



February 28, 2022

Policy Recommendations for 6th Cycle Housing Element

Dear Planning staff:

YIMBY Law submits this letter to share our policy goals and recommendations for the Policies and Programs section of your Housing Element. We appreciate the opportunity to participate in the Housing Element process.

The Policies and Programs section of the city's Housing Element must respond to data, analysis and findings presented in the Housing Needs section. We repeatedly see findings that housing prices are high, segregation exists, and there is a lack of housing for special populations, but the Policies and Programs don't respond to these findings or try to change outcomes. The overview of the city's housing environment should set the scene, and the policies and programs should explain what the city is going to do to fix it.

Our policy goals are as follows:

Affirmatively Furthering Fair Housing

- 1. Prioritize rezoning in high resource, historically exclusionary neighborhoods.** Many of the highest resource neighborhoods with the best access to jobs, good schools, and other amenities have histories of exclusion which are still reflected in their zoning. Cities should rezone to allow more housing opportunities in those neighborhoods, particularly those with low Vehicle Miles Traveled, as part of their

Housing Elements.

- 2. Establish a strong tenant protection ordinance so that new housing benefits everyone.** Development should not permanently displace current residents. Housing replacement programs, temporary housing vouchers, right of return, and demolition controls will create stability for renters while allowing new homes to be built for new households and to accommodate the growth associated with RHNA. In your sites inventory and rezoning programs, you should prioritize development on sites with owner-occupied housing & commercial uses over those with existing rent-controlled apartments or other rental housing with lower income residents.

- 3. Support homeownership opportunities for historically excluded groups.** Homeownership continues to be a path to building financial security and inter-generational wealth, which has been systematically denied to many Americans. As a society, we need to make this right by intentionally offering opportunities to communities who have been excluded. The housing element should identify opportunities to create a variety of for-sale housing types and create programs to facilitate property ownership among excluded groups.

Site Capacity

- 4. Adequately plan for density.** Ensure that a site's density will accommodate the number of homes that are projected to be built. In addition, make sure height limits, setback requirements, FAR, and other controls allow for adequate density and the ability to achieve a site's realistic capacity. Housing will not be feasible if you have a high density paired with low height limits. This density should be emphasized around jobs and transit and should go beyond the Mullin density in those areas.

- 5. Provide sufficient zoned capacity to accommodate all income levels, including a minimum No Net Loss buffer of 30%.** Not every site will be developed at maximum density during the eight-year planning period. Identify an ample amount of opportunity sites and zone the sites to accommodate lower-income housing types (usually a statutory minimum of 30 dwelling units per acre) to give the city the best chance at meeting its RHNA.

- 6. Use data from the 5th Cycle to calculate the likelihood of development for your 6th Cycle site inventory.** Likelihood of development is a measure of the probability of an inventory site being developed during the planning period. The median likelihood of development across the state is 25%, meaning only one of every four sites will likely be developed during the planning period for the median city. Incorporating the likelihood of development into the zoned capacity will set the city up to successfully achieve their RHNA, making the housing element less of a paper exercise and more of an actionable, functional document.

Accessory Dwelling Units

- 7. Commit to an automatic mid-cycle adjustment if ADU permitting activity is lower than estimated in the housing element.** We highly recommend complying with HCD's standards of using one of its "safe harbor" methodologies to anticipate future ADU production. However, if the city is optimistic about ADU growth, then creating an automatic mid-cycle adjustment will automatically facilitate alternative housing options (i.e., a rezoning program, removing development constraints, ADU incentives, etc.) if the city falls behind the estimated ADU production.
- 8. Incentivize new ADUs, including those that are rent-restricted for moderate- or lower-income households or that are prioritized for households with housing choice vouchers.** Consider offering low- or no-interest loans, forgivable loans, impact fee waivers for ADUs that are 750 square feet or larger, allowances to facilitate two-story and second-story ADU construction, etc.

