



**HILLSBOROUGH**  
*California*

April 1, 2019

Via Electronic Mail

Senator Jerry Hill  
1528 South El Camino Real, Suite 303  
San Mateo, CA 94402

Re: CASA Compact

Dear Senator Hill:

Thank you for the very productive Housing Roundtable meeting you coordinated on March 15, 2019, at the Redwood City Library. As we discussed, Hillsborough has long committed to providing housing choices to meet the needs of current residents and their families, along with those who provide important services to the community, such as teachers and public safety personnel. Specifically, the Town of Hillsborough's housing accomplishments are as follows:

- As of December 2018, Hillsborough already has issued permits for new housing units for nearly **90%** of the required Regional Housing Needs Allocation (RHNA) for the 2014-2022 Housing Element Cycle.
- Hosted a community meeting on "Housing and Our Future", which included presentations of housing resources (HIP Shared, Accessory Dwelling Units (ADUs) and 21 Elements programs).
- Was awarded a "Home For All Community Engagement Pilot Program" grant for our 2022 Housing Element.
- Adopted regulations allowing the processing of all ADUs as ministerial projects with objective design standards.
- Prohibited short term rentals in ADUs, accommodates amnesty and has waived public notification and fees for ADUs.
- Served as a founding participant in the "Home For All" program, facilitating the streamlined processing of ADUs.
- Has made information regarding fees, codes and standards publicly available with a special website for housing.
- Participated on San Mateo County's Steering Committee for regional housing efforts.
- Consistently completed Annual Progress Reports and received certification of Housing Elements.

These efforts are reflective of the CASA tenets and demonstrate success without the need for legislation, which would remove local authority and potentially preclude community solutions.

Senator Jerry Hill  
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In addition to the Town of Hillsborough's accomplishments, San Mateo County as a whole has made substantial strides, including narrowing the jobs/housing imbalance.

Hillsborough notes, as it did at the Housing Roundtable, the following concerns with CASA:

- Usurps local zoning standards.
- Lacks San Mateo County elected officials and/or staff representation on the development of the Compact.
- Emphasizes mandates rather than incentives.
- Tax implications to fund programs for California residents and businesses during times of pension and other economic challenges.
- Potential inequities in property tax allocations.

While each jurisdiction has its individual character, a point made by many at the Housing Roundtable, Hillsborough is unique as there are only a handful of communities in the State of California that have no commercial businesses whatsoever. Hillsborough has been successfully providing affordable housing availability in Town, while preserving the essential character of our community, and also working towards housing solutions beyond our boundaries. The CASA Compact attempts to address housing availability and opportunities with a generic approach, which jeopardizes the individuality and diversity of San Mateo County communities and beyond.

The jurisdictions in San Mateo County have historically established innovative solutions to housing issues. San Mateo County was the first in the state to create a sub-region for housing allocation through the Regional Housing Needs Allocation process. This example and others in Hillsborough and San Mateo County indicate that we can be successful in finding and implementing affordable housing efforts as a sub-region.

We strongly urge that there be a collaborative effort during any transition from the Compact to legislation. We all want to succeed in this critical effort. We welcome the opportunity to further discuss our comments in this letter and at the Housing Roundtable, including possible solutions such as public/private partnerships.

Sincerely,



Shawn M. Christianson, Mayor  
Town of Hillsborough





OFFICE OF THE MAYOR

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April 17, 2019

Senator Scott D. Wiener  
State Capitol, Room 5100  
Sacramento, CA 95814-4900

The City of San Mateo opposes SB 50 due to its one-size-fits all approach that disregards local conditions and usurps local land use decisions from our community. Specifically, the City of San Mateo takes exception to SB 50 because:

1. **It's not data driven** - SB 50 is based upon blanket statewide data about the absence of housing, without regard for the actual housing construction in a particular community. For example, the number of housing units in San Mateo has increased by **11% in just the last 3 years**, with more on the horizon. Further, **all but one** multi-family housing project submitted in the last 30 years has been approved. SB 50 also does not provide for any follow up monitoring to see whether it accomplished what it set out to do or to make any corrections, especially if there are untenable fiscal impacts upon our City as a result of unexpected burdens.
2. **San Mateo has been a leader in Transit-Oriented Development (TOD)** – The City of San Mateo was a leader in implementing a comprehensive Rail Corridor TOD. In 2005, it entitled the former racetrack (Bay Meadows) and today it is a world-class project that addresses many of the concerns and directives outlined in SB 50. SB 50 is punitive and unreasonable, especially for a city like San Mateo that has been a leader in housing development.
3. **It disregards local land use constraints** - Land use has historically been locally controlled because of physical constraints. In San Mateo, land has varying physical and topographical constraints such as inclines and water. SB 50 mandates heights and densities irrespective of the physical characteristics of land. In addition, the Peninsula, including San Mateo, has Open Space designations that constrain its ability to grow. We must maintain our ability to thoughtfully produce housing within the confines of our physical land constraints.
4. **It could actually exacerbate the issue** - Land value in upzoned areas, especially single-family areas, will become more valuable because of its development potential for multi-family housing. Often times, upzoning only increases speculation without increasing actual construction. Either way, it increases housing costs.

