COUNTY OF SAN MATEO
PLANNING AND BUILDING

455 County Center, 2nd Floor | Mail Drop PLN 122
Redwood City, CA 94063
(650) 363-4161
planning.smcgov.org

November 13, 2026

San Mateo Housing Group LLC
1519 E. Chapman Avenue, Unit 101
Fullerton, CA 92831
Sent via Email: sanmateohousinggroup@gmail.com

Subject: Christian Drive Project (File No. PLN2026-00261/APN 043-331-410)
Housing Accountability Act (HAA) Notice Regarding Alleged Project Disapproval
County Response and Findings

Dear Mr. Eilenberg:

This letter sets forth the County of San Mateo's ("County") response to and written findings regarding your HAA Notice (as defined below) pursuant to Government Code Section 65589.5(h)(6)(E)(iv) regarding the County's alleged project disapproval. The findings set forth below are being issued not less than 60 days but within 90 days of your HAA Notice, as required.

Background

San Mateo Housing Group LLC ("Applicant") filed a SB 330 Preliminary Application with the County on March 11, 2026 and a formal application on July 14, 2026 for a housing development project on Christian Drive, Assessor's Parcel Number (APN) 043-331-410, also known as the "Christian Drive Project" ("Project"), filed under Case Nos. PRE2026-00012 and PLN2026-00261.

The County responded to your formal application by letter dated August 13, 2026, stating that the application was incomplete and identifying the outstanding items required to complete the application.

In an email dated August 20, 2026, you stated that "we have invoked the administrative process set forth in Government Code Section 65589.5(h)(6)(E)" and you asserted that the following items "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."

Government Code Section 65589.5(h)(6)(E) provides that a local agency may effectively disapprove a housing development project if it "fails to cease a course of conduct undertaken for an improper purpose, such as to harass or to cause unnecessary delay or needless increases in the cost of the proposed housing development project, that effectively disapproves the proposed housing development with taking final administrative action if all of the [specified] conditions are met . . ." As an initial matter, the statute requires that "the project applicant provide[] written notice detailing the challenged conduct and why it constitutes disapproval . . ." Gov. Code § 65589.5(h)(6)(E)(i). Your email fails to identify any "improper purpose" behind the County's conduct or allege any facts that would show the County's conduct is intended to "harass or to cause unnecessary delay or needless increases in the cost of the proposed housing development project." Nor does your notice explain why the County's determination that the application is incomplete, imposition of fees, or alleged failure to identify criteria to determine completeness would constitute disapproval of the project.

County Compliance with the HAA Notice Procedures

Regardless of the deficiencies in your HAA Notice, the County complied with your request to follow the procedures established by Government Code Section 65589.5(h)(6)(E). Within five working days of receiving the HAA Notice, the County posted the notice on the County's website, provided a copy of the notice to any person who has made a written request for notices, and filed the notice with the county clerk. (*See* Gov. Code § 65589.5(h)(6)(E)(ii).) The County received no comments in response to the notice.

Pursuant to Government Code Section 65589.5(h)(6)(E)(iv), the County is required to either (a) issue a written statement that it will immediately cease the challenged conduct; or (b) issue written findings that must both: (i) articulate an objective basis for why the challenged course of conduct is necessary; and (ii) provide clear instructions on what the applicant must submit or supplement so that the local agency can make a final determination regarding the next necessary approval or set the date and time of the next hearing.

Below are the County's written findings pursuant to Government Code Section 65589.5(h)(6)(E)(iv) which articulate the necessity for the challenged conduct and provide clear instructions on necessary next steps.

Written Findings

1. The County's Challenged Course of Conduct is Necessary to Obtain a Complete Application for Review.

The County finds that the challenged course of conduct is necessary and its course of conduct does not constitute disapproval of the Project.

On August 13, 2026, in response to your July 14, 2026 application, the County provided written notice that the application was incomplete because you did not provide all of the information required by the County's Planning Permit Application Form checklist, including a Grading Permit application and related application materials.

The County's actions are necessary because the application you submitted on July 14, 2026 does not contain the information required by the County for a complete application. Notifying you of the specific deficiencies is required by the Permit Streamlining Act to allow for the continued processing of your application. If an application is determined to be incomplete, the County is required to provide the applicant with an exhaustive list of items that are missing. Here, the County was complying with its statutory obligations to notify you of incomplete items as required by law. The County's actions are necessary because the application objectively does not contain all the information required by the County's "Planning Permit Application Form," and the County is required to identify missing items at this stage or waive its ability to request required items.

Detailed responses to the issues raised in your HAA Notice are provided below:

a. 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.

As stated in previous communications with you, all development projects that require planning approval are required to complete the "Planning Permit Application Form," and to provide the application materials for the specific planning permits needed from the checklist on page 2 of that form. The Planning Permit Application Form, and the materials identified by reference in page two of that form, satisfy the requirements of the Permit Streamlining Act, which requires the public agency to "compile ***one or more lists*** that shall specify in detail the information that will be required from any applicant for a development project." Gov. Code § 65940(a)(1) (emphasis added).

b. Insisting that the fees claimed are authorized by statute and the City's [sic] fee schedule.

The County's May 7th email identified two planning permits staff believed your project would require—a grading permit and a resource management permit—and identified fees for both permits. Staff later determined, and clarified in the August 13th letter and revised invoice, that the project does not require a resource management permit by virtue of provisions related to the builder's remedy.

c. 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."

As explained under “a.” above, the County does contend that page 2 of the Planning Permit Application Form is one portion of the County’s submittal requirement checklist. That document also identifies additional application requirements by reference to specific adopted regulations.

The project requires a grading permit. Accordingly, the required items for the grading permit application are identified on the “grading permit” line on the application checklist, and, as referenced in that checklist, in Chapter 10.68 of the County Ordinance Code (the Grading Regulations). The “criteria which the agency will apply in order to determine the completeness” of the grading permit application are set forth in the application checklist and Chapter 10.68.

2. Instructions for Next Steps.

At the time of your HAA Notice (August 20, 2026), the next steps were to submit the outstanding items for a complete application as detailed in the County’s August 13, 2026 letter. During the pendency of the HAA Notice period, on November 2, 2026, you submitted additional materials in furtherance of your application, including a grading permit application and associated fees. You stated that these have been submitted in response to the County’s emails and under protest. The County is currently reviewing your application submission and will inform you whether the materials submitted thus far constitute a complete application or whether required materials are missing on or before December 2, 2026, as required by the Permit Streamlining Act. Any further instructions for next steps will be communicated at that time.

Conclusion

The County has not deemed the application complete for an improper purpose such as to harass or to cause unnecessary delay or needless increases in the cost of the proposed housing development project. The County has merely determined that the application was incomplete as submitted because it did not contain the material required as set forth in the County’s Planning Permit Application Form and the referenced regulations.

We appreciate your latest submission of application materials and we look forward to working with you to continue processing your application. If you have any questions or further information that may influence this determination, we encourage you to contact the County for further discussion.

Sincerely,

Steve Monowitz
Director of Planning and Building