the city still can progress on policy.

1. Lower the realistic capacity for the city's opportunity sites from 90% to 70% and provide supporting evidence as requested by HCD.<sup>4</sup> As of the latest draft, San Mateo's realistic capacity of 90% lacks supporting evidence. Historic development trends suggest a capacity closer to 70%.<sup>5</sup> If the city used a realistic capacity that reflected actual historic development trends, it would be clear that current zoning is inadequate to demonstrate enough capacity to satisfy the Regional Housing Needs Allocation, requiring the city to rezone through the housing element.
2. Expand the scope of policies to Affirmatively Further Fair Housing (AFFH). San Mateo's plans for rezoning through the General Plan continue to exempt the highest-opportunity areas of the community from new homes. The city's AFFH analysis primarily justifies current conditions rather than seeking to understand the barriers to fair housing and remove them. Instead of continuing to expend energy on expensive studies to justify existing conditions, the city should implement meaningful new policies.

Though they seem esoteric, these methodological changes have large implications for the policies San Mateo must implement in order to comply with housing element law. The city currently maintains it can comply with RHNA without rezoning, which would mean that the city is not required to rezone during the current General Plan update. While this is a politically expedient result, it does not reflect reality. The city must identify additional sites to meet both the overall number of new homes in RHNA and to provide enough homes throughout the community to meet the AFFH expectation.<sup>6, 7</sup>

These are not the only two methodological issues HLC could raise regarding the housing element. We have ongoing concerns about major opportunity sites that would further reduce the site inventory.<sup>8</sup> Yet we prefer to focus on policy change rather than nitpicking technical requirements. In order to comply with state law and create a great plan for new homes, HLC proposes the following amendments and additions:

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<sup>4</sup> HCD's [March 27, 2023 Review Letter](#), p. 4: "The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly."

<sup>5</sup> See [pp. 244-245 of the public comment packet](#) for agenda item 2 of the January 24, 2023 city council meeting.

<sup>6</sup> See pages 4-9 of HLC's [May 6, 2022 comment letter](#) to the city for an analysis of fair housing issues, which remain unaddressed.

<sup>7</sup> HCD's [March 27, 2023 Review Letter](#), p. 9: "[AFFH] 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** [emphasis added], place-based strategies for community preservation and revitalization and displacement protection."

<sup>8</sup> See pp. 236-242 See analysis presented on [pp. 244-245 of the public comment packet](#) for agenda item 2 of the January 24, 2023 city council meeting.

- Amend policy H1.2's actions (d) and (e) to specify a minimum quantity of affordable homes that will be delivered on each site. Furthermore, amend action e to complete site analysis for 4142 S El Camino Real within 12 months of housing element adoption, issue an RFP for the site within 24 months, and select a developer within 36 months.<sup>9</sup>
- Amend policy H.1.4 to add an action to implement a rental registry to track rentals and provide data to the city regarding ADU rental rates, prices, and evictions. Data from a rental registry will help the city identify whether the city is actually delivering on its affordability goals (which should be adjusted downwards, in any case). The city could further promote ADUs by allowing two ADUs on large lots and fee waivers for deed-restricted ADUs that are rented on the open market.
- Amend policy H1.7's action (d) to make a concrete commitment to implement an affordable housing overlay for quasi public sites owned by religious and public institutions to allow development at least up to the R-6d zoning standards.<sup>10</sup> Because a meaningful portion of these sites are located within San Mateo's highest-opportunity neighborhoods, creating a quick, streamlined process by which these areas can build housing will help San Mateo satisfy the AFFH requirements to plan for housing in higher-opportunity neighborhoods.
- Evaluate new sites to add to the housing element and commit to further rezoning.
- Amend policy H1.20's action (a) to clarify that the study areas with large opportunity sites like Bridgepoint and Hillsdale will be rezoned by a minimum of 100 du/ac. Furthermore, amend action (d) to clarify that the city will rezone single-family neighborhoods within one mile of transit to allow up to 55 du/ac if the amendment to the current Measure Y ballot initiative does not pass. These policies ensure San Mateo will adequately rezone to generate more capacity on its opportunity sites.

San Mateo's city staff have worked hard to help San Mateo comply with state housing law, but, without clear direction from council to pursue more meaningful policy change, the city may continue to cycle through an expensive, time consuming loop of housing element review that can be avoided with bold action. San Mateo has tried to analyze its way into housing element compliance twice already, spending hundreds of hours of staff time and hundreds of thousands of dollars on consultants, when the city could much more easily achieve compliance by committing to more meaningful policy recommendations.

Fundamentally, cities cannot analyze their way into new homes, nor can they analyze their way into compliance with state law. The housing element process challenges cities to provide a series of analyses and then commit to substantially change local policies to enable new housing development. HLC looks forward to continue working with San Mateo's leaders as they strive to meet the housing needs of the entire community.

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<sup>9</sup> [San Mateo draft housing element](#), p. 78: The policy as currently written commits to complete site analysis within 48 months of housing element adoption and select a development partner within 60 months, virtually guaranteeing the development is not completed within the planning period.

<sup>10</sup> [San Mateo draft housing element](#), p. 81: The policy as currently written says "Evaluate the feasibility of an affordable housing quasi-public overlay or code amendment to support the production of affordable housing on quasi-public sites, such as religious or educational institutions."

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "J. Levine". The signature is fluid and cursive, with a large loop on the left and a more compact, horizontal section on the right.

Jeremy Levine

## **Nicholas "Nicky" Vu**

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**From:** Housing  
**Sent:** Wednesday, August 9, 2023 4:37 PM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: Housing Element (Housing Action Committee comments on July 2023 draft)  
**Attachments:** 2023-08-09 Housing Action Coalition Comments on San Mateo July 2023 Draft Housing Element.pdf; RE: San Mateo stores - housing redevelopment plans?

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**From:** Mayhew, Tom x4948 [REDACTED]  
**Sent:** Wednesday, August 9, 2023 3:42 PM  
**To:** City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>; Housing <housing@cityofsanmateo.org>  
**Cc:** Higley, CJ x4942 [REDACTED]; Corey Smith [REDACTED]; Ali Sapirman [REDACTED]  
**Subject:** Housing Element (Housing Action Committee comments on July 2023 draft)

Please see attached, a letter on behalf of the Housing Action Coalition, commenting on the July 26 draft Housing Element. (Also attached is an email exchange with CVS regarding two sites on the inventory).

**Tom Mayhew**  
*Partner*  
*Pronouns: His/Him*  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[www.fbm.com](http://www.fbm.com)

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August 9, 2023

*Via E-Mail*

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

E-Mail: [housing@cityofsanmateo.org](mailto:housing@cityofsanmateo.org)

Re:     Housing Element for City of San Mateo 2023-2031  
          Draft for Public Comment dated July 26, 2023  
          Comments of Housing Action Coalition

Dear City Council, Planning Commission, and Housing Manager:

On behalf of the Housing Action Coalition,<sup>1</sup> we write to comment on the July 26, 2023 draft 2023-2031 Housing Element for the City of San Mateo.

The new draft, if adopted without significant improvement, would fail to meet the need for housing and violate state law. First, it overstates how much housing the site inventory under current zoning will provide, by ignoring the specific and pointed comments of HCD and the requirements of the statute. Second, it continues to include unrealistic sites where existing uses are likely to continue. Third, it repeats the overestimation of ADU units despite being twice told by HCD why it should not. The result is that the draft is incorrect when it claims San Mateo can meet its share of the regional housing need without any rezoning.

Instead of identifying a real path forward (i.e., meaningful rezoning), the draft simply rewords the Housing Element's failed arguments for compliance, argues that the same sites will provide more units based on more opaque data, and adds only two sites to the inventory: one of them based on a recent pre-application (site AQ: the "Post & Beam" project at 600 E.3rd), and the other a five-story office building that is still actively being leased to dozens of office tenants

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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.

at 1690/1700 El Camino Real. If the City wants to comply with state law, a more ambitious program of rezoning, motivated by a genuine desire to affirmatively further fair housing, is necessary to do so.<sup>2</sup>

**A. The Capacity of the Site Inventory To Meet The RHNA Need Is Not Realistic, Because It Ignores The Applicable Law And The Relevant Data.**

The RHNA capacity numbers on the site inventory are unrealistic, because the draft deliberately avoids doing what HCD directed and what the law requires. 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.

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<sup>2</sup> A brief note about process: We have heard that City staff are bringing the new draft of the Housing Element only to the City Council, without having a hearing with the Planning Commission to obtain their recommendation, even after the Planning Commission repeatedly requested the opportunity to do so. Given the Planning Commission's familiarity with development standards, policies, and land use in the City, it is surprising that their knowledge, experience, and expertise would not be desired as part of the process. We also note that under the San Mateo Municipal Code provides, at section 27.060.040(b), governing the Planning Commission's jurisdiction, that the Commission "shall review and make recommendations to the Council upon all . . . General Plan Amendments." The Housing Element is part of the General Plan, and so amendments to it are General Plan Amendments. In January the Planning Commission advised the City Council that the draft was non-compliant, and had it exactly right; the Commission identified the very issues that HCD then found prevented certification. The City Council should want to hear what the Planning Commission recommends with respect to the current draft, rather than relegating the Commission's members to separate public comments as private citizens.

A concrete example will illustrate how the draft currently estimates capacity. The draft calculates a total capacity number as 90% for most sites, absent a filed pre-application or application. *See H-C-68.* Thus, for example, the Walgreens complex at 4060 South El Camino Real, zoned for either commercial use or residential use with a maximum density of 50, is projected to accommodate 46 units on 1.02 acres (~90% of maximum). Then, to estimate the realistic capacity for each income category, the draft simply multiplies the total units by the proportion of each RHNAs category for the City as a whole. July 2023 version at H-37 (“Most sites in the inventory have unit affordability distributed in proportion to the RHNAs allocation.”). Because the lower income categories represent approximately 40% of the RHNAs numbers assigned to San Mateo, the inventory claims that the realistic capacity of the Walgreens site to accommodate affordable housing for lower income households is 40% of 46 units: 19 units.

The problem is that these capacity numbers are inflated, as explained further below:

- Even if Walgreens is torn down, the commercial zoning might mean that another retail building is constructed without any housing at all. The possibility of nonresidential redevelopment means that claiming 46 total units for the site is too high.
- Claiming that, on average, 40% of the units will accommodate the need for lower income housing is an overestimate. Under a new 2018 state law (AB1397, codified at Government Code § 65583.2(c)(2)), the City is required to consider the actual production of lower income housing in coming up with its realistic capacity estimates, and adjust its capacity numbers accordingly. A typical project does not include 40% affordable housing.
- For sites that have filed applications or pre-applications (unlike Walgreens), the site inventory ignores its own realistic capacity methodology and simply uncritically accepts the number on the application, without any evaluation of how city zoning laws would reduce it. This too, leads to an overestimate.

