

From: [Ben Eilenberg](#)
To: [Melissa Andrikopoulos](#)
Cc: [Camille Leung](#); richardjacobslaw@gmail.com; [Brian Kulich](#); sanmateohousinggroup@gmail.com
Subject: Re: CHRISTIAN DR: PLN2026-00261: Submittal of formal SB330 Builder's Remedy application for APN 043-331-410
Date: Thursday, August 20, 2026 12:24:33 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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.

Hi Melissa,

Thank you for your email. Yes, we have invoked the administrative process set forth in Government Code Section 65589.5(h)(6)(E).

Specifically, the items that constitute the County's course of conduct undertaken for the improper purpose of harassing and causing unnecessary delay or needless increases in the cost of our proposed housing development project that are subject to the 65589.5(h)(6)(E) proceedings are:

1. Insisting that the planning application is incomplete despite not having a submittal requirement checklist that satisfies the requirements of Government Code Section 65940 and 65941.
2. Insisting that the fees claimed are authorized by statute and the City's fee schedule.
3. If the County contends that its 2 page form/spreadsheet constitutes a submittal requirement checklist, it is also in violation of Government Code Section 65941 which requires that any such checklist "indicate the criteria which the agency will apply in order to determine the completeness of any application submitted to it for a development project."

For the interests of clarity, let me also explicitly state that the 65589.5(h)(6)(E) request was on Monday, August 17, 2026 and the Public Records Act request was Thursday, August 23, 2026 for calendaring purposes.

I strongly suggest you come into compliance with the State Housing Laws rather than violate them in an attempt to block much needed housing.

Thank you.

Ben

On Thu, Aug 20, 2026 at 10:46 AM Melissa Andrikopoulos <mandrikopoulos@smcgov.org> wrote:

Hi Ben,

Your attorney has authorized me to communicate directly with you regarding the matters raised in

your email below. I'll be responding to your PRA request and questions about application completeness shortly, but in the interim, I want to confirm whether we should consider your email dated August 17 to be the written notice described under Government Code Section 65589.5(h)(6) (E) or whether you intend to submit a separate written notice?

Thank you,

Melissa

From: Ben Eilenberg <eilenberglegal@gmail.com>
Sent: Monday, August 17, 2026 5:00 PM
To: Camille Leung <cleung@smcgov.org>
Cc: San Mateo Housing <sanmateohousinggroup@gmail.com>
Subject: Re: PLN2026-00261: Submittal of formal SB330 Builder's Remedy application for APN 043-331-410

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Camille,

On May 7, 2026 San Mateo admitted that there is no submittal requirements checklist for this type of project. Therefore, there is no basis to deem the application incomplete. This does not mean that a grading permit will not be required at a later stage, but it cannot form the basis for an incompleteness determination. San Mateo's failure to comply with the State Housing Laws regarding submittal requirements checklists does not excuse its failure to comply with the State Housing Laws regarding completeness.

Therefore, we are now forced to do this via the methods set forth in the State Housing Laws. As San Mateo is insisting on a course of conduct undertaken for the improper purpose of harassing and causing unnecessary delay or needless increases in the cost of our proposed housing development project, we are now invoking the administrative procedures set forth in California Government Code Section 65589.5(h)(6)(E).

As well, as per my last email, since "you continue to contend that a Grading Permit is required for Planning Application completeness" we requested 4 categories of documents via the California Public Records Act. To remind you, those categories are:

1. All documents showing that a Grading Permit is required for Planning Application completeness.
2. All Planning Applications submitted to the County since 2015.
3. All Grading Permit Applications submitted to the County since 2015.
4. All invoices sent for Grading Permits by the County since 2015.

The clock on the Public Records Act started ticking on August 13, 2026, so please make sure your initial response is returned on or before August 24, 2026.

Lastly, we are now forced to refer this matter to the California Department of Housing and Community Development. Please expect them to contact you to determine why the County is refusing to comply with the State Housing Laws.