5. **It disregards the fiscal impact on cities** - San Mateo faces a number of significant financial issues, including an onerous and burdensome increase in pension costs and stagnant sales tax revenues, that put pressure on our ability to provide services. SB 50 fails to account for how our City will be able to subsidize the additional infrastructure and services required by the additional housing it contemplates.
6. **San Mateo has prioritized affordable housing** – In addition to inclusionary housing requirements, San Mateo has dedicated three separate parcels that it owns to affordable housing. These developments have produced (or will produce) a total of 352 units along the transit corridor and increase affordable rental housing units in San Mateo by approximately 35%.

And finally, California has a legally-required process for a City to establish its common destiny, which is the City's General Plan. San Mateo is in the midst of a comprehensive update of its General Plan to set its vision for what it will be in 2040. To that end, we are having extensive community discussions about the future of the City, including identifying the location of underutilized zones for additional housing.

The City of San Mateo acknowledges that there is a housing shortage in California, and we are committed to doing our part to solve this issue and increase the opportunity for the supply of housing. It is imperative, however, that we are able to do that thoughtfully at the local level to ensure that it is done with the entire San Mateo community in mind.

Respectfully,



Diane D. Papan, Mayor  
City of San Mateo

CITY OF SAN CARLOS  
OFFICE OF THE CITY MANAGER



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April 22, 2019

Senator Scott Wiener  
California State Capitol  
State Capitol, Room 5100  
Sacramento, CA 95814  
[senator.wiener@senate.ca.gov](mailto:senator.wiener@senate.ca.gov)

**RE: Impacts of SB 50 on the City of San Carlos**  
*Delivered Via Post and Electronic Mail*

Dear Senator Wiener:

This letter is being sent to you with the approval of the City Council. While we fully recognize the need and actively support the development of housing, we believe SB 50 as written will have dire consequences on some communities, including San Carlos. Ensuring that you have all of the facts about how this bill will impact our community and how you can modify the bill to have less of a negative impact on cities like ours is the purpose of this letter.

The City of San Carlos is a 5.5 square mile city comprised of 30,000 residents that has been working steadfastly to meet the housing needs of the community. In the current Housing Element Cycle, the City was allocated 596 units as part of the Regional Housing Needs Allocation ("RHNA") process to be completed by the end of 2023. To date, the City has:

- Approved 61% of this requirement;
- Is processing additional projects that will likely receive approval, which will result in 84% compliance of this requirement; and
- Is on target to wholly meet the total number of units allocated by the State by the end of the Cycle.

While the overall RHNA requirement will almost certainly be met, the City recognizes the difficulty of providing units allocated for lower incomes. The City is not a developer and does not have the capacity to build the units required under RHNA; however, it has the ability to zone land and provide incentives to catalyze the construction of those units. Our City has adequately zoned land for such opportunities and has undertaken several strategies to increase the number of below market rate ("BMR") units, these include:

- Established the availability of flexible development standards through Planned Development rezoning for affordable housing projects;

- Required parking reductions specific to affordable housing developments near transit;
- Conducted City-led public education and advocacy campaigns to increase community understanding of affordable housing as a need and general concept;
- Established an Inclusionary Zoning Ordinance mandating a 15% minimum BMR unit provision in market-rate multifamily developments;
- Relaxed Accessory Dwelling Unit standards to incentivize their production;
- Established a Commercial Linkage Fee to collect funds restricted to use by affordable housing projects; and
- Entered into active partnerships with affordable housing developers to increase the number of BMR units in the city. For example:
  - The City is currently processing a project that will be supported by \$5-\$7 million dollars of City funding for the redevelopment of a site in downtown San Carlos that will produce 24 units of 100% affordable studios for extremely low- to very-low income households.
  - The City is entering into a partnership to assemble land to contribute, along with several millions of affordable housing trust funds, to develop a 30-unit 100% affordable housing project aiming to provide larger, family units.

