

# City of San Mateo

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## Housing Element

of the General Plan  
5<sup>th</sup> Cycle Planning Period (2015-2023)

*Adopted by the City Council on January 5, 2015  
Amended on April 6, 2015 per Resolution No. 36 (2015)*

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# Chapter IV – Housing

## A. INTRODUCTION

The Housing Element serves to identify significant problems and resources associated with the provision of housing in the City of San Mateo. It provides policy direction in meeting the housing needs of the City, both in terms of preservation of existing housing stock and in establishing priorities for new construction.

## B. SAN MATEO'S HOUSING OBJECTIVES

Although San Mateo has many attributes, it is first and foremost a desirable residential community. The City's first major objective is to maintain the character and physical quality of existing residential neighborhoods. Neighborhoods should be protected from drastic changes in character, from the intrusion of excessive traffic and noise, from physical deterioration and from new development that is out of scale with the neighborhood.

The second major housing objective is to maintain a diversity of housing opportunities. There should be a variety of housing types and sizes, a mixture of rental and ownership housing, and a full range of housing costs. This variety of housing opportunities will accommodate a diverse population, leading to a variety of household sizes, all age groups and a wide range of income levels.

Third, San Mateo will need to increase its housing supply to meet the housing demand caused by future job growth. The types of new housing created should accommodate the income levels associated with new employment in the City.

### City of San Mateo Housing Objectives

1. Maintain the character and physical quality of existing residential neighborhoods.
2. Maintain a diversity of housing opportunities.
3. Increase its housing supply to meet the housing demand caused by future job growth.

## C. BACKGROUND INFORMATION

San Mateo's housing conditions and needs are reflective of many regional and national trends. Changes in household characteristics, such as a higher divorce rate and the trend towards later marriages, have resulted in more single parent households and single person households. These changes, plus strong employment growth and a lack of available land, have created great housing demand and have caused housing prices to increase beyond the level of affordability of most households.

### COMMUNITY DEMOGRAPHICS

#### Population

The City of San Mateo has gone from a period of strong population growth in the 1960s to a decline in population in the 1970s, and a return to increased growth in the 1980s and 1990s. Within the City, total population increased from 69,870 in 1960 to 78,991 in 1970 (a 13% growth rate), declined to 77,561 in 1980 (a 1.8% reduction), and increased to 85,790 in 1990 (a 10.6% increase). The population grew an additional 7.8% between 1990 and 2000, to 92,482 people. According to the 2010 Census, the population grew another 5.1%, bringing the total population to 97,207.

During the period 1990 to 2000, the total number of housing units in the City of San Mateo rose from 37,719 to 38,249, representing only a 1.4% increase. By 2010, the number of units had increased 4.6% in ten years, to 40,014 units. The disparity in the increase of total number of population and number of housing units has resulted in the increase in number of persons per unit from 2.27 in 1990 to 2.42

#### Housing Element Definitions

**Housing Affordability:** The generally accepted measure for determining whether a person can afford housing means spending no more than 30% of one's gross house hold income on housing costs, including principal, interest, property taxes and insurance. For example, a school-teacher earning \$37,000 per year can afford \$925 per month for housing. A police officer earning \$64,000 can afford monthly payments up to \$1,600. Households paying more than 30% of their income on housing are considered "overpaying households" by the US Census.

**Median Household Income:** The middle point at which half of the City's households earn more and half earn less. The 2014 median income for a family of four in San Mateo is \$103,000.

**Income Limits:** Income limits are updated annually by the US Department of Housing and Urban Development (HUD) for the San Francisco/San Mateo/Marin County area. For many State and local programs, State Department of Housing and Community Development (HCD) income eligibility limits are used. HCD income limits regulations are similar to those used by HUD. The most recent HCD income limits can be accessed online at <http://www.hcd.ca.gov>. Income limits for this Housing Element are:

- **Extremely Low Income Households:** Households earning less than 30% of the median household income.
- **Very Low Income Households:** Households earning 30-50% of the median household income.
- **Low Income Households:** Households earning 50%-80% of the median income.
- **Median Income Households:** Households earning 100% of the median income.
- **Moderate Income Households:** Households earning up to 120% of the median house hold income.

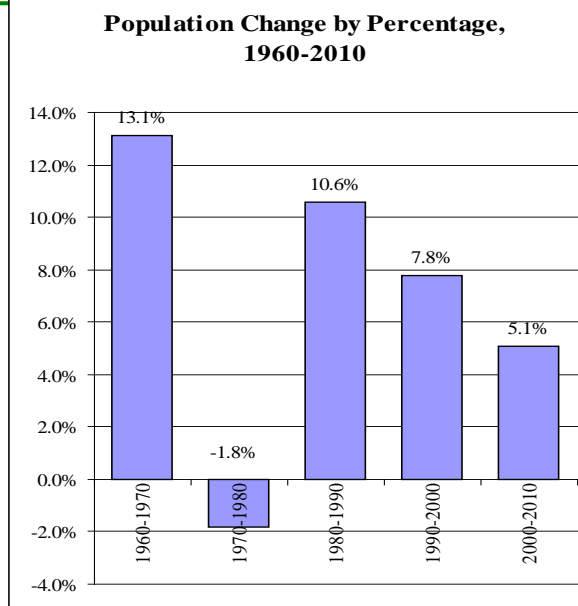
**Persons per Household:** Average number of persons living in each household.