I would genuinely prefer that this matter move forward properly rather than face costly litigation for the County. While our 65589.5(h)(6)(E) and Public Records Act Requests are in place and this does not release the County from compliance, I strongly recommend you speak with County Counsel on whether they support your decision to violate the State Housing Laws exposing the County to some serious consequences. Please confirm by Friday if you will continue to insist on violating the State Housing Laws.

Ben

On Mon, Aug 17, 2026 at 3:04 PM Camille Leung <cleung@smcgov.org> wrote:

Hi Ben,

Thank you for your questions. I have tried to clarify our planning permit process below, but if it would be helpful, we are available to meet and explain this process in person.

The table on page 2 of the Planning Permit Application Form lists, in the far left-hand column,

the various types of planning permits the County requires, depending the zoning district, proposed use, and proposed project details. Under the “Permit Types” column, the “Grading” row is the permit we have been referring to as the “Grading Permit” your proposed project will require, pursuant to the County’s adopted ordinances, and based on the amount of cut and fill needed for your project. If you follow the “Grading” row down the page, the checkmarks identify the application requirements for a Grading Permit.

To try to clarify further, you describe our position as “contend[ing] that a Grading Permit is required for Planning Application completeness . . .” We are not requiring that a Grading Permit be provided for Planning Application completeness; we are stating that a Grading Permit is the planning permit required for your project, and that an application for a Grading Permit is the application you are required to submit at this stage of the development process.

In San Mateo County, grading permits are discretionary planning permits that are obtained during the planning review process, before a project is entitled to move forward to the building permit stage. The County’s grading regulations that set forth this process are in Chapter 10.68 of the County Ordinance Code, available [here](#).

Thanks!

Camille Leung, Senior Planner

Email Preferred over Voicemail

Phone: +1 628-222-3114 (Teams)

From: Ben Eilenberg <eilenberglegal@gmail.com>

Sent: Thursday, August 13, 2026 3:21 PM

To: Camille Leung <cleung@smcgov.org>

Cc: San Mateo Housing <sanmateohousinggroup@gmail.com>

Subject: Re: PLN2026-00261: Submittal of formal SB330 Builder's Remedy application for APN 043-331-410

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Camille,

I am confused by your email.

Once again, we have not yet applied for a Grading Permit. That comes after the completion determination. The "table" on page 2 of the "Planning Permit Application Form" shows the Grading Permit as a separate part of the process. Please provide anything to support your contention that a Grading Permit is required for Planning Application completeness.

Similarly, the invoice also requests payment for a Grading Permit, which we have not yet applied for. Please revise the invoice to remove the improper charge and confirm that the application is complete by Tuesday, August 18, 2026 by noon.

If you continue to contend that a Grading Permit is required for Planning Application completeness, please let this serve as a Public Records Act request for all documents in the following categories:

1. All documents showing that a Grading Permit is required for Planning Application completeness.
2. All Planning Applications submitted to the County since 2015.
3. All Grading Permit Applications submitted to the County since 2015.
4. All invoices sent for Grading Permits by the County since 2015.

Thank you.

Ben Eilenberg

On Thu, Aug 13, 2026 at 11:12 AM Camille Leung <cleung@smcgov.org> wrote:

Hi Martin,

Please see attached Incomplete Letter and Revised Invoice. Thanks

Camille Leung, Senior Planner

Email Preferred over Voicemail

Phone: +1 628-222-3114 (Teams)

From: San Mateo Housing <sanmateohousinggroup@gmail.com>

Sent: Thursday, July 23, 2026 7:11 AM

To: Camille Leung <cleung@smcgov.org>

Cc: Ben Eilenberg Real Estate Attorney <Eilenberglegal@gmail.com>

Subject: Re: PLN2026-00261: Submittal of formal SB330 Builder's Remedy application for APN 043-331-410

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Hi Camille. We are following up as we would like to pay the invoice as soon as the fees are corrected. Please send a corrected invoice without any permit fees and with the correct categorically CEQA exempt environmental fee and Legal Counsel Surcharge Fee. We are also glad to have a discussion with County counsel if need be.

Thank you.