Zoning

- 9. Allow residential to be built in areas that are zoned for commercial use.** There are a myriad of ways to do this, but a housing overlay is one common policy. Additionally, consider eliminating new commercial space in mixed-use developments where there is not a strong demand or there is otherwise a glut of commercial space that is unused or frequently vacant.
- 10. Allow flexibility in inclusionary zoning.** Cities should require different percentages for different AMI levels. Additionally, we urge cities to incentivize land

dedication to affordable developers in order for market-rate developers to meet their inclusionary requirements. Avoid getting trapped into thinking that the affordable units must be “sprinkled throughout” the market-rate units, or require the market-rate units to look exactly the same as the affordable ones. This should be balanced against not locating all of the affordable units in one place and ghettoizing neighborhoods by creating or perpetuating racially concentrated areas of poverty.

Better Entitlement Process & Reducing Barriers to Development

- 11. Ensure that the city has a ministerial process for housing permitting, especially multi-family housing, and remove impact fees for deed-restricted housing.** A discretionary process for housing development creates uncertainty and adds to the cost of construction. For example, multi-family housing should not require a conditional use permit or city council approval unless the builder is asking for unique and extraordinary concessions. Right-sizing governmental constraints, entitlement processes, and impact fees will help the city successfully meet its RHNA.
- 12. Reduce parking standards and eliminate parking minimums.** Minimum parking requirements are a major constraint on housing, especially for lower cost housing types. They can cost in excess of \$30,000 per spot and can raise rents by as much as 17%, and eliminating them is particularly important for smaller & other spatially constrained sites. Consider adopting a parking maximum.
- 13. Cap fees on all new housing.** Most construction costs are outside the City’s control, but reducing impact fees can demonstrate that a city is serious about building new housing. At a minimum, cities should delay the collection of impact fees until the issuance of the certificate of occupancy to reduce financial impacts on new housing and make the units cheaper by not asking the developer to carry impact fee charges or debt throughout the construction phase.
- 14. Provide local funding.** One of the largest barriers to building new affordable homes is the lack of city/county funds available to assemble sites, provide gap funding, and to pay for dedicated staff. Without new funding, especially at the local level, we will not be able to build more affordable homes. There are three

new revenue streams that should be considered: 1) **Transfer tax**, a one-time payment levied by a jurisdiction on the sale of a home, may be utilized to raise much needed revenue to fund affordable homes; 2) **Vacancy tax** may be collected on vacant land to convince landowners to sell their underutilized properties and be used to fund the construction of affordable homes; 3) **Commercial linkage** fees should be adopted or revisited for increases on new commercial developments.

We urge you to include these policies in your 6th cycle Housing Element.

Best regards,

Sonja Trauss

Executive Director

YIMBY Law

sonja@yimbylaw.org



June 30, 2022

RE: Policy recommendations for Housing Element Updates

Dear City and County Leaders,

On behalf of the San Mateo County Child Care Partnership Council (CCPC), the publicly appointed, state-mandated local child care planning entity for San Mateo County, and our partner Build Up San Mateo County, **we are writing to encourage your city/county to include policies that support the development of child care facilities in your updated Housing Element.** For working families with young children, having accessible child care near their home reduces traffic and commute times, and generally improves the quality of life for these residents. Including policies that are supportive of child care in or near housing is a straightforward way for cities to contribute to creating sustainable communities where families with young children can thrive. Your city/county's Housing Element update provides an opportunity to address the housing and child care needs of all working families, while examining the housing and child care needs of special populations, such as single-parents and female-headed households, in particular.

High-quality child care is essential to families and to vibrant economic development, yet operators of potential new child care facilities face numerous barriers to opening new programs to meet community needs. While many of the challenges for child care facilities development are similar to housing, the child care sector lacks the mandates, financing sources or expertise that exist for housing developers. One of the biggest challenges is finding a location for a child care facility. Ideally, child care facilities are located in or near housing and close to family-friendly transportation options.

Housing affordability also affects the child care sector. In our high-cost area, family child care providers, those who provide licensed child care in their homes, may struggle to afford their rent or mortgage. As older providers retire, new providers cannot afford to buy homes in our communities. Those who rent a house or apartment often face business instability. In addition, child care programs across San Mateo County are struggling to hire enough workers – the child care workforce is predominantly low-income women of color. Many are struggling with their own housing needs.