An inflated capacity analysis leads to a major violation of state housing law: claiming that the RHNAs numbers are satisfied when they are not, and failing to plan and take additional actions to meet the actual need. HCD specifically directed the City that one reason why its Housing Element did not substantially comply with the law is because the capacity numbers were not realistic. Using realistic capacity numbers for all levels of affordability will show that the City needs to add a lot more than just two sites to come into compliance with state law.

## **1. The City Should Use Data From Existing And Approved Projects, As The Statute Requires, Rather Than Relying On “Applications.”**

The first step is to make sure the estimates are based on valid data. The law requires a realistic capacity estimate to be adjusted by considering “typical densities of existing or approved residential developments . . .” Government Code § 65583.2(c)(2). The January

version tried to do that in Table 4 at page H-30 and H-31, listing 2017-2022 project densities. But unfortunately, the January version improperly ignored three large projects to make the average look like it was over 100%, calling them “outliers” so that they wouldn’t affect the total, and omitting a few others. HCD’s March 27 letter told the City to revisit this issue: “The majority of sites still assume 100 percent maximum density as realistic capacity. The analysis must demonstrate that all projects in those zones developed at maximum density to support assumptions.”<sup>3</sup>

The new draft now ignores and even removes relevant data, and relies on an irrelevant chart instead. Table 4 in the July version, now at page H-32, has been edited to remove some of the information, including the maximum density. But worse, it removes the totals and averages, so that no one can easily figure out what is typical.

So that the Planning Commission and City Council can be fully informed, we have included (in an appendix to this letter, after the signature block) the data from the original table 4 in the January version, plus the data for the sites added in the new July draft, adding a column to show the maximum density for the acreage, and including the totals and the relevant average. The chart shows that the 3,028 units were approved/developed on land that had a maximum zoned capacity of 3,263 units: 92.8% of the maximum.<sup>4</sup> Interestingly, based on this data, the current draft’s reasonable capacity numbers – 90% for most sites, and 75% for those in residential zones – is in the range of reasonable as a starting point, if further adjusted as set forth in A.2 below. (This will need to be adjusted downward – this is the percentage of maximum for those projects that developed with residential units, but ignores that not every project has residential units.) There is no reason to omit the totals as the new draft now does.

The July draft capacity estimate doesn’t rely on this data set of existing/approved projects, however: it looks at applications instead of approvals. *See H-C-68* (chart based on “Applications from 2019 – present”). Applications are irrelevant. State law expressly requires consideration of “existing and approved” projects, rather than applications. The reason the statute requires consideration of “existing or approved” developments is simple: those developments have gone through the close study of whether they comply with all zoning requirements (setbacks, height limits, etc.) and the economics of building a project. “Existing and approved” projects have been battle-tested through the gauntlet of Planning Division, Planning Commission, and City Council review, unlike application or pre-application numbers that reflect only an initial proposal. The City knows well that many projects initially propose a

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<sup>3</sup> As Table 4 shows, 9 of 25 projects approved during 2017-2022 that included a residential component did not develop at or over the maximum density.

<sup>4</sup> One site on the July version of Table 4 has been omitted from ours, because of an atypical situation: Kiku Crossing. Kiku Crossing achieved higher density only by invoking a unique state statute (AB1763) that overrode both the Measure Y height limit and eliminated the density limit entirely. Because this state law meant the project was not subject to a maximum density, it is not typical and cannot be used to calculate a percentage of maximum density for typical projects.

higher number than what is eventually approved after the review process takes place. Table 4 should be edited to include the average capacity by acreage of approved projects, which helps show what is realistic to expect from future ones.

## **2. The City Must Adjust Downward To Account For The Possibility Of Non-Residential Redevelopment.**

While there is a significant demand for housing that may result in redevelopment of many of the sites on the inventory, housing is not the only possible outcome for the sites. Most of the sites on the inventory have mixed zoning: they could be used for housing, but they could also be used for an entirely non-residential use like commercial or office space. HCD directly instructed the City to evaluate the probability of this occurring when it explained why the City's January Housing Element did not comply with state law:

In addition, the calculation of residential capacity must also account for the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. . . . For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

HCD March 27, 2023 letter, Appendix at p. 2. HCD also said the same thing, word-for-word, in its September 2022 comment. HCD September 28, 2022 letter, Appendix at p. 3. Yet the current draft still does not comply.

Despite HCD's direction to evaluate this issue, the new July draft deletes the chart – former Table 5 in the January version – that addresses it. Hiding the data will not help. As we explained back in January, the City's own data shows that residential capacity numbers should be reduced by approximately 25%, based on a 75% likelihood that a mixed-zoning site will be redeveloped with some residential units, and a 25% likelihood that it will be redeveloped with no residential units. Table 5, at page H-32 to H-34 of the adopted Housing Element showed that 78% of projects by number, and 75% of the acreage, contained some residential units, but that 25% of the re-developed acreage contained no residential units at all.<sup>5</sup>

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<sup>5</sup> Larger sites are more likely to be developed for commercial or office uses. The January adopted Housing Element 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, not the site count.

We note that the deletion was only partial; the July version of the Housing Element still states that “[H]istorically 78% of the commercially zoned sites included housing,” and then claims – incorrectly – that realistic capacity numbers are reduced for mixed-use sites. (Housing Element at page H-31). There is even a new, stray reference to the old, now-omitted Table 5. (See H-34, referring to “the history described in Tables 4 and 5”). Table 5 should be restored to

The capacity numbers of sites on the inventory, for those sites with mixed zoning, should therefore be, at most, 92.8% times 75%: 69.6%. (Or if the draft's 90% number is used, then 67.5%). The draft currently applies a capacity number of 90% to sites where nonresidential uses are authorized by the zoning, with no consideration of the probability of nonresidential development, and so the capacity numbers will need to be reduced for most of the sites on the inventory.

We note that the City could rezone so that housing is a required use in these zones (i.e., a minimum residential density), so that a 100% nonresidential project is not possible. This would guarantee that these sites would include housing if they are redeveloped, and enable the City to ignore the probability of nonresidential development. The only other alternative is to do as HCD has now directed twice: Unless the City rezones to eliminate the possibility of a 100% nonresidential project in these zones, it must discount its capacity numbers to incorporate the probability that underutilized sites become office or retail spaces, rather than being used for housing. It is time to incorporate the discount into the analysis, and recognize that the site inventory lacks sufficient sites to provide for the necessary RHNA housing at all income levels.

### **3. The City Should Consistently Apply The Realistic Capacity Methodology, Including To Sites With Unapproved Applications or Pre-Applications.**

As just explained, the draft states that the realistic capacity of the majority of sites is 90% of the zoned maximum. But for sites where an application or pre-application has been made, the draft now always uses a much higher capacity number – sometimes well in excess of the City's own zoning laws – even though the project has not yet been approved. In most cases, these applications or pre-applications include a density bonus request, and so the inventory projects development at up to 150% of the zoned capacity. While in the January version the capacity number was at least sometimes adjusted to a reasonable projection of the realistic capacity, the draft now uncritically embraces any number that has been suggested by an applicant or pre-applicant.

If the City were to accept that its January Housing Element was invalid, and that the Builder's Remedy now applies – so that it cannot use its zoning laws to prevent these projects from being built as proposed, absent a health and safety concern – then the City could approve all of the applications now, and count these numbers towards the RHNA. But until and unless the applications are approved, there is insufficient basis to claim these numbers as realistic: the fact that an owner has proposed a number in a “pre-application” or even a formal application does not mean that the number is valid or likely to be accepted by the City. The history of actual approved projects, not the face value of a pre-application, is what should supply the realistic capacity of not-yet-approved sites on the inventory.

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the draft, and the effect of its analysis should be included in estimating capacities as HCD directed.

Moreover, the approach of including state law density bonus numbers ignores that the City's Housing Element is supposed to evaluate the realistic capacity based on the City's zoning restrictions, and not merely assume that the City's zoning laws are adequate to accommodate the need because state law can override them. The City should apply the same realistic capacity methodology to all sites that have not yet received a formal approval. An unanalyzed application or pre-application is not sufficient evidence to claim a higher number.

#### **4. The Estimate Of Lower Income RHNA Capacity Is Overstated.**

Probably the most significant problem with the site inventory is in its estimate of the realistic capacity of the sites to provide housing opportunities for households in the lower (very-low and low) income categories. Here, the Housing Element ignores the new 2018 (AB1397) statutory requirement that realistic capacity numbers consider typical densities of existing/approved projects "at a similar affordability level in [the] jurisdiction," Government Code section 65583.2(c)(2), and instead projects that, on average, 40% of the units will be affordable to those in the lower income category.<sup>6</sup> The only reasoning given for the 40% prediction of lower income units is that lower income units reflect 40% of the RHNA requirement for the City. This logic is circular: the City predicts that it will satisfy its goal by assuming that the goal will be satisfied. No one in San Mateo could possibly think that it is a realistic estimate to say that 40% of the units, on average, will be affordable to those in the lower income category.

We have included a second chart in the appendix, this time adding a column to the Table 4 data to show the typical densities "at a similar affordability level" by showing the percentage of total units that are affordable to households in the lower income RHNA category. The result shows that, based on an average of recent existing and approved projects, the median project includes only 8-9% affordable units (not even 15%, because of the interaction between the inclusionary ordinance and state density bonus law).<sup>7</sup> The average, taking the atypical Kiku Crossing into account, is around 18%, though we note here that our chart is incomplete and that the City will have the necessary data to complete it. Even the incomplete data makes clear that

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<sup>6</sup> We do not fault the City for attributing the units across all properties, because it can be difficult to predict which parcel will develop in which way. The issue is what percentage should be applied across all properties.

The significant exception to the use of the 40% number is for the Hillsdale Mall site. For that site, the site inventory projects only 15% lower income units, explaining that this was reasonable based on the city's inclusionary zoning ordinance. As we explain, an estimate like the one used for Hillsdale is far more reasonable than the one used for other sites.

<sup>7</sup> Here, the median is more relevant than the mean in evaluating typical densities at this level of affordability, because the mean is heavily skewed by the high number of affordable units in the atypical Kiku Crossing project, which combined both a significant land donation by the City with a special state law that removed density limits and significantly raised the height limit. The City does not have a significant city-owned land inventory to repeat this success.

the site inventory's estimate, using 40% as a formula for the "realistic capacity" of the site inventory to meet the RHNA need for lower income housing, is not a realistic projection or estimate based on typical existing/approved projects.