**Senior Housing:** Defined by California Housing Element law as projects developed for, and put to use as, housing for senior citizens. Senior citizens are defined as persons 65 years of age or more.

in 2000. In 2010, this figure was 2.43 persons per unit.

### Age Distribution

A significant trend found in the data is the overall "aging" of the City's population. The following table shows that, since 2000, there have been substantial increases in the population both between the ages of 45 and 64, and in the 85+ categories. Although the age groups between 25 and 44 showed significant reductions over the last ten years, a new surge in those aged 45 to 64 has occurred during this time period. Those over the age of 85 also increased significantly. The overall aging of the population can be seen by the change in median age, from 38 in 2000 to 39 in 2010. By 2017, it is expected that over 35% of San Mateo's population will be age 50 or older.



Changes in Age Distribution, 2000-2010

Age Cohort	2000		2010		% Change 2000-2010
	#	%	#	%	
0-9	11,054	12.0%	12,149	12.5%	9.9%
10-19	9,469	10.2%	9,921	10.2%	4.8%
20-24	5,007	5.4%	5,099	5.2%	1.8%
25-34	16,387	17.7%	15,113	15.5%	-7.8%
35-44	16,089	17.4%	15,659	16.1%	-2.7%
45-54	12,671	13.7%	14,244	14.7%	12.4%
55-64	7,873	8.5%	11,042	11.4%	40.3%
65-74	6,190	6.7%	6,490	6.7%	4.8%
75-84	5,398	5.8%	4,636	4.8%	-14.1%
85+	2,344	2.5%	2,854	2.9%	21.8%
<b>TOTAL</b>	<b>92,482</b>	<b>100.0%</b>	<b>97,207</b>	<b>100.0%</b>	<b>5.1%</b>

Source: US Census, 2000, 2010

### Racial/Ethnic Composition

Increasing racial and ethnic integration has occurred since the 1960s, with the percentage of minorities increasing from 6% in 1960, 17% in 1980, and 32% in 1990. By 2000, the percentage had increased to almost 44%. In 2010, the percentage of population identified as Hispanic or Latino increased to 26.6%, versus 20.5% in 2000. In addition, Asians represented 18.9% of the population in 2010, whereas this figure was just 14.9% in 2000. Most interestingly, the percentage of those who identified as "other" jumped from 0.4% of the population in 2000, to 12.6% in 2010.

### Race/Ethnicity, 2010

Race/Ethnicity	Number	Percentage of Total
Hispanic/Latino	25,815	26.6%
Not Hispanic/Latino	71,392	73.4%
One Race/Ethnicity	91,661	94.3%
White	56,214	57.8%
Black/African-American	2,296	2.4%
Native American	505	0.5%
Asian	18,384	18.9%
Native Hawaiian/Other Pacific Islander	1,998	2.1%
Other	12,264	12.6%
Two or More Races/Ethnicities	5,546	5.7%
<b>TOTAL</b>	<b>97,207</b>	<b>100.0%</b>

Source: US Census, 2010

Although Whites still make up the majority of the population (about 58%), the proportion of minorities is increasing, with Asians and Pacific Islanders together now accounting for approximately 21% of the population.

### Households

Significant changes have occurred in household composition during the past four decades. Household size declined from 3.20 to 2.41 persons per household from 1960 to 1990. Census data from 2000 showed this figure rising to 2.48 persons per household, whereas in 2010 the State Department of Finance shows this figure increasing to 2.51. The 2010 Census shows that there are 38,233 households, an increase of 2.3% since 2000.

### Income

Typical incomes in San Mateo are higher than the rest of the Bay Area. In 1970 the mean household income was \$14,703. This nearly doubled to \$30,108 in 1980, and increased to \$58,934 in 1995. According to the California Department of Community Development, the median family income (MFI) for the San Mateo County Metropolitan Statistical Area for 2013 is \$103,000 for a family of four. This income figure is lower than the Santa Clara median income of \$105,500, but is the same as San Francisco's.

Although San Mateo is considered an affluent community, the City has its share of low- and moderate-income households. The State and federal governments define "lower-income" households as those earning less than 80% of the countywide median income level, and "moderate-income" as earning between 80% and 120% of the county median. These definitions are used to determine eligibility for housing subsidies and to measure the extent of housing affordability problems. The table below illustrates the number of households in each income category.