In examining Housing Elements from throughout California, we have noted that a number of cities and counties have included goals and policies that support the development of child care in or near housing. We have compiled sample policies in the attached document in hopes that your city/county will include a number of them in your Housing Element update.

If you have questions or would like further support for connecting child care and housing in your city/county, please contact us: Sarah, 650-802-5647, skinahan@smcoe.org, or Christine, 650-517-1436, cpadilla@sanmateo4cs.org.

Sincerely,

A handwritten signature in cursive that reads "Sarah Kinahan".

Sarah Kinahan
Coordinator
San Mateo County Child Care Partnership Council

A handwritten signature in cursive that reads "Christine Padilla".

Christine Padilla
Director
Build Up San Mateo County

Attachments: [Sample Housing Element Language to Support Child Care near Housing Partner Organizations that Support Including Child Care Policies in Housing](#)





October 17, 2022

Will Gibson, Project Planner
San Mateo County Planning and Building Department
455 County Center, 4th Floor
Redwood City, CA 94063

Re: Draft Updated 2023-2031 Housing Element

Dear Will,

On behalf of Green Foothills, thank you for the opportunity to comment on the Draft Housing Element.

We strongly support the six overarching goals of the Draft Element, and particularly commend the inclusion of Goal #2: **to promote sustainable communities through regional coordination efforts and locating housing near employment, transportation and services.** Locating housing within existing developed urban areas close to transportation, particularly on the Bayside, will also help reduce vehicle miles traveled/greenhouse gas emissions which are critical factors in reducing and hopefully reversing the impacts of climate change.

The one important exception to Goal #2 is farmworker housing, which is by necessity has been predominantly located either on or near farms and ranches and on agriculturally zoned land (PAD), or on land zoned Resource Management (RM and RM/CZ).

Infrastructure Constraints (pages B-43-44) points out that extensive areas of the rural Midcoast and Southcoast are wholly dependent upon on-site well and septic systems. This is also true of much of the rural Skyline area. The County Local Coastal Program (LCP) requires that all new residential development in the Planned Agricultural District (PAD) to be served by on-site wells; in the RM and RM/CZ, it can be served by wells or springs; or from an existing community water system with available capacity. Recent drought conditions have resulted in diminished well or spring production, and in some cases, loss of water sources, it is important to ensure that new residential development in these rural areas is located on sites with adequate water supply, in light of increased periods and severity of drought due to climate change.

Environmental Constraints (pages B-45-47) lists a general description of the county's environmental constraints. In addition to the documents noted, the County Local Coastal Program (LCP) has strong policies mandating protection of sensitive habitats, agricultural lands, scenic resources and avoidance of hazards including cliff/bluff erosion, steep hillsides, earthquake zones and flood/tsunami/dam inundation zones. Location of residential development in some of these high-risk areas may not be feasible, and should be so noted in the Draft Housing Element. For example, the Seal Cove Geologic Hazards District identifies Zones 1 and 2 in which development should not be allowed. We also



recommend that you reference the County's Geological Synthesis Hazards Map dated 12/76 prepared by Leighton and Associates and the latest Guidance on Sea Level Rise for the Bayside and Coastside.

We strongly support the request by Midpeninsula Regional Open Space District (MidPen) to incorporate Environmental Factor: Conservation Values Areas throughout the county unincorporated areas that are designated as Essential Habitat by the regional Conservation Lands Network due to their crucial role in safeguarding healthy, climate-resilient ecosystems.

We also strongly support Midpen's request to avoid sites within either high or very high fire severity zones and those within the WUI. Attorney General Rob Bonta's October 10, 2022 Guidance to Local Governments to Mitigate Wildfire Risk from Proposed Development in Fire-Prone Areas states: "Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new development carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire to the extent feasible."

For all the above reasons, and in support of the need to protect natural resources and avoid hazardous areas consistent with the General Plan and Local Coastal Program goals and policies, we request that you delete parcels that are zoned RM, RM/CZ/CD, and RM/CZ/DR/CD from the Housing Sites Inventory – see attached list.

Thank you for consideration of our comments, and we look forward to continuing to work with County Planning to locate and support new housing, particularly affordable housing, in suitable areas near employment, transit, and services.