Applying a realistic estimate of lower income production to the site inventory has a major impact. If a realistic percentage for the lower income category is applied, based on the data, then the current site inventory has a RHNA shortfall of more than 1,000 units in this category. In order to satisfy the RHNA for this category at current levels of affordable housing production, if the City does not develop new programs and policies, and succeed in the Measure Y effort to allow greater density, the City would need to rezone hundreds of acres at 50 dwelling units per acre to result in the required level of lower income housing, or come up with a more aggressive program of building affordable housing itself.

**B. 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).

HCD has twice told the City to correct this issue. In the September 28, 2022 letter, HCD wrote:

The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element

describes in general the existing use of each nonvacant site, for example, ‘commercial’ or ‘parking lot.’ This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. . . . [T]he housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code § 65583.2, subd. (g)(2).)

Despite this specific guidance from HCD, the site inventory still lists existing uses as “commercial” or “parking lot” without any additional discussion of most of the parcels, the existing uses are not described in detail to facilitate an analysis, existing leases are ignored, and the housing element does not demonstrate that existing uses are likely to discontinue in the planning period. In its March 27, 2023 letter, HCD reiterated:

[T]he element should describe the likelihood that existing uses will discontinue during the planning period, whether there are current leases, or other factors of whether the uses will impede residential development.

Unfortunately, the draft doesn’t respond to these instructions. The following examples show that the City has listed unrealistic sites without evidence that the existing uses are likely to discontinue.

**1. The Bridgepointe Shopping Center Parking Lot**  
(APN 035-466-100) 8.5 acres, 383 units (155 lower income)

The City’s new draft has dropped the unrealistic Bridgepointe shopping center buildings, but tries to claim, contrary to the evidence, that much of the parking lot is nevertheless likely to become housing before January 2031.

Most of the shopping center buildings are occupied under long-term leases by major retailers (Ulta Beauty, Total Wine & More, Ross, Marshall’s, Hobby Lobby, Starbucks, Petco, Cost Plus). The center is highly successful, and a new Benihana restaurant is currently being built on one edge of the parking lot. Other restaurants dot the perimeter, including BJ’s, Lazy Dog (opened May 2022), and California Fish Grill (also opened 2022). An ice rink that was closed at the time of an earlier draft of the Housing Element has now re-opened. These are all long-term uses that are not likely to discontinue.

The parking lot is used by all of the tenants. The City nonetheless claims that the parking lot will meet the need for 383 units of housing, including 155 lower income units. In order to do so, the City needs substantial evidence that the existing use of the parking lot will discontinue.

There is no such evidence. The City has no evidence that the owner plans to build high density residential on even a portion of the parking lot during the term of the existing leases.<sup>8</sup> Nor does the City have any evidence that the leases with the major retailers and restaurants – which almost certainly provide for rights to have customers park in front of their businesses – would allow the owner to do so. Given the evidence we have already provided the City that the long-term leases run throughout the planning period, and the continued evidence of retail use of the center (including the new Benihana construction), the City lacks substantial evidence that the regional need for housing, particularly for the lower income category, is met by this parking lot. As we have previously commented, our client would strongly support dense residential construction on the parking lot, and we hope the site evolves in this manner. The City, however, has not met its burden of showing, based on substantial evidence, that the parking lot is available for development or realistic as the site of 155 lower income units, in spite of the economic and legal constraints on its use.

## 2. The Atrium: 1900 South Norfolk Street (APN 035-391-090) 8.18 acres, 368 units (149 lower income)

As stated in Housing Action Coalition’s earlier comment letters: The executive office building known as “The Atrium,” 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 shows that the owner continues to sign long-term leases with new tenants, even in 2023.

<https://property.compstak.com/1900-South-Norfolk-Street-San-Mateo/p/3970> (indicating a lease was signed with new tenant Golden Gate Regional Center in 2023 that expires in 2035). In prior letters we also submitted publicly available information indicates that a number of other leases continue to be signed or renewed for this three-story office building, with at least one other lease publicly reported to extend until 2030. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 9. Despite this information, the City does not analyze whether the existing leases present an obstacle to residential development during the 6<sup>th</sup> cycle as required by Government Code section 65583.2(g)(2), emphasizing only “owner/developer interest” in redevelopment.

Based on the results of a recent Public Records Act response, the evidence of owner/developer interest is insufficient to conclude that the existing use of the property as an office building is “likely to discontinue” during the 6<sup>th</sup> cycle, or that the property should be projected to provide the 368 units, and 149 low income affordable units, claimed on the inventory. A 2020 email shows that a developer was exploring the idea of building townhomes on a small portion of the parking lot only: 3 acres, for 55-60 townhome units, “while still

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<sup>8</sup> The earlier draft of the Housing Element had suggested that there was owner interest in redevelopment. In response to our Public Records Act request, no evidence of this was produced. On the new site inventory, the box for “Owner/Developer Interest” is left blank; the chart argues that the site is realistic solely because it is a parking lot with no structures on it.

preserving the office building and all of its associated tenants.” A lower-intensity development proposal like this is consistent with the similar townhome development at 1, 2, and 3 Waters Park a few hundred feet away, but does not justify claiming that the entire 1900 S. Norfolk site would be redeveloped, particularly at the intensity claimed in the site inventory. A second communication, directly from the owner Seagate Properties in April 2022, sought a General Plan designation that would make residential development possible, but did not provide any timeline or state that the existing use would be eliminated during 2023-2031: “we . . . believe there will be opportunities now or during the 20-year period of the General Plan for the property to be redevelop[ed] with housing on the portions of the existing surface parking lot. A Medium Mixed-Use designation will allow both office and housing to occupy the site.” Both of the communications provide no evidence that the existing office use of the site will discontinue at all, much less that it is likely to discontinue soon enough that housing can meet the 6<sup>th</sup> Cycle RHNA need. Both these communications *confirm* that the existing use will continue, rather than providing evidence that it will not; the expressions of owner interest do not justify claiming that all 8.18 acres will develop. Moreover, the continued signing of new long-term leases, including after the April 2022 letter, show by the owner’s current actions that housing is not expected to happen before 2031.

If the City pivots and claims that a portion of the parking lot can be redeveloped consistent with the owner’s actual statements, rather than the entire 8.18 acres, it would need to make a site-specific adjustment to the capacity. The office building, and the need for parking for its tenants, reduce the available space. So does the large utility substation that isolates a strip of the acreage from the rest of the parcel, rendering that portion unbuildable. There are other site-specific constraints, including the Measure Y height limit, the height limits adjacent to the Highway 92/101 interchange (bordering this site on two sides), and the required setback from Borel Creek/Seal Slough, all of which may lower the realistic capacity. The draft fails to analyze these site-specific constraints in projecting 368 units.

### 3. **Hillsdale Mall**

(APN 042-121-040, -060, -080; 039-490-050, -170; 039-353-010, -020, -030, -040) 28.91 acres, 1200 units (180 lower income)

As discussed in Housing Action Coalition’s prior comment letters, 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. The letter that the City cites at page H-35 fn.8 shows a proposal for densities higher than San Mateo zoning law allows (absent amendment of Measure Y). The new draft does not address these issues further, though it has – as explained in section A.4 above – reduced the number of affordable units to a more reasonable number.

**4. Parkside Plaza Shopping Center: 1825 and 1850 S. Norfolk**  
(APN 035-381-020 and -030) 6.65 acres, 299 units (121 lower income)

The owner of Parkside Plaza shopping center has, according to the site inventory, expressed no interest in redevelopment. And, there are existing uses that would presumably prevent the owner from doing so anytime soon. The shopping center is full of retail tenants: Smart & Final, Pet Club, a Round Table Pizza, a large optometrist, dry cleaners, restaurants, a beauty supply, a martial arts school, “Fluff and Puff Dog Wash,” and others. If not for the tenants, and not for the lack of ownership interest, it might seem like a reasonable site for housing: other developments are happening or planned in this neighborhood. But with the large number of existing tenants, including national chains, the site is unlikely to redevelop before 2031. Under Government Code section 65583.2(g)(1) and (g)(2), it is not properly listed as accommodating the need for sites for lower income housing.

We note here that a similar retail shopping center site – the Concar Passage project – has recently put their project on hold due to current economic conditions.<sup>9</sup> Five years after first applying for approval, and three years after obtaining it, the project proponent there has – just before expiration of its rights – asked for another extension of two years to sign a ten-year development agreement and exercise options to consolidate ownership of the parcels. While the Concar Passage project might still provide housing during the 6<sup>th</sup> cycle planning period, there is no housing being built right now even with a motivated developer with a plan who has been pursuing it for five years so far. Contrast that with Parkside Plaza: no owner or developer interest and no plan. It is simply unrealistic to expect that Parkside Plaza will be redeveloped as residential in time to meet the need for housing, including lower income housing, during 2023-2031.

**5. Borel Shopping Center (71-77 Bovet; 1750 El Camino Real)**  
(Consolidated Site AH: APN 039-011-450, -460, -470, -480, -500, -510)  
6.65 acres, 213 units (86 lower income)

The City has repeatedly been told by public comments why the Borel Shopping Center site is not realistic: tenants have long-term leases that preclude development even if the owner is interested. As explained by the comment letter by Campaign for Fair Housing Elements in April 2022, the major tenants (CVS and 24 Hour Fitness) have long-term leases that will not expire until long after January 2031, and have indicated they do not want to leave. *See* draft Housing Element, Appendix G at page 13.<sup>10</sup> Our recent communication with CVS’s Northern California director of real estate confirms that CVS has no present intention or belief that it will move out before 2031. (Attached email from CVS, dated August 7, 2023). As demonstrated by our earlier

<sup>9</sup> See staff report for item 26 of the July 17, 2023 City Council meeting for additional details. <https://sanmateo.primegov.com/Portal/Meeting?meetingTemplateId=6875>

<sup>10</sup> Long-term leases are unsurprising, particularly after buildings are extensively remodeled. As the City knows from the building department, 24 Hour Fitness did major renovations under its long term lease: \$2.2 million in improvements in 2008.

comment letter, Jack's Restaurant and Bar likewise has a long-term lease that lasts for most of the period (the lease runs from 2013-2029). The City lacks substantial evidence that the site's existing uses are "likely to be discontinued" during the next eight years. It should not count towards 86 units of housing affordable to lower income households.

**6. Borel Estate Building, 1690 (1700) S. El Camino Real**

(APN 039-012-010)

Acreage not shown on inventory, 155 units (63 lower income)

1700 S. El Camino Real, the entire block between Borel and Bovet, is a five story office building with two banks (California Bank and Trust and Beacon Business Bank) on the first floor, and 32 offices on floors 2-4. The tenants are primarily in the financial services industry and other professionals.