In sum, our small city of 30,000 residents has worked unwaveringly to stimulate the development of housing at all income levels.

### **Suggestions for SB 50**

SB 50 does not take into account the positive strides that the City of San Carlos has made over the years. Our City has made transit-oriented development a priority and has zoned sufficient land walkable to our major transportation nodes to ensure that our community housing needs are being met over our planning periods. Your proposed bill stands to upend the planning process and remove input from our community members. It is imperative that the voices of our residents be held tantamount to those of large urban centers that support your bill. This issue should not be addressed a one-size-fits-all solution. Please consider the following as you make amendments to your bill:

- Although SB 50 requires new development to conform to local BMR ordinances, developers are not interested in developing affordable housing. While cities can take the initiative to get workforce housing built, hundreds of smaller cities do not have the expertise or resources to do it. Those that do need more housing dollars and grants to be dedicated by the state for the construction of BMR housing. Can SB 50 include stronger language requiring a higher percentage minimum for BMR housing and identify funding to support its construction?
- The bill would create a distraction from the City's current efforts to produce affordable housing through partnerships with non-profit developers and through its inclusionary zoning

ordinance. SB 50 could change community opinion and turn supporters into adversaries effectively stunting the efforts of projects outside the SB 50 zones.

- The SB 50 proposal for housing being within a certain distance of our transit hub will have a detrimental impact on our well established single-family neighborhoods. Can an amendment be made to only include multi-family and mixed-use zones?
- Can an amendment be made to allow for height transitions between single-family homes and higher density housing?
- The provision of three incentives and concessions provides too great an opportunity for developers to deviate from a city's urban design best practices. The only burden of proof for a concession is for the builder to demonstrate a cost hardship. Many developers will use the least expensive and lowest quality materials. Once the building is sold the community has to bear the brunt of shoddy design. Can the number of concessions/incentives be reduced or removed or a higher burden be placed on the builder to push them to design attractive and high quality buildings?

Thank you for seriously considering the suggested changes to this bill.

Sincerely,

Jeff Maltbie  
City Manager



**CITY OF SAN BRUNO**

**CITY COUNCIL**

April 24, 2019

The Honorable Scott Wiener  
California State Senate  
State Capitol, Room 5100  
Sacramento, CA 95814-4900

RE: Statement of Concern with regard to SB 50 (Wiener) - Housing, Opportunity, Mobility, Equity, and Stability Act

Dear Senator Wiener:

The City of San Bruno would like to take an opportunity to notify you of the City's concerns on the proposed Senate Bill 50 as it relates to the City of San Bruno.

San Bruno is a suburban community with three freeways (101, I-280 and I-380), a high capacity bus route along El Camino Real, a BART station, and a Caltrain station. As such, San Bruno's development regulations are tailored to the various needs and characteristics of the community. Many neighborhoods, commercial areas, and other uses (schools, day cares, parks, medical offices, hospitals) are not within walking distance or accessible by transit. Access to transit is also constrained by the City's hilly topography. For example, there is an over 800-foot elevation change between the San Bruno Caltrain station and the farthest residential neighborhood to the west of the city. This requires that our development standards reflect the unique access challenges posed by the natural environment.

SB 50, as proposed, would allow a residential development eligible for an equitable communities incentive to receive waivers from local regulation such as: (1) maximum controls on density and minimum controls on automobile parking requirements; (2) up to 3 additional incentives or concessions under the Density Bonus Law; and (3) specified additional waivers if the residential development is located within a one-half mile radius of San Bruno's BART and Caltrain stations and within one-quarter mile radius of a transit stop on a "high quality transit corridor" which may include bus routes in San Bruno on major corridors such as El Camino Real.



San Bruno's specific concerns regarding SB 50 are as follows:

- **SB 50 disrespects local values and penalizes communities that have adopted thoughtful approaches to increasing housing supply**
  - The City of San Bruno is not a NIMBY community. San Bruno has adopted long-range planning documents including a General Plan and Specific Plans, as well as voter-approved ballot measures that allow dense residential development near transit stations.

San Bruno adopted a Transit Corridors Plan (TCP) in 2013 and the City voters approved Measure N in November 2014, which removed height and density barriers in a 155-acre area. The amended height restrictions allow an additional 40 feet and 4 stories (up to a maximum of 90 feet and 7 stories in some areas). In addition, the measure eliminated all density maximums for residential uses to allow for new dense housing development around transit centers –*which aligns to the core goal of SB 50.*

San Bruno's TCP provides a blueprint for the transformation of the City's downtown and adjacent nearby commercial corridors into a walkable, mixed-use district capitalizing on proximity and access to transit.