Sincerely,

Lennie Roberts, Legislative Advocate

cc: Ana Ruiz, General Manager, Midpeninsula Regional Open Space District
Jane Mark, Planning Manager, Midpeninsula Regional Open Space District
Alice Kaufman, Policy and Advocacy Director, Green Foothills
Brian Schmidt, Policy and Advocacy Director, Green Foothills

Will Gibson

From:
Sent: Monday, December 5, 2022 10:54 PM
To: Will Gibson
Subject: Public Comments - San Mateo County Public Review Draft 2023-2031 Housing Element

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County,

First of all, I want to thank you deeply for this opportunity to speak with you today on this imperative matter, the 2023-2031 Housing Element for San Mateo County.

Allow me to introduce myself:

My name is Jennifer (Jenny) Michel from the Coleman Place Neighborhood Block in Menlo Park. I've been a resident of the County for more than 20 years over my 43 years of life, having lived on Willow Road specifically right next to the VA Hospital for about 15 years. Married for the last 16 years, we also have an IEP student at Laurel Elementary. My demos are white, female, she/her, and suffer from several physical disabilities.

I was born at Stanford, raised in Barron Park Palo Alto, and attended Peninsula School located on Peninsula Way from Nursery to 8th grade. During which time, I was being molested by my Uncle who married into the family and started living with us from age 6 to about age 12. During either 1989 or 1990, they lived on Brewster off El Camino where he also molested me on several occasions. In 1991, I came forward to report this crime to the City of Palo Alto and the Santa Clara County DA. Unfortunately, they decided that although I had evidence of the molest, it did not meet a certain threshold to convict at that time. They felt that the possibility of retaliation by my Uncle, a Stanford graduate, was more probable than a guilty conviction by a jury so decided not to press charges. To this day, I am aware of him having had access to children by way of volunteering and as a teacher. To this day, I understand he enjoys being welcomed into society at all confidence levels. As a survivor, I resolve to you, this body, that I will provide a written statement of events that took place on your soil, on a separate matter.

Our Uncle lived with us because my Aunt started renting a room when I was 4 years old. In other words, our parents, in the very early 1980's in Palo Alto, Santa Clara County, had to offset their mortgage. Additionally, after Mom died in 2000, I became homeless as a teacher at Peninsula School living out of my car for two winters. To be fair, I personally don't like large SFR and feel safer on the streets. Although I've been mostly housing secure for decades, I still find it weird to have my own kitchen to use.

Professionally, because I was unable to complete my degree, I got into residential luxury real estate and now am a commercial property manager operating solely in San Mateo County. My husband is also in commercial real estate who represents tenant interests in the region.

Full disclosure: I've worked with my direct municipality and sister city of Palo Alto to update our housing element. Also, I am a white, cis, able bodied woman who has enjoyed a high level of privilege and access to opportunity.

Lastly, I want to call out that I wholeheartedly stand by San Mateo County's stand for zero functional homelessness! Bravo!

Congruence of personal and professional recommendations for the Housing Element:

Life Science Product - what is the mandate as a County? New jobs are being driven by the need for new commercial building product with capacity to handle life science use needs. This is not new. San Mateo County has been the epicenter of life science commercial product for years if not decades. That trend is to continue. We must be responsible for the hard lessons learned. I've seen and helped vote to discourage growth, especially housing growth. I failed to connect how I was voting impacted my ability to be housing stable. I propose that all new projects, especially life science in use, are required to submit a housing component - including projects that have already been submitted to municipalities within the County. Full disclosure, I have worked on a redevelopment project on Twin Dolphin in Redwood City and also on Shoreway Road in Belmont. I recommend to current and former clients to include a housing component in their redevelopment proposals to address the delta from the current use to the proposed use. If we are proposing to increase an additional 1K new jobs, then where is that housing coming from? Let the applicant state how they feel this burden would be addressed if they fail to provide housing in their project. Let them do the work. For each person working within the City, what assumptions are being made that impact the housing element such as how many single use vehicle trips do you calculate that person taking? Right? Would it not be a better fit to have all new developments netting an increase in jobs for a project say beyond 50 people, the applicant must include housing to support up to 50 people? The jobs to housing imbalance is not going to be corrected on its own because the cost of real estate is so high. Massive subsidies are required. The underwriting on current developments do not include the assumption that a housing element is required. In fact if anything, they are specifically underwritten assuming that NO housing element is required. If the applicant is further proposing a housing to employee ratio, then yes, that model is outdated. The underwriting is outdated from the current mandates so the County has to address this delta. Are you working with lenders on these assumptions? Do you read the loan docs recorded to see what assumptions are made? Do you see how we are missing the mark?