If the City has evidence that the owner is likely to discontinue office leasing during the 2023-2031 period, it does not describe it. Despite this being one of the larger sites on the inventory, there is not a page in the Housing Element Appendix C that answers the critical question: is there substantial evidence that this site is likely to redevelop as housing before January 2031? Absent such evidence, it should not be listed. If what the City means instead is that the parking lot is a likely housing site, with the five story office building remaining, it should designate a smaller segment and analyze how much of the parking lot use is likely to discontinue during the planning period.

**7. Office Building at 1650 Borel**

(1650 Borel)

2.51 acres, 113 units (46 lower income)

This office building is filled with professionals: law firms, accountancy practices, psychiatrists, mortgage brokers, opticians, and engineers. New leases continue to be signed; in 2022, one of their longtime occupants – a CPA firm (Galligan, Thompson & Flocas) – signed a new 10 year lease that will run to 2031. <https://property.compstak.com/1650-Borel-Place-San-Mateo/p/4097> The site inventory shows that no owner or developer interest has been expressed in redevelopment. The law requires the city to presume that this site's existing use will continue, even if the city thinks this two-story building could or even should redevelop. Government Code § 65583.2(g)(2). Existing uses preclude listing this site as meeting the need for lower income housing.

**8. The Elks and The Shriners – 229 W. 20<sup>th</sup> Street and 150 W. 20<sup>th</sup> Street**

(Consolidated Site H) 5.4 acres, 140 units (57 lower income)

(APN 039-030-220) 1.98 acres, 89 units (36 lower income)

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>11</sup> Nothing 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. No records were produced in response to our Public Records Act request showing that any conversation about likely redevelopment has taken place recently or at all. Nor does an offhand email from a curious real estate broker, asking about the Housing Element designation, show a likelihood that the Elks plan to move. 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).

Meanwhile the Housing Element also pairs the Shriners’ property with two neighboring parcels: 205 W 20<sup>th</sup> and 2010 Pioneer Court. The City has no evidence that the owners are coordinating or will do so.

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

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<sup>11</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 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.”

years. Sections 65583.2(g)(1) and (g)(2) require more analysis, more evidence, and more likelihood.

**9. 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)

8.82 acres, 296 units (120 lower income)

This site, consisting of twenty parcels including the only grocery store in the neighborhood (Mollie Stone's), a CVS, a bowling alley, a church, and a number of small retail businesses, is claimed to accommodate 120 units of housing affordable to those with lower incomes. Many of the sites are separated by city streets. The only basis for including this group of sites 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>12</sup> There are three separate owners, and no indication that they are working together or have the agreement of the tenants to temporarily close during redevelopment. As with Borel Square, we note our recent communication with CVS's Northern California real estate director (attached), showing that one of the major tenants has no current intention or belief that it will move out so that its store can be redeveloped as housing before 2031. We also note that, while the interest in redevelopment was in a specific plan process – probably necessary given that the city streets break up the site – the City has nothing in its Housing Element indicating it plans to engage in a specific plan process for this area. The City appears to lack substantial evidence that this site will likely redevelop during 2023-2031.

**10. Downtown Retail Block on East Fourth: Site N**

(Consolidated Site N: 034-144-220, 034-144-230, 034-144-240)

3.14 acres, 141 units (58 lower income)

The city claims that three parcels under separate ownership will consolidate and be redeveloped in the heart of downtown: Consolidated Site N is a combination of (1) the long downtown block on East Fourth with Dean's Produce, Equinox, First Bank, Jamba Juice, Noah's Bagels, Starbucks Coffee, Chase Bank, a bicycle shop, and other restaurants and stores; (2) an

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<sup>12</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 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).

old bank building now occupied by a Mattress Firm store, and (3) the parking lot on East Fifth across from Central Park, behind the shops on East Fourth.

The parking lot is under separate ownership from the other parcels, and had proposed a project in 2013 called “Essex at Central Park.” <https://www.cityofsannmateo.org/2708/Essex-at-Central-Park> But the owners have not moved it forward for the last five years (the last meeting about it was a Planning Commission meeting in August 2018), and the Housing Element site inventory indicates both that there is no “Pipeline Project” here (i.e., that the prior project was abandoned) and further, that the City has no indication of owner interest. Whatever enthusiasm for redevelopment the owner once had ten years ago seems to have gone away.

It should be easy enough to determine if the owners of these parcels, who are known to City staff, are likely to develop their properties during this Housing Element cycle. But the City apparently has no indication that either of them are interested in building. Given the apparent disinterest in residential development by the separate owners, combined with a robust and thriving set of existing uses and a lack of indication of coordination between the owners, the City cannot overcome the presumption that the existing uses will continue, and are an impediment to affordable housing. Government Code § 65583.2(g)(2).

## **11. Pioneer Court**

(Consolidated Site I: 2040-2070 and 2041-2075 Pioneer Court)  
1.6 acres, 63 units (25 lower income)

Consolidated Site I contains six distinct parcels on either side of Pioneer Court. The multi-unit office park at 2041 Pioneer Court has at least 6 tenants, including two general dentistry practices, a spa, an acupuncture center, a chiropractor, and a consulting firm. Across the street at 2050 Pioneer Court is the offices of a manufacturing company, and next to that at 2070 and 2075 Pioneer Court are a law firm and a financial services firm, respectively. None of these proposed lots have evidence of owner/developer interest in converting to residential use during the planning period. These existing office uses are presumed to be an obstacle to residential development.

## **12. Villa Plaza (Walgreens and others)**

(4060-4070 S. El Camino Real)  
1.02 acres, 46 units (19 lower income)

It’s unlikely that a major national retailer like Walgreens doesn’t have a long-term lease. But the City does not appear to have made any effort to determine whether it does, or whether it would preclude development at this site. Also on the site are smaller businesses. One of them does have a publicly reported lease, signed in 2021, that extends to 2031, precluding development even if the owner were interested. <https://property.compstak.com/4060-South-El-Camino-Real-San-Mateo/p/4092>. Absent further analysis, this site lacks evidence that it is likely to redevelop, particularly in light of the known lease that extends for the entire planning period.

### **13. Site B: Downtown Parking**

(Consolidated Site B: 5 N. San Mateo Dr., 123 Baldwin Ave., 117 Baldwin Ave., 26 N. San Mateo Dr., 27 N. San Mateo Dr.)  
0.98 acres, 44 units (18 lower income)

Consolidated Site B is made up of 5 distinct lots that are currently used as parking lots. These parking lots are surrounded by medical office buildings that need parking for the comings and goings of doctors and patients; one of the lots is even owned by Sutter Health. These parking lots service family medicine office, an episcopal day school, two cosmetics stores, a dermatologist, a pediatrician, and an oral surgeon, to name a few. While the site might make sense for housing, the City cannot say, without affirmative owner interest, that the existing use is likely to cease. Sometimes surface parking lots turn into housing and sometimes not; when listing a property as meeting the need for lower income units, the City is required to show evidence and show that housing is the likely outcome before January 2031.

### **14. Lack of A Meaningful Buffer**

HCD guidance is to have a buffer of at least 15% in each income category. That helps ensure that there are adequate sites not just to avoid constant rezonings due to the No Net Loss statute, but also helps account for the known-unknown: that even sites that seem poised to become housing may not do so, or may not do so in a timely way. Several approved projects have recently asked for years-long extensions to assess economic conditions and decide whether to move forward, including Concar Passage (two-year extension, after one year extension), Block 21 (three-year extension), Hillsdale Terraces (five and a half years of extensions so far). Others are trying to sell their property without proceeding with the proposed development. (4 W. Santa Inez, on the market since mid-2022).

Despite this, the City's new draft has very little buffer, particularly in the lower and moderate income categories. Particularly given that the City did not meet its goals in these categories during prior cycles, the City's plan should ensure that more than enough opportunity sites exist, to increase the likelihood that the RHNA goal is actually met.

### **C. The Draft Ignores HCD's Repeated Rejection Of The ADU Number, And Fails To Address The Legal Standard.**

“The department [HCD] may . . . allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period . . . .” Government Code § 65583.1(a); *see also* § 65852.2(m). However, HCD has repeatedly told San Mateo that it needs to take 2018 numbers into account. In its September 28, 2022 letter, it wrote: “The trend does not consider the number of permits in 2018.” When the City included the same chart of 2019-2022 numbers, and presented a four-year average, HCD expressed annoyance that the City still didn’t comply: “The element did not address the finding regarding the City’s ADU projections, please see HCD’s prior review.” Despite this clear direction, the draft continues to omit 2018 numbers and projects the same

number of ADUs (440, or 55 per year) that were in the non-compliant version adopted in January. *See* July version at H-39.

The draft should be edited to project a lower number, based on the number of units developed during the five-year 2018-2022 time period directed by HCD. Notably, many people decide not to build a permitted unit after they learn how expensive it is. If people aren't going to actually build the units, then the City should consider additional rezoning so that apartment buildings can legally be built to accommodate the unmet need for housing.

Based on data produced by the City, only 170 ADU permits were “finalized” (i.e., construction completed) during 2018-2022:

|                                 | 2018 | 2019 | 2020 | 2021 | 2022 | Avg  |
|---------------------------------|------|------|------|------|------|------|
| Applications                    | --   | 56   | 94   | 94   | 115  | 90   |
| Permits issued                  | 8    | 44   | 47   | 66   | 84   | 49.8 |
| Permits finalized <sup>13</sup> | 6    | 21   | 35   | 55   | 53   | 34   |

Averaged over 5 years, the number of ADUs developed during 2018-2022 was only 34 units per year.<sup>14</sup> Projected over the eight year period, this would be 272 units, not 440, with proportional reductions across each of the income categories.

HCD has also twice indicated that if ADU production was insufficient, the City should have a program in place to rezone elsewhere in the City, to ensure that the RHNA need is met. The draft does not implement this comment; it amends policy 1.4 (at page H-76) to “monitor” ADU production, but does not include a program to rezone if the numbers fall short. We propose that Policy H1.4 should add, under (f), that “If ADU production is lower than the projection in any two consecutive years, then, within six months, the City will address the shortfall in ADU production by rezoning additional realistic sites for multifamily development (30 du/ac or more) sufficient to accommodate the shortfall.”

#### **D. Minor Corrections.**

We also noticed some minor errors and discrepancies in the site inventory that we call to staff’s attention for correction:

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<sup>13</sup> This is based on a document produced in response to a Public Records Act request. Included in these totals are at least 14 existing units that had been constructed at some prior date, but which were finalizing a permit to make the unit legal in response to a code enforcement action.