Martin

On Tue, Jul 21, 2026 at 3:14 PM San Mateo Housing
<sanmateohousinggroup@gmail.com> wrote:

Thanks for the explanation Camille, however it still seems inappropriate to pay and apply for any specific permit before we receive planning approval of the project. Also, please confirm that the environmental review initial study fee will be removed from the invoice since the project is categorically exempt from CEQA.

We are glad to have a discussion to work through these issues with you and the County's counsel. I have included our COO, Ben Eilenberg, on this email as he will take part in that discussion. Please let us know what day and time works for your side. Thank you.

Martin

On Mon, Jul 20, 2026 at 5:59 PM Camille Leung <cleung@smcgov.org> wrote:

Hi Martin,

Grading permits in the County are processed by Planning at the planning application stage, with all planning permits (SB 330 etc) being processed concurrently. This is different than other jurisdictions that may process the grading permit at the Building Permit stage.

If it helps for us to get on the same page, we can have a meeting to discuss which will include staff from the County Attorney's Office.

I have taken Summer off as I am the assigned planner.

Thanks

From: San Mateo Housing <sanmateohousinggroup@gmail.com>

Sent: Monday, July 20, 2026 12:33 AM

To: Camille Leung <cleung@smcgov.org>

Cc: Summer Burlison <sburlison@smcgov.org>

Subject: Re: PLN2026-00261: Submittal of formal SB330 Builder's Remedy application for APN 043-331-410

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.

Hi Camille. Thank you for confirming receipt of our application and sending the invoice. However, the invoice needs to be corrected as it contains multiple fees that are either improper and/or incorrect.

First, the IS/MND fee is improper as this falls within the CEQA categorical exemption of Public Resources Code Section 21080.66. Therefore, the correct fee under the County's Fee Schedule posted at <https://www.smcgov.org/media/151759/download?inline=> would be \$341.

Second, we are not applying for a grading permit, nor any other permit, at this time. While we will eventually apply for a grading permit along with the other building permits for the project, this will be after the approval of our SB330 planning application submitted. So the grading permit fee is improper at this time and needs to be removed from the invoice.

As for the Legal Counsel Surcharge Fee, according to your fee schedule it is 5% of the fees imposed and would necessarily need to be adjusted to match the change in the above fees.

Please send a revised invoice so we can make payment. Thank you.

Martin Smith

Belmont Housing Group LLC

805-424-7461

On Thu, Jul 16, 2026 at 12:38 PM Camille Leung <cleung@smcgov.org> wrote:

Hi Martin,

Thanks received. The PLN case number is PLN2026-00261. Please see attached invoice and payment instructions below. Permit requirements still apply to this SB330

proposal, with permit fees added. Please note that I added the IS/MND fee for CEQA analysis. The County will need to do an Initial Study first to determine if a Negative Declaration or EIR is needed, with more fees to be charged if an EIR is needed.

I will be taking a further look into the documents submitted and will let you know what else I need.

Thank you

- Check:
 - Please include Applicable PLN Case on Memo Line and include copy of Invoice
 - Drop off a check on Mondays through Thursday between 8am to 4pm to 2nd floor of 455 County Center
 - Mailing a check made out to San Mateo County to:
 - San Mateo County Planning and Building Dept
455 County Center, 2nd Floor
Redwood City, CA 94063

Please see below for the instructions on paying fees by credit card for your project.

If paying online, please follow these instructions:

1. Visit the Online Portal at: <https://aca-prod.accela.com/smcgov/Welcome.aspx>.
2. Under "Planning and Code Compliance" at the bottom of the page, click on "Search Applications." (Note: A log-on is not necessary to pay fees.)
3. Enter your Planning Permit Number.
4. Under the "Payments" menu, select "Fees."
5. Click on "Pay Fees."
6. Verify fees and click "Continue Application." You will be taken to the County's third-

party payment system Elevon to continue payment.

Credit card payments (Visa or Mastercard accepted) incur a 3% payment processing surcharge (3% of the total amount due) that is charged by Elevon.

Please let me know when the fees have been paid. Thank you.