Although the opportunity for growth in the life science industry, to be on the front line in another major industry to impact generations to come, like with tech, is exciting, these times are not comparable. Tech has a major egg on our collective face. How are we coming correct and learning from those lessons with life science? I'd argue we are not, yet.

In this case, the objective is different or not apples to apples. Two major factors have changed the game: 1) climate change which is leading to climate collapse for our children's lifetime, if not ours, and 2) California has placed our commitment to stabilizing ourselves, solving our own problems, in the form of prioritizing housing. The housing crisis has been the slow rolling crisis decades in the making. Fortunately, for people like me who were born more than 40 years ago, we happen to have a firsthand view of how our policies lead to the imbalance in our lives today. Let's right these collective wrongs together.

We have left opportunities for collaboration and partnership or community with our commercial stakeholders, such as real estate brokers and agents, on the table. Let's bridge this gap.

1) Real Estate brokerages are obligated to disclose conditions that impact the market they are selling in, such as the high speed rail or even the Caltrain electrification project. If there is a potential for a known condition to impact the value or assessed value of a parcel, that must be disclosed to clients. Do our operational brokerages fulfill their obligation to disclose to buyers and clients that the State of California has declared a state of emergency as it relates to housing? All the related implications of this crisis rest squarely on the shoulders of our, myself included, fiduciary agents. Those of us not sounding alarm bells, I suggest, are looking to profit off the current system of segregation and measures taken against AFFH. So in that sense, a conflict of interest. Have we taken this point into consideration when dealing with licensed agents who are acting as fiduciaries? Right? We have leverage and are not passive. Don't allow our associations to deter. Call us out - we are able to handle it.

Are we working with SILVAR, CAR, PRDS, MLS, etc. to modify their business practices to stop historically known practices or segregation or blockbusting, etc., right? I'd suggest: no. Are they disclosing exactly how the housing crisis impacts current conditions as well as forecasted conditions? Specifically, zone R-1 neighborhoods might not exist in the near future and as a fee interest owner, you don't get to buy and not be a team player on this front. All hands on deck. You, as a buyer, knowingly become a fee interest owner, understand that the neighbors and yourself are incentivized to build

housing, lots and lots of housing... not only that, but the State will help subsidize your project and provide funds to the city for transport etc. So don't come to Planning with a variance for use unless it includes building density, get it? Don't ask to tear down the current SFR for a monster SFR, how is the applicant solving for the County housing needs? Bring that message home.

My understanding is that the County is especially poised to thread this needle for these agents who are obligated to work within the law and provide appropriate guidance to their clients. If clients wish to move forward outside the housing element, then the brokerage obtains written confirmation that the client is working outside the brokerage advice. In other words, if the brokerage fails to ensure they understand the various mandates, is the applicant wholly responsible? Why not name the brokerage (s) that brokered the deal? Once these companies feel the heat or the exposure of liability in not meeting our RHNA/AFFH numbers, there will be a material change in both response, collaboration, and coordination.

2) What about our commercial property owners? How many of us are looking to improve our property use to maximize our yield, which is what we are usually contracted to do, but at what expense? Why are we not proposing a housing element in ALL our new commercial product developments? Get it? See how as a County we are missing the mark? Divco West just asked to have their parcels excluded from consideration for a housing element in District 1 of Menlo Park. Why? They have plenty of actual land and revenue. If they are looking to be a driving force in the region, why are they excluding housing? See how far reaching the problem is? Who is making a case for housing and a stabilized, local workforce?