<sup>14</sup> The real number of ADUs added to the housing stock is less than the number of “finalized” permits. Some people use ADUs as home offices, as AirBNB short-term rentals, or for out-of-town visitors, not to provide full-time housing.

1. The totals on the site inventory are incorrect. The total of all of the numbers in the column titled “Total” is 9,848, not 9,948. The correct total appears to be used in the text at H-C-14, however.

2. The total of the three categories does not add up to either of these numbers: 2,970 + 1,181 + 5,704 = 9,855 (not 9,848, and not 9,948). This problem is due to rounding errors in the spreadsheet. The following addresses have a discrepancy (either positive or negative, by 1-3 units, between the sum of the three categories (LI + M + AM) and the total: 121 N. San Mateo, 2833 S. El Camino, 3101 S. El Camino, 885 S. El Camino, 100 E 4<sup>th</sup>, Bridgepointe parking lot, 2955 S. El Camino, 3520 S. El Camino, 210 S. San Mateo, 2900 S. El Camino, 2838 S. El Camino, 1106 S. El Camino, 93 Bovet, 3880 S. El Camino, 1801 S. Grant, 1017 E. 3d, 4142 S. El Camino, 1690 El Camino. The subcategories should be adjusted so that they do not exceed the estimated total capacity of the site.

3. There are math errors in applying the capacity formula, even if 90% times zoned maximum is valid. For example, 151 W. 20<sup>th</sup> is 0.36 acres but is listed for 18 units. 50 du/ac times 0.36 acres times 90% = 16.2 units = 16, not 18. The problem may be related to rounding up, rather than rounding down, for the RHNA categories, or could be because some sites were inadvertently left at 100% in the spreadsheet. For some, the total even exceeds 100% of the zoned maximum even though the property is not a pipeline project and has not invoked density bonus. The following non-“Pipeline Project” sites have a unit total on the spreadsheet that exceeds the acreage times 90% of the zoned maximum: 121 N. San Mateo, 205 W. 20<sup>th</sup>, 151 W. 20<sup>th</sup> (by 2 units), 2833 S. El Camino, 2825 S. El Camino, 3101 S. El Camino, 487 S. El Camino, 168 E 4<sup>th</sup> (both parcels), Bridgepointe Parking, 1500 Fashion Island (by 22 units), 2118 S. El Camino (by 23 units), 3011 S. El Camino, 2900 S. El Camino, 4060 S. El Camino, 1106 S. El Camino, 901 S. El Camino, 3600 S. El Camino, 350 N. San Mateo, 1 Baywood (3 units), 406 1<sup>st</sup> (2 units), 93 Bovet (4 units), 1650 Borel (34 units), 1900 S. Norfolk (111 units<sup>15</sup>), 1801 S. Grant, 2030 S. Delaware (5 units), 480 S. Ellsworth (17 units), 1620 S. Delaware (2 units), and 1690 El Camino Real (15 units). Seventeen of these appear to be from rounding errors (that 90% of the maximum is slightly lower than the number shown as the total capacity), but the ones with larger numbers in parentheses have other less easily identified problems that require correction/adjustment.

4. The approach of assigning 40% of the total capacity (i.e., the RHNA proportion) to the lower income category was exceeded by more than a rounding error for the following non-Pipeline sites: Bridgepointe Parking (155 is not 40% of 383), 1850 S. Norfolk, 2838 S. El Camino, Consolidated Site AC (Mollie Stone’s), 3880 S. El Camino, 1900 S. Norfolk, and especially 480 S. Ellsworth (25 is not 40% of 39).

5. For certain sites, redevelopment would displace existing housing. For example, at Site AJ, the building at 245 S. Humboldt is an apartment building that appears to have at least

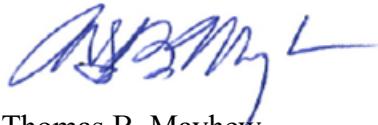
<sup>15</sup> If 1900 S. Norfolk is zoned for 50 du/ac instead of 35 du/ac as shown on the spreadsheet, this will correct the discrepancy.

four units. Because RHNA is about increasing the capacity to accommodate housing, the capacity estimate for the site should be adjusted downward to take into account the housing that would be displaced by redevelopment, so that only the net increase is included on the inventory. This issue must be analyzed for all sites, but we noticed Block 21/Consolidated Site S (where it appears 7 residential units were demolished for the project but the inventory does not show the net result),<sup>16</sup> Site AP (2 single family homes that would be demolished), Site J (117 W. 20<sup>th</sup>), Site AJ (245 S. Humboldt), Site T (appears to include two duplexes on Jasmine, 4 units). The affordability of the displaced units should be analyzed so that they are subtracted from the correct category on the inventory.

\* \* \*

Given these flaws, San Mateo is not yet ready to adopt a valid Housing Element. Additional sites will need to be identified and potentially rezoned to ensure compliance with state housing law and to ensure that San Mateo's share of the regional need for housing is met. A more substantial inventory will also 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, and show that San Mateo is committed to doing its part to address the ongoing housing affordability crisis.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

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<sup>16</sup> <https://www.cityofsanmateo.org/DocumentCenter/View/88381/Appendix-C-Historical-Evaluation>

**2017-2022 Residential Project Densities**  
 (based on combination of January and July versions)

| Address                                    | Acres        | Units               | Max Zoned Density <sup>17</sup> | Max Capacity (max zoned times acreage) |
|--|--------------|---------------------|---------------------------------|--|
| 1650 Delaware                              | 1.1          | 73                  | 50                              | 55                                     |
| BM Montara, 2775 S. Delaware               | 1            | 68                  | 50                              | 50                                     |
| Central Park South, 31 9 <sup>th</sup> Ave | 1.1          | 60                  | 50                              | 55                                     |
| Station Park Green, 1790 S. Delaware St.   | 12           | 599                 | 50                              | 600                                    |
| 200/210 S. Fremont St.                     | 0.4          | 15                  | 50                              | 20                                     |
| BM Morgan, 2901 E. Kyne St.                | 1.6          | 82                  | 50                              | 80                                     |
| BM Res 6, 3069 E. Kyne St.                 | 1.1          | 54                  | 50                              | 55                                     |
| Passage, 666 Concar Dr.                    | 14.5         | 961                 | 50                              | 725                                    |
| 1919 O'Farrell St.                         | 0.7          | 49                  | 50                              | 35                                     |
| 4 W. Santa Inez Ave.                       | 0.25         | 10                  | 40                              | 10                                     |
| 1 Hayward Ave.                             | 0.29         | 18                  | 44                              | 12.76                                  |
| 401 Concar Dr.                             | 2.81         | 191                 | 50                              | 140.5                                  |
| 1, 2, 3 Waters Park Dr.                    | 11.1         | 190                 | 35                              | 388.5                                  |
| Promenade, 220 N. Bayshore Blvd.           | 2.1          | 42                  | 50                              | 105                                    |
| Peninsula Heights, 2988 Campus Dr.         | 15.5         | 290                 | 35                              | 542.5                                  |
| 2089 Pacific Blvd. Multi-Family            | 2.37         | 16                  | 35                              | 82.95                                  |
| 406 E. 3d                                  | 0.88         | 25                  | 35                              | 30.8                                   |
| 303 Baldwin                                | 0.93         | 64                  | 50                              | 46.5                                   |
| 5 Delaware St. at Landing                  | 1.51         | 67                  | 50                              | 75.5                                   |
| 222 E. 4 <sup>th</sup>                     | 1.13         | 10                  | 50                              | 39.55                                  |
| 500 E. 3d (Block 21)                       | 1.51         | 111                 | 50                              | 75.5                                   |
| 435 E. 3d                                  | 0.25         | 18                  | 50                              | 12.5                                   |
| 405 E. 4 <sup>th</sup>                     | 0.51         | 15                  | 50                              | 25.5                                   |
| <b>Totals</b>                              | <b>74.64</b> | <b>3028</b>         |                                 | <b>3263</b>                            |
|  |              | <b>92.8% of max</b> |                                 |  |

<sup>17</sup> Because the maximum density was not shown on the July version, we have tried our best to indicate what we think is the maximum for the additional sites added to the chart. We have italicized the ones where information does not appear on the site inventory. The City will have better information to complete the chart.

**2017-2022 Residential Project Densities For Lower Income**  
 (based on combination of January and July versions)

| Address                                    | Acres        | Units       | Lower Income Units | Percentage                   |
|--|--------------|-------------|--------------------|------------------------------|
| 1650 Delaware                              | 1.1          | 73          | 6                  | 8%                           |
| BM Montara, 2775 S. Delaware               | 1            | 68          | 68                 | 100%                         |
| Central Park South, 31 9 <sup>th</sup> Ave | 1.1          | 60          | 5                  | 8%                           |
| Station Park Green, 1790 S. Delaware St.   | 12           | 599         | 12                 | 15%                          |
| 200/210 S. Fremont St.                     | 0.4          | 15          | 0                  | 0%                           |
| BM Morgan, 2901 E. Kyne St.                | 1.6          | 82          | ??                 | ??                           |
| BM Res 6, 3069 E. Kyne St.                 | 1.1          | 54          | 5                  | 9%                           |
| Passage, 666 Concar Dr.                    | 14.5         | 961         | 73                 | 8%                           |
| 1919 O'Farrell St.                         | 0.7          | 49          | 4                  | 8%                           |
| 4 W. Santa Inez Ave.                       | 0.25         | 10          | 0                  | 0%                           |
| 1 Hayward Ave.                             | 0.29         | 18          | 18                 | 11%                          |
| 401 Concar Dr.                             | 2.81         | 191         | 16                 | 8%                           |
| 1, 2, 3 Waters Park Dr.                    | 11.1         | 190         | 19                 | 10%                          |
| Promenade, 220 N. Bayshore Blvd.           | 2.1          | 42          | 0                  | 0%                           |
| Peninsula Heights, 2988 Campus Dr.         | 15.5         | 290         | 29                 | 10%                          |
| 2089 Pacific Blvd. Multi-Family            | 2.37         | 16          | ??                 | ??                           |
| 406 E. 3d                                  | 0.88         | 25          | 3                  | 12%                          |
| 303 Baldwin                                | 0.93         | 64          | 6                  | 9%                           |
| 5 Delaware St. at Landing                  | 1.51         | 67          | 7                  | 10%                          |
| 480 E. 4 <sup>th</sup> (Kiku Crossing)     | 2.41         | 225         | 223                | 99%                          |
| 222 E. 4 <sup>th</sup>                     | 1.13         | 10          | 10                 | 100%                         |
| 500 E. 3d (Block 21)                       | 1.51         | 111         | 12                 | 11%                          |
| 435 E. 3d                                  | 0.25         | 18          | 1                  | 6%                           |
| 405 E. 4 <sup>th</sup>                     | 0.51         | 15          | ??                 | ??                           |
| <b>Totals</b>                              | <b>77.05</b> | <b>3253</b> | <b>579</b>         | <b>18% mean (= 579/3253)</b> |
|  |              |             |                    | <b>9% median</b>             |

## Nicholas "Nicky" Vu

**From:** LaBonge, Stephen [REDACTED]  
**Sent:** Monday, August 7, 2023 9:59 AM  
**To:** Mayhew, Tom x4948  
**Subject:** RE: San Mateo stores - housing redevelopment plans?