The TCP is an implementation measure for the City's "General Plan 2025", which was adopted in 2009. Extensive community engagement was made in the development of this plan and the ballot measure, including two advisory committees, resident surveys, community workshops, and numerous public meetings as well as Planning Commission and City Council study sessions. This meaningful, collaborative local process shows that San Bruno is a community that supports new residential growth near transit.

The TCP goals, policies, development standards and design guidelines are founded on a vision for the future articulated by the San Bruno community and stakeholders. This community vision aspires to an economically vital downtown which is an exciting destination for workers, residents and visitors; more dense mix of commercial and residential uses with high quality architecture to attract and sustain activities throughout the day and night; and a welcoming pedestrian oriented environment with new plazas and streetscape improvements. The overall goal is to facilitate new development that relies less on the automobile and promotes travel by transit, bicycling, and walking.

San Bruno's development regulations and our Transit Corridors Plan are tailored to the needs and character of the community, while simultaneously providing greater density along major bus routes and near the San Bruno BART and Caltrain stations. SB 50 disrespects these local standards and the lengthy community engagement processes that created them.

*We hope that you give consideration to modifying SB 50 to exempt localities that adopt Transit Corridor Plans, which increase height and density near transit centers, from any additional statewide requirements.* This modification will reward communities that have undergone thoughtful planning processes with their residents and businesses to accommodate housing growth.

- **SB 50 strips local control with respect to parking**

- While SB 50 attempts to preserve local control with respect to environmental review, local labor standards, local fees, community engagement processes and architectural review, it strips a local government's ability to determine the appropriate parking standards for their community. In San Bruno, parking is often the most contentious and problematic issue for neighboring residents when new development is proposed.

San Bruno's parking standards are important to ensure that new development does not create undue impacts on existing neighborhoods. The current version of SB 50 appears to prevent San Bruno from establishing minimum parking standards for projects within ¼ mile and ½ mile of our Caltrain station. This prohibition erodes the City's ability to regulate new developments and obtain mitigations for parking issues, which are ever-present today (and San Bruno is just in the early stages of build out and implementation of the Transit Corridors Plan).

Nearly all of the developable area for high density housing near San Bruno's transit centers borders low density residential neighborhoods. These neighborhoods are comprised of predominately single family homes and 2-6 unit apartment buildings (often 1-2 stories in height). Additionally, many of these existing neighborhoods have significant parking challenges. The City of San Bruno is currently undergoing an effort to explore solutions for a built environment from the mid-1900's that does not accommodate today's reality –in which transit is not an option for everyone and vehicle ownership rates are higher than the existing neighborhood streets and infrastructure can handle. This is the precise problem that should be avoided by SB 50. *The solution to increasing transit usage and reducing vehicle ownership does not begin by preventing cities from setting reasonable parking standards for today's reality in their existing neighborhoods.*

It is also important to note that the property owners and developers that approach cities to entitle and construct high density rental housing projects are frequently not long-term holders or operators of the properties. They are investors who may (and often) sell the project after it is entitled or upon completion of construction and occupancy. Given the significant demand for housing on the Peninsula, our community will be negatively impacted if new developments do not include sufficient parking. Without locally tailored parking regulations that can be waived/amended based on unique project by project circumstances, our community and others across the State will suffer.

SB 50 (Wiener) - Housing, Opportunity, Mobility, Equity, and Stability Act

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- **SB 50 erodes the ability of local governments to obtain design changes and community benefits to mitigate negative impacts**
  - At present, developers already receive incentives/concessions from local standards under the State Density Bonus Law when they provide land or build affordable housing, senior housing, or include specified levels of affordable childcare facilities within proposed projects. Additional waivers of local development standards will erode the ability of local legislative bodies to obtain design changes and community benefits that mitigate impacts of new high density housing projects on existing residents and surrounding neighborhoods. For example, San Bruno's standards with regard to set-backs from property lines and step-backs from low density residential dwellings (single family homes) are critical design elements that must be considered on a project-by-project basis. Allowing developers to waive these standards will negatively impact the health and well-being of existing neighborhoods.