If our cities are failing to meet the moment and our related shareholders, should the County not have jurisdiction to come in and supersede our municipalities obvious bad faith efforts, separate from the State? How is the County holding our local municipalities to account? Right? The County is looking to meet and exceed a functional zero homelessness. But our cities are failing at meeting the mandated moment. How are we looking to bridge that gap? What is the County doing to encourage good faith efforts?

3) I propose that we have a city liaison for the housing element and or implementing and coordinating the zero functional homelessness initiative. Additionally, how are we helping our municipalities with affluent districts? For example, here in Menlo Park, have you sent notice to District 5 Council Member in Menlo Park warning that we have not met our obligations under the new laws? Right? Atherton and Hillsborough, specifically, would do well to hear from you, the County, regarding how we are failing to meet the moment and why that is important. Thread the story the AFFH overlay map tells. To that end, who at the County is listening to these council and/or commission meetings? And therefore tracking how our cities are acting in bad faith? To that end, how are we working with Santa Clara County and San Francisco County to ensure we are all meeting our RHNA numbers?

4) Engagement is not being taken seriously. Phoning in contact with neighbors, especially dis-invested neighbors, is something developers are usually for as public comments can get messy. Engagement with the public is complicated. When we demonstrate our consideration for all neighbors, the feedback obtained is almost always sobering or terrible or severely impactful to the point of the project not moving forward. Case in point is the Willow Village project. We recently had two translators for public comments after months of comment. Why isn't that the case for all projects and/or all meetings? Can't the County say in an effort to encourage engagement, we will help subsidize translators? Is the County looking at this aspect of outreach? Or how is the County ensuring that the cities are reaching those of us encumbered by several jobs and not an english speaker?

5) Leveraged workforce is a slow rolling crisis tied to housing. If you are one who cannot support their own shelter, even with two or three jobs, you become susceptible to bribes or leverage. As a society, it's in our best interest to have each resident, both housing secure and not, workers, both housed in this County or not, be able to provide for their own needs on their own terms. I would suggest that a whole host of issues stems directly from workers not having access to opportunity to resources in our County. Just as we are obligated to address this delta, how is the County addressing it?

6) Load on the environment - this encompasses air, earth, water, hazards, and unknown impacts. San Mateo County has long enjoyed naturally protected habitats and coastline. Unfortunately, we also house some of the world's notable billionaires who levy a toll on our environment rivaled by no one. How are we holding our hyper affluent residents to account for their excessive use. Do we allow the jets to free flow? If we require applicants to go through such a long vetting process, why allow a minority of us to use most of our limited resources? Are we a leveraged County? Yes - yes we are and what are we doing about it? How is the County keeping our residents stable? Keeping them with their dignity?

Similarly to commercial use where if you use beyond your pro-rata share, you have to pay directly for that use; our affluent neighbors need to feel the heat when it comes to excessive use. What is the County doing to cap excessive use of water, etc.? With a shared limited resource such as domestic potable water, owners can no longer pay a fee to use beyond their share. Is that fee generating more fresh water? No. An SFR water use should be calculated based on occupancy not on SF. The threshold should be same use as a say a four-plex on a 1/4 acre lot. If you exceed that threshold, 20 or even 200 gallons per day, then your water is turned off. Renters in apartments will never need to worry about the excessive use threshold. But finally, SFR owners will. As a fee interest owner, the buyer would need to declare they understand they are not to use excessive water. If you need to bring in water from outside sources, like for a deep water treatment of trees, then that is a separate matter since the raw materials are being sourced and provided privately.

7) Affordable Housing throughout the County as well as transitional housing with wrap-around services must be a priority. I don't see the County laying out these types of developments in our most affluent areas. How is the County breaking into our most exclusive neighborhoods understanding that the use of those residents far exceeds the national average? Get it?

8) Supporting affordable housing, usually defined as 80% of median income - so \$80K/annually? Not even managers make that salary. So when we say affordable housing, we mean c-suite executives. Median home sales are at \$2.2M in September in Menlo Park. Affordable housing in our city is not for day porters and security guards. What is the County doing to support building housing for day porters and security guards? Get it?