## External Sender

Tom – While we never know how retail will evolve, I do not see anything happening in the timeframe you outlined. I hope this helps.

Stephen LaBonge | Director of Real Estate, CVS Pharmacy / Longs Drugs  
c [REDACTED] | Bay Area CA (Pacific Standard Time)

**From:** Mayhew, Tom x4948 [REDACTED]  
**Sent:** Thursday, August 3, 2023 10:55 AM  
**To:** LaBonge, Stephen [REDACTED]  
**Subject:** [EXTERNAL] San Mateo stores - housing redevelopment plans?

\*\*\*\* External Email - Use Caution \*\*\*\*

Stephen –

Hi, I'm working pro bono on a project involving long range housing plans in San Mateo, for a non-profit (Housing Action Coalition). The City has listed the two CVS locations in San Mateo – 77 Bovet (Borel Square) and 4242 S. El Camino Real (Olympic Shopping Center) – as “likely” to become housing between now and January 2031. I have my doubts, so am reaching out to see if you can help shed light. Has CVS had conversations with the property owners at either location about redevelopment? Is CVS planning on moving/closing these locations, or is it likely to continue these locations between now and January 2031?

My phone numbers below if that's easier.

Thanks,

Tom

## Tom Mayhew

## Partner

## *Pronouns: His/Him*

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## **Nicholas "Nicky" Vu**

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**From:** Housing  
**Sent:** Wednesday, August 9, 2023 4:37 PM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: [correction] City of San Mateo Housing Element- Comment letter from NAACP San Mateo Branch Housing Committee  
**Attachments:** City of San Mateo Housing Element- NAACP San Mateo Branch Housing Committee comments (2023-08-09).pdf

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**From:** Ellis A. Schochet AIA [REDACTED] **On Behalf Of** Ellis A. Schochet AIA  
**Sent:** Wednesday, August 9, 2023 4:27 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Cc:** 'NAACP San Mateo County' [REDACTED]; 'Rev. Lorrie Owens' [REDACTED]  
**Subject:** [correction] City of San Mateo Housing Element- Comment letter from NAACP San Mateo Branch Housing Committee

**Correcting the date of the Housing Element Update:**

Please see the attached comments addressing the 7/26/2023 Housing Element update. Thanks in advance for your consideration! Please let me know if you have any questions or require additional information.

Best regards, Ellis

Ellis A Schochet AIA, Co-Chair  
[NAACP San Mateo Branch #1068 | Housing Committee](#)  
[REDACTED]



## NAACP San Mateo Branch 1068 | Housing Committee

August 9, 2023

Housing Manager, City of San Mateo, Planning Division  
330 West 20th Avenue, San Mateo, CA 94403  
Subject: **San Mateo 2023-2031 Housing Element**

Dear City of San Mateo Housing Manager,

The NAACP San Mateo Branch #1068 Housing Committee (NAACP-SM/HC) advocates on issues related to equity and fairness in housing within San Mateo County. We appreciate the opportunity to provide these comments on the 2023-2031 City of San Mateo Housing Element (the Housing Element), prepared in consultation with City of San Mateo Planning Commissioner Adam Nugent.

The Housing Element is a good start but there are areas where the Housing Element should be refined and improved. The following comments are intended as constructive input that can be used to strengthen the final document and better address the most recent HCD comment letter, of March 27, 2023 (HCD comments).

Fundamentally, the Housing Element will Affirmatively Further Fair Housing (AFFH) when it accomplishes these four goals:

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

San Mateo is tasked to create housing mobility strategies, new housing choices and affordability in areas of opportunity, place-based strategies that encourage community conservation and revitalization, and to protect existing residents from displacement. It is our hope that we can help the City accomplish these goals.

### **Housing Needs, Resources, and Constraints**

The City still has work to do to in addressing housing needs, resources and constraints as these relate to the City's responsibility to affirmatively further fair housing.

Page 1 of the Appendix to the HCD comment letter states:

“Disproportionate Housing Needs including Displacement: The element should analyze information on housing condition patterns within the City. This could include an analysis on concentrations of substandard housing geographically within the City.”

Page H-D-66 of the City’s Housing Element covers information on housing condition patterns within the City and states:

“In the City, 20 to 40% of all households that suffer from severe overcrowding, severe cost burden, or an incomplete kitchen or plumbing. Any of the four severe housing problems place households at risk of displacement and adverse physical and mental health. Regionally, the City of San Mateo is surrounded by municipalities with less than 20% of households with substandard housing issues. It is plausible that the high Hispanic population relative to other surrounding census tracts is behind the concentration. This population is more likely to rent and live in multigenerational homes. Both can be factors that indicate substandard and overcrowding conditions. While some tracts in the City of San Mateo likely offers refuge for low-income renters who cannot afford other areas of the County, it is important to note that substandard housing conditions place residents at risk of displacement from the City, as discussed in the following section.”

The City of San Mateo goes on to include new, additional information in Appendix D showing that there are significantly more code enforcement violations in census tracts with higher rates of poverty and higher populations of non-white residents. Census tract 94401, which has the highest percentage of non-white residents, had 50% of all violations in the City.

This new addendum appears to be in response to HCD’s request for an “analysis on concentrations of substandard housing geographically within the City.” While this addendum adds additional information on the geographic location of datapoints correlated to substandard housing conditions, it fails to adequately *analyze* the contributing factors to these substandard conditions, as it is tasked to do under the State’s AFFH requirements.

Unfortunately, the limited treatment of substandard housing conditions provided in San Mateo’s Housing Element, page H-D-66, is extremely problematic. The Housing Element is tasked to identify fair housing contributing factors - factors that create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. Rather than relating the substandard housing conditions within the City to geographic and structural factors that could be fixed through the development of program actions addressing those conditions, the Housing Element’s analysis of “why” significant and disproportionate concentrations of substandard housing conditions exist within the City amounts to this sentence: “It is plausible that the high Hispanic population relative to other surrounding census tracts is behind the concentration [of severe overcrowding, severe cost burden, and substandard housing conditions].”

This is an unacceptable analysis. How can the City develop programs to ameliorate substandard housing conditions, cost burden, and severe overcrowding in the identified geographic areas if the only contributing factor listed for this concentration of negative conditions is the existence of a “high Hispanic population” within the subject census tracts? What does such an analysis imply the City should do?

Instead, the analysis should focus on an array of known contributing factors:

1. Persistent, long-term lack of maintenance of properties.
2. Un-permitted structures that may not meet building codes.
3. Deteriorating or obsolete structures that would require costly repair or demolition to remedy - likely precluding continued use as naturally affordable housing if and when neighborhood conditions improve.
4. Zoning that makes the replacement of older, multi-unit buildings with new structures of a similar number of housing units either illegal or financially unviable.
5. Environmental quality issues such as lack of trees, public open space, excess paving, and large volumes of traffic on neighborhood streets.

These issues, among others, evidence a general lack of infrastructure needed to house the numbers of people who want or need to live in these neighborhoods- often revealed by the significantly higher number of vehicles stored in the street, on private driveways, and on front lawns as compared to other areas of the City. The way the current document is written implies that the blame or causality lies with the type of people who live in the area, and leaves it at that. Focusing on the actual contributing factors will help the City find effective program options for improving neighborhood conditions and quality of life.

## **Sites Inventory**

The City's and region's long-term and continuing shortfall in housing production, especially below market rate affordable housing, has had significant harmful effects on the entire population of the region. It has had disproportionate, negative impacts on people of color, people with disabilities, and low-income households - protected classes with disparate housing needs. When a city like San Mateo fails to provide adequate sites with a clear path to development, and subsequently experiences a shortfall in housing development, these negative impacts are perpetuated. The City's program of identifying, designating, and incentivizing new housing development and its success or failure at achieving adequate housing is a fundamental Fair Housing issue. The following comments on the City's Sites Inventory are provided through an AFFH lens. Failure to identify adequate, fairly-placed sites in conjunction with programs to significantly incentivize and increase the production of housing, especially below market rate affordable housing, is a failure to affirmatively further fair housing.

Page 1 of the HCD comments continues:

Sites Inventory: ...The element states that there are no units in the sites inventory located in Racially Concentrated Areas of Affluence (RCAA), but it should analyze whether conditions are exacerbated and promote strong housing mobility within the City's programs to affirmatively further fair housing."

Low and very-low income units should be dispersed in all areas of the City. While it makes sense that the lion's share be concentrated in areas that are rich in transit opportunities and other service amenities, sites for new types of units should also be identified within the highest-resource areas of the City in accordance with AFFH principles. The City should consider zoning changes and other incentives that would facilitate new multi-unit housing, with nodes of service amenities and transportation to serve them, outside of the transit-rich downtown core of the City.

An analysis of whether conditions are exacerbated by the City's limited identification of sites within Racially Concentrated Areas of Affluence (RCAA) was not found. The public is owed an analysis of whether the near total exclusion of the City's RCAA from accommodating housing inventory sites will hinder the City's ability to "replace segregated living patterns with truly integrated and balanced living patterns." Placing practically all housing inventory sites within the City's intermediate-resource areas will make it difficult to significantly improve existing segregated living patterns. At the very least, a full and true analysis of the impacts of the City's inventory site placements on its ability to "replace segregated living patterns with truly integrated and balanced living patterns" should be provided.

Similarly, the City is tasked to transform racially and ethnically concentrated areas of poverty into areas of opportunity.

Page 1 of the HCD comments, again:

"In addition, the element stated no sites are identified in areas with high overcrowding and cost burden. The element should include an analysis of whether this affects the existing patterns and whether sites exacerbate conditions and identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti- displacement and place-based community revitalization strategies)."

The State's comment appears to ask the City to analyze the impact of the Housing Element's directing development opportunities for new housing away from areas of high overcrowding and cost burden. The Housing Element acknowledges that the, "[c]oncentration of naturally occurring affordable ownership and rental housing opportunities in the northeast areas of the City further concentrates poverty, cost burden, and overcrowding in areas with low economic and environmental outcomes," as a factor contributing to the City's fair housing issues. "Hispanic residents and single female parent households are concentrated in census tracts with higher poverty, low economic and environmental opportunity, high-cost burden, overcrowding, and flood

hazards compared to the rest of the City of San Mateo." (quotes are from Pages H-66 to H-67).