In closing, San Bruno appreciates your willingness to meet with the C/CAG Legislative Committee and applauds your passion and willingness to tackle the housing crisis that is affecting Californians in the Bay Area and across the State. Unfortunately, as written, we cannot support the proposed legislation. In its current form, SB50 will harm San Bruno and other communities across the State. We strongly encourage you to consider the issues that we have raised in this letter and avoid penalizing localities that have adopted Transit Corridor Plans, which increase height and density near transit centers, from any new statewide requirements. San Bruno looks forward to working collaboratively with you and other State legislators on strategies and funding mechanisms to enhance public transit and housing further, in ways to ensure that local issues are thoughtfully considered and incorporated during the development process.

Sincerely,



**Rico E. Medina, Mayor**

*on behalf of the San Bruno City Council*

*Irene O'Connell, Vice-Mayor*

*Laura Davis*

*Marty Medina*

*Michael Salazar*

## **Draft Housing Legislation – Local Jurisdiction Responses**

(as of May 8, 2019)

### San Mateo – Letter of Opposition to SB50 dated April 17, 2019

- One-size-fits-all approach disregards local conditions and usurps local land use decision making
- SB50 is not driven by local data. Doesn't account for the amount of housing actually constructed (and on the horizon) in individual jurisdictions.
- San Mateo has long been a leader in TOD.
- No consideration for local physical constraints (ex. topography, water, open space designations)
- Upzoning land around transit will increase land costs without necessarily increasing housing production due to the effects of speculation
- Disregards the additional fiscal impact on cities – infrastructure and additional public services
- Doesn't recognize San Mateo's existing notable efforts to prioritize affordable housing production
- California already has a legally mandated process for every city to establish its housing policy and community vision – the General Plan – which allows extensive community input in how the goals are achieved locally.
- Individual communities need to be engaged in planning at the local level.

### San Carlos – Letter citing impacts of SB50 to the City dated April 22, 2019

- City has worked to diligently to address housing needs, and is on target to reach the total number of units identified by the RHNA by the end of the cycle
- City has implemented many strategies to facilitate/incentivize BMRs: flexible development strategies; parking reductions; public education campaigns; 15% inclusionary zoning reqs.; reduced ADU standards; commercial linkage fee; active partnerships with affordable housing developers.
- Bill would upend existing planning processes by removing input from community members
- Suggested consideration of the following as amendments are discussed:
  - Include a higher BMR% requirement, and identify state funding sources to support
  - State mandates such as this undermine current efforts to garner neighborhood support for additional affordable housing projects outside of the SB50 area by negatively impacting community opinion, turning supporters into adversaries
  - Long-established single family neighborhoods will be detrimentally impacted. Suggest limiting to multi-family and mixed use zones.
  - Bill should provide for height transitions between single family homes and high density housing.

- Required number of incentives and concessions undermines community desires for urban design best practices. Either reduce the number of incentives or otherwise rework to ensure quality design is not sacrificed.

San Bruno – Statement of Concern about SB50 dated April 24, 2019

- SB50 disrespects local values and penalizes communities that have adopted thoughtful approaches to increasing housing supply. City already has a Transit Corridor Plan, developed with in a meaningful, collaborative local process, to allow for dense housing development near transit stations. SB50 disrespects the local standards adopted through a lengthy community engagement process.
  - Recommend modifying legislation to exempt localities that adopt Transit Corridor Plans, which increase height and density near transit centers, from any additional statewide requirements.
- SB50 strips local control with respect to parking. The solution to increasing transit usage and reducing vehicle ownership does not begin by preventing cities from setting reasonable parking standards for today's reality in their existing neighborhoods.
- SB50 erodes the ability of local governments to obtain design changes and community benefits to mitigate negative impacts. Developers already receive incentives/concessions under State Density Bonus Law. Additional waivers will erode the ability of cities to obtain quality design and other community benefits that mitigate a project's impacts on the neighborhood.

Hillsborough – Letter on CASA Compact dated April 1, 2019

- Cites Hillborough's notable accomplishments: issued permits for ~90% of RHNA allocation for current cycle; hosted community meetings to educate about HIP shared housing, ADUs and other housing programs; relaxed ADU standards and prohibited use as short-term rentals;
- Based on these successful efforts, additional legislation (which would remove local control/community based solutions) is not needed for goals to be achieved
- San Mateo County as a whole has made substantial strides to narrow the jobs/housing imbalance
- Concerns with CASA:
  - Usurps local zoning standards
  - No San Mateo County involvement on Compact committees
  - Emphasis on sticks rather than carrots
  - Reliance on new taxes
  - Potential inequities in property tax allocations
  - Generic approach jeopardizes the individuality and diversity of California cities