From: San Mateo Housing <sanmateohousinggroup@gmail.com>

Sent: Tuesday, July 14, 2026 11:19 PM

To: Summer Burlison <sburlison@smcgov.org>; Camille Leung <cleung@smcgov.org>

Cc: PLANNING_PlanningProjects <PlanningProjects@smcgov.org>

Subject: Submittal of formal SB330 Builder's Remedy application for APN 043-331-410

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Camille/Summer,

Our formal SB330 Builder's Remedy application for APN 043-331-410 is attached. Note this is in follow-up to our preliminary application previously submitted and assigned #PRE2026-00012.

I will note, the email Camille sent below on May 7th lists a few permit applications and clarifies that the County does not have a planning submittal application. However at this time we are only submitting our formal SB330 Builder's Remedy application for planning approval and so these permit applications do not apply to the project at this time. Once we have planning approval of the project we will prepare construction drawings for the various permitting required.



Camille Leung <cleung@smcgov.org>
to me, Steve, Sophie ▾

Thu, May 7, 3:44 PM



Hi Martin,

To clarify, there is no SB 330 application checklist, but permits needed have their own application checklists (see 2nd page of Planning Permit Application Form). The permits you will need are an RM permit and Grading Permit (additional permits may be identified based on review of formal application).

<https://www.smcgov.org/planning/grading-and-land-clearing-permits>

<https://www.smcgov.org/planning/resource-management-permit>

<https://www.smcgov.org/planning/planning-permit-application-form>

Thank you for your assistance with this important project. Please let us know if you have any questions about our submittal. Thank you.

Martin

Belmont Housing Group LLC

805-424-7461

On Fri, Apr 3, 2026 at 8:20 PM Summer Burlison <sburlison@smcgov.org> wrote: [Formal SB330 Full Plan Set- Ralston.pdf](#)

Hello Martin,

Thank you for reaching out. Yes, staff is fully aware of this pre-application and our records indicate an email was sent the morning of 3/17 confirming the pre-application has been assigned to Camille Leung, who will reach out directly with any questions, comments, and/or next steps.

Regards,

Summer

Summer Burlison

Senior Planner

County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor

Redwood City, CA 94063

(650) 363-1815

planning.smcgov.org

Please note that I am out of the office every other Friday.

From: San Mateo Housing <sanmateohousinggroup@gmail.com>

Sent: Friday, April 3, 2026 5:00 PM

To: Steve Monowitz <smonowitz@smcgov.org>; Sophie Mintier <smintier@smcgov.org>

Cc: Camille Leung <cleung@smcgov.org>; Angela Chavez <achavez@smcgov.org>; Michael Schaller <mschaller@smcgov.org>; Chanda Singh <csingh@smcgov.org>; Summer Burlison <sburlison@smcgov.org>; PLANNING_PlanningProjects <planningprojects@smcgov.org>

Subject: Fwd: Submittal of SB330 Builder's Remedy preliminary application for APN 043-331-410

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Hello. As a courtesy we are reaching out to all of you since we have not received any response to the prior submittal of the SB330 preliminary

application below. The County's Accela system confirms the preliminary application has been received as shown in this screenshot from today:

[Home](#) [Building](#) [Planning and Code Compliance](#) [Public Works](#)

[Create an Application](#) [Search Applications](#)

Record PRE2026-00012:
Pre-Application
Record Status: Received

[Add to cart](#)
[Add to collection](#)
[Post](#)

[Record Info](#)

[Payments](#)

[Conditions](#) 1

[Custom Component](#)

 A notice was added to this record on 09/13/2018.
Condition: Potential Hospice Use Severity: Notice
Total Conditions: 1 (Notice: 1)

[View Condition](#)