Unfortunately, I must cut my comments at this time. I challenge the County to adapt a monthly sleep out to live in solidarity with our housing insecure neighbors. I challenge each of us to feel the load we carry, here in San Mateo County. Get uncomfortable, get outside your comfort zone. Feel uneasy at night in the cold and rain. Have a digestive problem without a bathroom. Perspective is a powerful tool. Let's use it to transform how we approach the housing crisis together to include those of us without bandwidth and resources to provide input and concern.

Thank you again for your time and consideration.

All my love,

Jenny from the Coleman Place Neighborhood Block

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Jennifer (Jenny) Michel

From:

Sent: Sunday, December 4, 2022 3:34:07 PM

Subject: BOS Meeting 12/6/22 Housing Element

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

I have had little opportunity to thoroughly evaluate this HE, but find it lacking and in some instances erroneous.

COMMENTS ON THE HOUSING ELEMENT

This could more aptly be classified as **Ghettoization of North and South Fair Oaks.**

(Refer to Appendix E) <https://smcmaps.maps.arcgis.com/apps/webappviewer/index.html?id=3a4d0b3bf4664927a844c41ff1525c00>

Basic Issues:

Timing: Why is it that this is being sent to the BOS for approval prior to the expiration of the time for comments?

Lack of Public Outreach: It is **not** correct to state that there has been robust community outreach and “charrettes.” There is a list of supposed public meetings, none of which were classified as Housing Element outreach except brief presentations to the NFOCC and the Planning Commission (to which the public has limited access.) Nothing was on the web except for a very basic questionnaire. I repeatedly e-mailed for information and got no response. Other jurisdictions had widely advertised public meetings, newspaper articles and e-mail comment capability over many months.

Equity: Low income housing sites are supposed to be distributed **throughout** a jurisdiction. However, all the high density housing is concentrated in North and South Fair Oaks. This type of discriminatory practice has been the subject of complaints from residents in East Menlo Park.

Environmental Inequality & Deprivation

Parking Problems

Internal Conflicts with stated Policies

Failure to Consider Impact on Schools

Inadequate Infrastructure to Support massive upzoning

Listing of purported vacant sites that are either NOT vacant or are unbuildable.

*Rezoning parcels actually **eliminates housing** (changing RS3 to CMU)*

Code Enforcement

Non Coastal Farm labor sites ignored

Totally unworkable reduction of parking requirements

Incorrect assessment of transit options

Creating more business sites means an even greater need for housing

Upzoning Impact on North And South Fair Oaks:

Virtually all the upzoning is planned for these areas. It involves changing RS-3 zoning (which allows 5 stories of multifamily units to be built at a site) to CMU-1. The allowed uses for CMU-1 are covered in Ch. 29 of the Zoning regulations and ordinance 6567.2 lists 35 various uses allowed in that zone and there is no requirement that *any* of the uses be residential! Many of these uses would require loading zones and create a lot of vehicular traffic and noise. The area along El Camino has already been changed to CMU-1 and there is a proposal to change the south side of Blenheim which is presently mostly apartments, to CMU-1. This could not only eliminate a substantial amount of housing but would create a traffic and noise nightmare for the residents on the north side of Blenheim, Dumbarton and Buckingham.

NFO is woefully overcrowded with no amenities and yet the plan is to increase occupancy to 120 units/acre!

Since Menlo Park is putting a cap on some commercial development this is an open invitation to developers to build higher revenue generating projects to the exclusion of housing. A perfect example of this is the proposal to amend the zoning from R3 to CMU and build a hotel at the corner of El Camino and Northumberland.

Most of the development sites in more affluent areas were devoted to moderate or above moderate developments. This is discriminatory.

Environmental Discrimination and Failure to Heed Community Input in Fair Oaks:

The Fair Oaks area is one of the most negatively impacted areas environmentally. It has pollution, noise, dirty commercial uses, bad air, and overcrowding. There are no green spaces and no recreational opportunities other than those provided by Sr. Christina. There are virtually no trees. When residents are asked what they want in their neighborhood they say green spaces, recreation opportunities, safer streets, more street lighting, more parking, and better transportation options.

There is a whole list of policies concerned with creating a desirable neighborhood which will be violated by the proposed upzoning.