The lack of planned Inventory sites in areas of high overcrowding and cost burden could be acceptable if the Housing Element also included strong program actions promoting equitable quality of life improvements in those underserved areas. Ideally, such improvements would parallel or exceed the quality of life improvements naturally accompanying new development in other areas. Unfortunately, the Housing Element commits to no measurable housing-related actions of this sort.

### **Providing a “Reasonable Buffer”**

Page H-30 of the Housing Element states:

“Staff conducted a site-by-site review of all potential development sites, citywide. As is demonstrated below, there are enough sites with sufficient acreage that can meet the RHNA, plus a reasonable buffer, within the existing zoning densities and the growth limits of the voter-approved initiative known as Measure Y.”

Pages H-44 to H-45: We advocate for a buffer in the RHNA numbers that focuses on the needs and feasibility of Very-Low, Low, and Moderate income housing. The City does not control the sites identified for future housing development and it is prudent to assume that despite the City’s best efforts a significant number will remain undeveloped, underdeveloped, or develop with other uses. The City should increase the buffer percentage for Very-Low, Low, and Moderate income units accordingly. These are the housing types that have historically been the hardest to create.

The City’s Housing Element currently provides a buffer of only 9% for Very-Low and Low income units, and 1% for Moderate Income units. The buffers for these units should be at least 50%. The marked imbalance between the buffers for sites providing Above-Moderate income housing units versus Moderate, Low, and Very Low income units highlights the inability or unwillingness of the City to provide capacity for these sorely needed categories of housing, especially given the State of California’s more stringent requirements for Very-Low or Low-income housing sites.

The Sites Inventory Affordability Breakdown notes the potential increased buffer provided by the City’s General Plan Update, but the City cannot commit to these numbers as part of this Housing Element. The significant increases in site capacity proposed in the General Plan Update must receive voter approval via a future ballot measure, an outcome that can hardly be counted on. An alternative means of achieving a buffer of 50% or greater for Very-Low, Low, and Moderate income housing should be outlined within this Housing Element. Without such a plan in hand, if the ballot measure fails, the City could be halfway through this Housing Element Cycle before it has a legitimate plan and rezoning program to meet its RHNA commitment. Likewise, the General Plan Update should be formulated to allow a buffer of 50% for Very-Low, Low, and Moderate income units not only for the current Housing Element cycle, but for the successive, extrapolated RHNA cycles occurring within the life of the General Plan Update (through 2040).

## **Suitability of Nonvacant Sites:**

Pages 2 and 3 of the HCD comments state:

**"Suitability of Nonvacant Sites:** While the element was revised to add some additional information for the nonvacant sites, it should connect the existing uses and feasibility of development to the project examples described. In addition, the element should describe the likelihood that existing uses will discontinue during the planning period, whether there are current leases, or other factors of whether the uses will impede residential development. The element should also analyze the feasibility of developing gas stations and car wash sites during the planning period. The element states that each parcel was ranked for likelihood of development, but it should describe the criteria used for ranking and how they were applied to feasibility of development.

In addition, as noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element *must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period.* (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation." [emphasis ours]

**Pages H-30 to H-31, and H-C-15 to H-C-29:** Essentially all of San Mateo's inventory sites are on non-vacant properties. The Housing Element provides qualitative information on the characteristics and current uses of sites included in the site inventory. However, because many sites throughout the City and region share the qualitative characteristics described for the Housing Element's selected sites and have not been recently redeveloped into housing, the City's use of these qualitative descriptions of its inventory sites is not sufficient for demonstrating the likelihood that an existing use is not "an impediment to additional residential development and will likely discontinue in the planning period" for a given site.

The HCD comments note "(t)he Element states that each parcel was ranked for likelihood of development, but it should describe the criteria used for ranking and how they were applied to feasibility of development." Right now, there is no way for the public to adequately evaluate whether the City's claims that a site is likely to be redeveloped are warranted based on the qualitative descriptions added to this new version of the Housing Element. That is a problem.

For instance, some sites are included because they contain parking lots, as indicated in Appendix C. The City does not provide information on the utilization of the parking lots, nor whether the existing uses on the site would be functionally willing or capable of eliminating their parking. It does not factor in the costs associated with replacing some or all of this surface parking with parking garages. This is a significant potential

roadblock in the redevelopment of a site, given that San Mateo's land uses are overwhelmingly suburban and car-dependent.

The following are examples of acceptable substantial evidence that an existing use will likely be discontinued in the current planning period (from the HCD Site Inventory Guidebook, May 2020):

- The lease for the existing use[s] 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.

With respect to the final point, the City should append copies of the actual letters from property Owners in support of assertions that the Owners of currently developed properties plan to re-develop their properties with residential uses during the planning period. Absent specific evidence that fulfils the intent of the above criteria, the City should use an objective, calculated probability of redevelopment based on the redevelopment of all similar properties locally or regionally over an appropriate period of time in order to weight and estimate the likelihood of redevelopment of any given site. Site capacity should then be calculated based on this weighted trend.

For instance, the City could use easily accessible data on redevelopment rates of all properties within the City, or it could refine this data by considering qualitatively similar sites, such as those that contain parking lots, where existing buildings and their uses remain. It could factor in the number of such parking lots that have been redeveloped within the City while the existing leased or occupied structures have remained, and use the more specific data if the data shows an increased likelihood of redevelopment. Surface parking lots proximate to significant transit nodes could be weighted higher given recent trends. This methodology will undoubtedly lead to the City considering additional sites for Very-Low, Low, and Moderate income units - a positive and more defensible outcome that is absolutely necessary in our view.

Page 5 of the HCD Comments states:

“As noted in Finding A3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or

revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.”

Additional sites should be selected. Or programs and incentives articulated that would spur re-development of currently selected sites. Re-zoning, as needed to achieve an accurate and achievable site capacity that meets the City’s RHNA allocation plus an adequate buffer, should be committed to within this Housing Element. For a non-vacant site, the information provided should be clearly consistent with the intent of the HCD criteria outlined above. Otherwise, it does not adequately demonstrate that an existing use has a true chance of being replaced with housing within the planning period.

## **Contributing Factors and Fair Housing Plan**

Pages H-66 to H-69: We appreciate the Housing Element’s new prioritization of contributing factors and agree that of the contributing factors listed, those that are ranked “high” are the most impactful factors that the City has the power to remedy. These include 1) the concentration of Hispanic residents and populations living with a disability in the northeastern portion of the City, 2) the relative lack of affordable housing opportunities in higher resourced areas of the City, 3) the undersupply of accessible housing units, and 4) the persistence of housing discrimination for residents with disabilities and for Hispanic households.

However, the City’s listing of contributing factors misses many pertinent factors that are provided as examples in the “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing” document. Many of the example contributing factors are more easily influenced by city-level programs than the contributing factors listed in the City’s Housing Element. The Housing Element should focus its attention on contributing factors that can be influenced by city-level policies, and factors that cannot be influenced by city-level policies should be included only as background information. For example, the City has little influence on “higher rates of mortgage denial rates among Hispanic households” and would not be well positioned to produce policies that have a significant impact in that arena.

Some contributing factors excerpted from the “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing” document, pages 68-70 where the City could have a significant impact include:

- Community opposition
- Displacement of residents due to economic pressures
- Deteriorated and abandoned properties
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods

- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of tenant protections
- Land Use and Zoning Laws
- Inaccessible sidewalks, pedestrian crossings, or other infrastructure
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes

Acknowledging and addressing some of these factors could go a long way toward building programs that have a beneficial impact in San Mateo.

### **Implementation Plan - Goals, Policies, and Actions**

The Housing Element needs to show the “Beneficial Impact” of its Goals, Policies, and Actions as they relate to Affirmatively Furthering Fair Housing. Greater focus should be placed on actual outcomes and material progress.

The State guidance document, “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing,” page 52, describes the term “Beneficial Impact” as such:

“Programs in the element must have 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. For example, programs to “explore” or “consider” on an “ongoing” basis are inadequate to demonstrate a beneficial impact in the planning period. Conversely, a program with clear and specific commitment and numerical objectives such as “rezone 50 acres to high density by June 2022” is adequate to demonstrate a beneficial impact. This specific and clear commitment combined with numerical objectives and timelines is called “beneficial impact.” Similarly, programs to affirmatively furthering fair housing must have specific and clear commitment, milestones, and metrics or numerical and anticipated outcomes.”

Page 7 of the HCD comments states:

"As noted in Finding A1, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the City may need to revise or add programs. The element must be revised to add goals and actions based on the outcomes of a complete analysis."

In light of the need for a complete AFFH analysis and the likely need to add or revise programs to reflect this analysis, our review of the Housing Element's Goals, Policies, and Actions focuses on whether currently listed policies and actions answer the following four questions listed in the "California Department of Housing and Community Development: Affirmatively Furthering Fair Housing," page 63:

- Did the element identify goals and actions based on the identified and prioritized contributing factors?
- Do goals and actions address mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for preservation and revitalization, displacement protection, and other program areas?
- Are actions significant, meaningful and sufficient to overcome identified patterns of segregation and affirmatively further fair housing?
- Did the element include metrics and milestones for evaluating progress on programs/actions and fair housing results, including concrete timelines?

Likewise, Page 7 of the HCD comments emphasizes the need to answer the above questions:

"Goals and actions must specifically respond to the analysis and to 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."

In addition, the element should reference the table in Appendix D in the programs section and the programs identified in Appendix D (Attachment 1) should include geographic targets for each identified action to affirmatively further fair housing. All programs that affirmatively further fair housing should include metrics, milestones and geographic targets. The analysis demonstrates a need for housing mobility in the RCAA and higher opportunity areas, but the sites analysis states no units were identified in these areas. Programs should be revised to include significant and meaningful action to overcome the identified patterns and trends."

Throughout the Implementation Plan (pages H-75 to H-96), actions that include language like “present options,” “evaluate,” or “study” should be revised to provide specific commitments to meaningful policy changes that can be evaluated using metrics and milestones. This will typically mean the action provides a quantifiable description that can be objectively measured so that the public can both determine whether such an action has actually been meaningfully implemented by the City, and allow the public to evaluate objectively measurable outcomes. A listing of staff actions is not the desired focus of this section. Rather, the Goals, Policies, and Actions section should be focused on City policy that will be implemented during the Housing Element cycle and the anticipated effects of the policy’s implementation. Not staff’s process in developing possible policy options to present to the City Council in the future - without firm commitments to actually implement said actions. For most new and potentially meaningful programs the Housing Element does not outline actual policy-related actions and leaves open the possibility that future City Councils will opt out of them- effectively offering zero commitment to their implementation.