Work Location

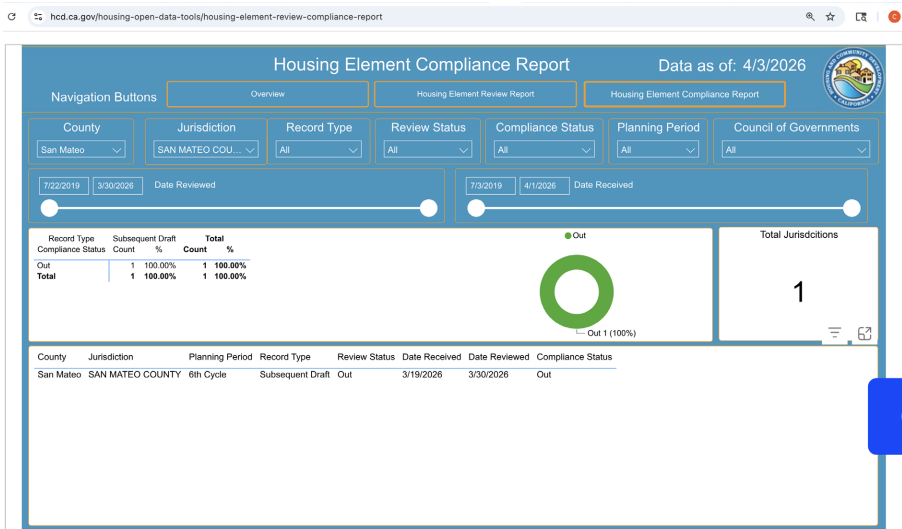
BELMONT

Record Details

Applicant:
Martin Smith
1519 E Chapman Ave Suite 101
Fullerton, CA, 92831-
Phone: 8054247461
Phone 2: 8054247461
sanmateohousinggroup@gmail.com

Project Description:
The project is a SB330 Builder's Remedy development of a 135 unit multifamily residential building with 13% of the units reserved for low income households. The project does not include any non-residential development.

As well, the County's Housing Element remains out of compliance as documented on the screenshot below of the HCD's Housing Element Compliance Report, and so the County continues to be subject to SB330 applications:



Feel free to reach out if you have any questions. Thank you.

Martin Smith

Belmont Housing Group LLC

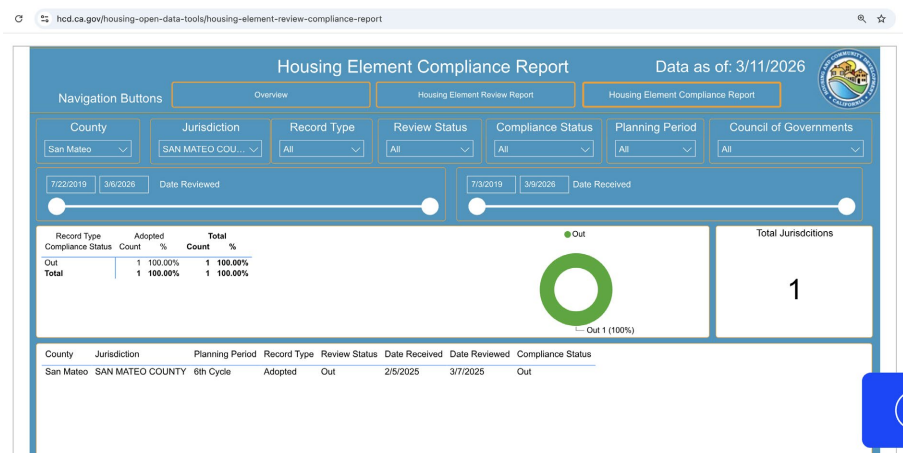
805-424-7461

----- Forwarded message -----

From: **San Mateo Housing** <sanmateohousinggroup@gmail.com>
Date: Wed, Mar 11, 2026 at 7:52 PM
Subject: Submittal of SB330 Builder's Remedy preliminary application for APN 043-331-410
To: <planningprojects@smcgov.org>

Hello. We submitted the attached SB330 Builder's Remedy preliminary application today on your Accela portal for a 135 unit multifamily residential development on APN 043-331-410. The preliminary application was assigned the number PRE2026-00012 and we paid the \$400 pre-application fee.

Below is a screenshot of HCD's Housing Element Compliance Report from today documenting that San Mateo County's Housing Element is still out of compliance and so is subject to SB330 Builder's Remedy projects.



Please let us know if you have any questions about the project or this preliminary application. Thank you.

Martin Smith

Belmont Housing Group LLC

805-424-7461