Adding massive buildings will increase the heat island effect which is not addressed. There has been little to no effort expended in enforcing tree ordinances and many have been eliminated without permits.

Parking Problems:

Parking deficiencies is a major problem cited by residents at every planning meeting. Because

of the cost of rentals, there are many families living in one unit: even in garages, sheds and basements. Many addresses have multiple vehicles. Reducing parking requirements will only exacerbate the problem. Many of the present occupants have jobs in landscaping or construction, requiring trucks. Many others have jobs in other areas of the county such as Portola Valley, Woodside, W. Menlo Park, Ladera, etc. for which there is no public transportation. The zoning provision that mandates less parking close to the Cal train right of way makes zero sense since most residents in the Fair Oaks area have no need to go to San Francisco, and even if they did they could not access the Railroad except by travelling 1.3 miles to the Rail Station. The bus service is useless and a further pollutant. It only goes North/South and stops at almost every block. Adding Commercial uses will further degrade the parking situation. At times vehicles are parked in the middle of the street and this create access problems for emergency vehicles.

Short Term Rentals:

The HE purports to ban all short term rentals outside the coastal zone. If you check the various firms that specialize in these rentals, e.g. AirB&B you will find rentals advertised all over the county. These remove housing opportunities for long term renters.

Schools:

The HE purports to make sites available for hundreds of families, yet does not address the impact on local schools, which are probably the worst performing schools in the county.

Infrastructure:

Over a decade ago then Supervisor Rose Jacobs Gibson declared the sewage system in the Fair Oaks neighborhood to be totally decrepit although costs to consumers have increased substantially. Since then very limited replacement has occurred. The water lines are all old and perhaps contaminated and the wifi status may be inadequate. There is very little street lighting which contributes to crime.

The HE states that the water from SFPUC will be “constrained” yet the plan is to add hundreds of high water use residences in the small area of North and South Fair Oaks.

To prevent adding to adverse climate impacts, there is an emphasis on using electricity rather than natural gas. I saw no reference to electrical capacity, undergrounding utilities, solar back up etc.

Purported Vacant Sites/Non vacant Sites Likely invalid:

For example:

10 Cardinal Court is NOT vacant. There are three \$5 million dollar houses at that site.

APN 074-311-540 is not a buildable site. It was subdivided years ago by Planning even though it is unbuildable. It is dissected by a wide sewer easement that cannot be built on; it is traversed the bank of which continually erodes. Plus there is an ordinance that prevents any kind of construction within at least 15 ft. of the bank. It is listed as being in a flood zone and is prone to liquefaction.

I did not see the site at the corner of Dumbarton and ECR on the list of vacant sites. It is actually listed as a car repair facility, which it no longer is.

This list may well be inaccurate for coastal, hillside, seismic, and wildfire areas.

2809 El Camino is reported to be occupied by a car repair facility. That is not true. It has been vacant and covered in graffiti for years.

Code Enforcement:

Over at least two decades, until very recently, Code Enforcement has been minimal to nonexistent. Unscrupulous developers buy up property, evict the many residents, completely rehab the property without permits, and then sell at a greatly increased market value. The new owner then charges highly inflated rents. This results in even more overcrowding by tenants trying to pay the rent and additional parking problems. Patty Camacho has been diligent in following up realtor ads that show obvious unpermitted remodels. This effort should be expanded in poorer areas, and more efficient and better publicized methods to aid evicted tenants are needed. This should be part of the HE.

Non Coastal Farm Laborer Housing:

The Federal Government cracked down on Stanford for substandard farm laborer housing at Webb Ranch. There is still a problem there. This is not addressed.

CONCLUSION:

This HE is a sham that does nothing to improve (and in fact will exacerbate problems) with housing options in at least North and South Fair Oaks areas. There was virtually no public participation, and little opportunity to comment until it was printed and ready to send to the State. Many provisions directly contravene the very policies stated, and there would appear from a casual reading to be substantial factual errors. It is discriminatory and lacking in factual analysis. The driving forces for improvements in the Fair Oaks area have been Sr. Christina and Mike Callagy, without whom nothing would have been done. This document is extremely poor work product and it seems likely that the State will reject it.