### **New Housing Choices and Affordability in High Opportunity Areas: Policies**

We believe the current sites inventory within the Housing Element fails to adequately provide new housing choices and affordability in the high and highest opportunity areas in a manner that will overcome identified, existing patterns of segregation in any significant way. The Housing Element could provide for this requirement through policies in the Implementation section, separate from the sites inventory, if currently listed policies are modified to satisfy the questions outlined above, and relevant new policies are added. Many of the policy proposals will have limited or no effect on mobility strategies, housing development, preservation, or AFFH. For the sake of brevity, we focus on policies likely to have the greatest impact:

Policy H1.7: A quasi-public affordable housing overlay or code amendment to support the production of affordable housing on quasi-public sites such as religious or educational institutions could add significant new housing choices and affordability in high opportunity areas. However, the Housing Element does not commit to this action, stating that the City will “evaluate the feasibility” of the overlay or code amendment. Neither does it provide meaningful metrics or geographic commitments for such an overlay.

Policy H1.12: This policy has perhaps the greatest potential to provide new housing choices and more affordable options in high opportunity areas if implemented in an appropriate manner, and expanded to fully include R1 districts in the mix. Evaluating and researching missing middle infill housing opportunities is only the first step toward meaningful action. This policy should be fully implemented beyond the study stage. Unfortunately, that is all that the policy currently commits to. In its current state, this policy does not meet the test for affirmatively furthering fair housing.

Policy H1.20: If passed, the General Plan Update should lead to a significant increase in the volume of available buildable capacity for residential construction within the City. Since the land-use changes proposed in the General Plan Update are limited to a small portion of San Mateo’s overall land area, a complete AFFH analysis may find that this

General Plan Update will not lead to significant progress in replacing segregated living patterns with truly integrated and balanced living patterns. In addition, the General Plan Update depends on the passage of a ballot measure to achieve much of its proposed new capacity. The Housing Element should pursue alternatives for achieving the City's RHNA allocation, acknowledging that the ballot measure may fail. The alternatives should also consider the constraints resulting from the reliance on non-vacant sites in the inventory more realistically.

Policies H5.2.1 - H5.2.3: These policies encourage the development of more accessible units in inclusionary housing. They are good policies that could provide some benefit over the life of the Housing Element if aggressively implemented. In striving to accommodate hard to serve residents the City must commit to funding supportive services in conjunction with housing for extremely low-income and special needs residents.

### **Place-Based Strategies for Community Preservation and Revitalization: Policies**

Many of the contributing factors listed in the Housing Element refer to the concentration of people with disproportionate housing needs in the northeastern portion of the City. The document cites households with higher poverty and cost burden, poor opportunity outcomes, overcrowding, and low economic and environmental outcomes. The Housing Element's policies should commit to addressing and repairing these challenges in its community preservation and revitalization plans. The City's policies could use improvement and a re-commitment to addressing geographic housing-related issues more comprehensively.

Policy H2.1: While this policy provides a significant benefit to a handful of homes, it is existing, and is not a significant way to achieve meaningful community preservation and revitalization at a scale that can meet the needs of the community. It should be continued, but should only be treated as a small-scale supplement to achieving progress in this area.

Policy H2.4: This policy can provide benefits to equity priority neighborhoods. However, it is an existing, status quo policy, and will have limited overall impact over the course of the planning period.

Policy H2.6: Provide commitments to implement a replacement unit program, not just to conduct a study.

Policy H5.3.1: This policy has the greatest potential to create positive change for the northeastern neighborhoods of the City from a community preservation and revitalization lens. As it stands, the policy goals and objectives of H5.3.1 are too open-ended to allow for meaningful evaluation. No concrete policy commitments that address the contributing factors affecting these neighborhoods are provided. Actions should be tied to addressing and ameliorating issues identified in the contributing factor analysis and should be provided with metrics for measurement and evaluation. Without such metrics and connections to the analysis, an area plan might succumb to maintaining the status quo. Or worse, it could produce unanticipated, unwanted, or even harmful

outcomes for the populations and geographic area the City is attempting to help. The Element's prioritization of land use around Highway 101 could be troubling for environmental reasons, too. Circulation changes around Highway 101 may be beneficial, but housing-related policies should direct new housing away from this significant source of particulate air pollution and toward areas richer in transit opportunities and other service amenities.

### **Displacement Protection: Policies**

Policy H3.3: This policy is limited by the Housing Element's commitment to only "conduct a feasibility study."

Policy H3.4: We applaud the City's commitment in this Housing Element to extending AB1482 to tenants with a tenure of less than one year. However, the rest of the implementation action items of this policy should commit to meaningful actions with concrete results.

Policies H3.5 - H3.7: These policies are limited by the Housing Element's commitment to only "explore," "examine," "study," and "research" policy actions.

Policy H5.4.5: This policy will be fundamental to the City's ability to both protect vulnerable residents from displacement and allow for meaningful place-based strategies for community preservation and revitalization. As stated, this policy must be developed in conjunction with Policy 5.3.1.

### **Housing Mobility Enhancement: Policies**

Policy H5.1.1: This could be a beneficial program. Because this policy requires a feasibility analysis that has not yet been conducted it is difficult to assess whether it would provide a significant increase in the number of inclusionary units produced over the course of this Housing Element cycle. It is likely null if the General Plan Update ballot measure fails to pass, given the City's recent nexus study indicating that an increase in the inclusionary percentage at the height and density limits of the City's current general plan would render housing projects financially infeasible.

Policy H5.1.2: This policy will significantly benefit and impact the lives of 30 households. It will be extremely limited in impact at the scale of the City over the course of this Housing Element cycle.

Policy H5.1.3: A policy to financially support the construction of ADU's could be beneficial, although, again, limited in scope. It needs firm commitments to be considered an acceptable AFFH action.

## **Related Environmental Justice Activities (Page H-97)**

We applaud the City's development of the "Related Environmental Justice Activities," listed on page H-97, as part of the City's General Plan Update and want to encourage the full implementation of these programs. These programs should be integrated with the City's housing-related policies to maximize the benefit in lower-resource neighborhoods.

## **Conclusion**

In conclusion, we ask that you consider the above points as you refine the Housing Element and work with the State of California to achieve certification. The NAACP San Mateo Branch Housing Committee is prepared to clarify our input to the extent it would be helpful in the process. We hope to be a trusted resource in the years ahead as the initiatives and policies in the City of San Mateo's Housing Element are implemented.

Comments prepared by:

NAACP San Mateo Branch #1068 Housing Committee in consultation with City of San Mateo Planning Commissioner Adam Nugent.

August 9, 2023

## **Nicholas "Nicky" Vu**

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**From:** Housing  
**Sent:** Thursday, August 10, 2023 8:48 AM  
**To:** Nicholas "Nicky" Vu  
**Cc:** Eloiza Murillo-Garcia  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Wednesday, August 9, 2023 6:56 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                                    | Nina  |
| Last Name                                     | Singh   |
| Email Address                                 | [REDACTED]  |
| Comment on 2023-2031<br>Draft Housing Element | City continues to approve multiple housing projects without addressing infrastructure inadequacies specifically parking and traffic congestion.<br><br>Case in point apartments and office buildings constructed on Concar drive next to Hayward Park Caltrain station. There has been no change/expansion to the roads or parking in the area from pre-construction of these projects. However road traffic / usage increased multiple fold as a result of these new constructions. All the City did was replace the roads and refresh parking signage! To top it City is now planning another project in the same oversaturated Concar drive area |
|   | It would behoove the City to put some attention to upgrading and expanding roads and parking instead of ad-nauseam approving new housing. Without the infrastructure  |

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improvement, people are being packed into areas resulting in quality of life degrading further

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## **Nicholas "Nicky" Vu**

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**From:** Housing  
**Sent:** Thursday, August 10, 2023 8:48 AM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: Housing element

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**From:** Bennett Charles [REDACTED]  
**Sent:** Thursday, August 10, 2023 7:36 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Housing element

Hello - I am writing to provide public comment for the city's housing element. I am very supportive of the city's planning efforts in identifying sites for housing development.

My concern is that the city is under-allocating units to these prime development sites. Hillsdale Mall, Bridgepoint, and others such as the 41st street commercial area, and sites along El Camino can all handle many more units than is currently discussed. I don't see why Hillsdale Mall is limited to, say, 1200 units; I think 2000 would be fine if the massing was well designed and is on El Camino.

The reason is that I do not want timid allocations to these prime sites to affect future housing elements, requiring impingement on detached single family home neighborhoods beyond what those neighborhoods want. In a different world, I'd be happy to simply relocate if the physical environment of my neighborhood changed in a way I do not like. But that's not the real world.

While I am strongly supportive of a significant number of new housing units, like many single family homeowners, I do not want to have any new structures, whether they are houses, apartments, or ADU's taller than about 30 feet in my neighborhood west of Alameda, especially if they are on lot lines.

If the city wants to experiment with upzoning an existing area with single family homes, I would urge that you obtain consensus from property owners in that area.

I am very happy with AB 2011 and the potential it offers to make good use of retail sites, and I think this is the best path forward.

I also would encourage the city to find ways to reduce costs to homeowners who want to modernize their houses, but that's a separate conversation.

Thank you,  
Bennett Charles

--  
Bennett Charles  
[REDACTED]

## **Nicholas "Nicky" Vu**

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**From:** Housing  
**Sent:** Monday, August 21, 2023 9:17 AM  
**To:** Eloiza Murillo-Garcia; Nicholas "Nicky" Vu  
**Subject:** FW: San Mateo - Housing Element + Zoning/GP Update

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**From:** Justin Kim [REDACTED]  
**Sent:** Monday, August 21, 2023 9:14 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** San Mateo - Housing Element + Zoning/GP Update

Hi,

We're a development company based in San Jose. I saw that the city is working with HCD on the 6th cycle Housing Element.

Could you possibly provide some insight into the expected timeline for achieving compliance with HCD for the Housing Element?

Moreover, once the Housing Element aligns with HCD requirements, what's your estimation for the duration needed to update the zoning and GP to be in accordance with the updated Housing Element? Will Zoning/GP be updated at the same time as the Housing Element gets approved by HCD?

Is there a possibility of any delays occurring post-adoption of the Housing Element? If so, could you provide an estimate of the potential delay duration?

Thank you,

Justin Kim  
[Valley Oak Partners, LLC](#)  
[REDACTED]

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