2013 Median Family Income: \$103,000

Number of Persons In Household	Income Category				
	Extremely Low Income (30% MFI*)	Very Low Income (50% MFI)	Low Income (80% MFI)	Median Income (100% MFI)	Moderate Income (120% MFI)
1	\$23,750	\$39,600	\$63,350	\$72,100	\$86,500
2	\$27,150	\$45,250	\$72,400	\$82,400	\$98,900
3	\$30,550	\$50,900	\$81,450	\$92,700	\$111,250
4	\$33,950	\$56,550	\$90,500	\$103,000	\$123,600
5	\$36,650	\$61,050	\$97,700	\$111,250	\$133,500
6	\$39,400	\$65,600	\$104,950	\$119,500	\$143,400
7	\$42,100	\$70,100	\$112,200	\$127,700	\$153,250
8	\$44,800	\$74,650	\$119,450	\$135,950	\$163,150

Source: CA Department of Housing and Community Development, 2013. \*MFI = Median Family Income

The following table shows that the percentage of extremely low- and very-low income households has increased nearly 24% since 2000, whereas the percentage of households with low incomes and greater has declined. Although these are significant changes, overall the representation of lower-income households within the community as a whole has changed little since 2000.

#### Households by Income Category, 2000-2010 (est.)

Income Category	2000		2010		Change Since 2000
	Number of Households	Percentage of Total	Number of Households	Percentage of Total	
Extremely Low Income	3,647	9.8%	4,330	11.5%	18.7%
Very Low Income	3,563	9.6%	3,740	9.9%	5.0%
Low Income	7,108	19.1%	6,745	17.9%	-5.1%
MOD Income + Above	22,935	61.6%	22,895	60.7%	-0.2%
<b>TOTAL</b>	<b>37,253</b>	<b>100.0%</b>	<b>37,710</b>	<b>100.0%</b>	<b>1.2%</b>

Source: US Census, 2010; American Community Survey, 2011

#### Poverty Level

In 2010 the number of persons below the poverty level, as defined by the US Census Bureau<sup>1</sup> made up 3.6% of the total population – a drop of about three percentage points since 2006. Children appear to be disproportionately impacted by poverty; the poverty rate for children under the age of 18 is 6.1%. Families with a female householder are even more at risk; in 2010, 16.3% of those families were below the poverty level. Nationally, poverty rate is 10.5% for all persons.

<sup>1</sup>The US census established the poverty level by poverty thresholds, which are reviewed annually according to changes in the cost of living. The average poverty threshold for a family of four persons was \$22,314 in 2010, and is adjusted based on the number of persons in a family. Poverty thresholds are applied on a national basis and are not adjusted for regional, state or local variation in the cost of living.

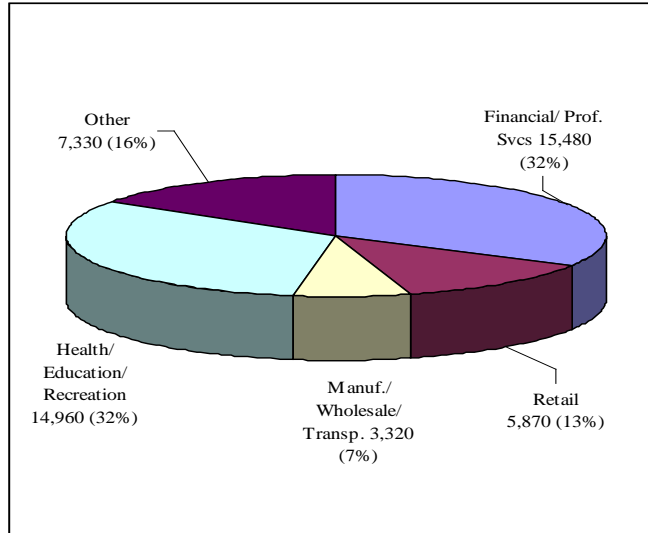


### Employment and Jobs per Employed Person Ratio

The level of employment in a community, and on a subregional level such as the San Francisco Peninsula, has a significant effect on housing demand. Although many factors affect the choice of housing location, it is desirable to have a balance between the number of jobs and the number of employed residents, particularly on a subregional level.

In 2000, ABAG reported that well more than half of the jobs within San Mateo and its sphere of influence were in the health, education, financial and professional services sectors. By 2010, that figure had increased to 65% (see chart at right). Manufacturing jobs continue to represent a relatively small portion of the City's work force, at only 7% of the total jobs.

In the City of San Mateo, the jobs/employed person ratio in 2010 was nearly balanced, with an employment level of 46,960 jobs and a labor force of employed residents, representing 1.03 jobs per employed resident, as indicated by ABAG. From this information, one can infer that the jobs-housing ratio is relatively in balance.



## D. HOUSING SUPPLY AND NEEDS

### HOUSING SUPPLY AND TYPE

The City of San Mateo's housing stock has been increasing, but at a declining rate since the 1960s due to the lack of vacant land. During the period 1980 to 1990, the total number of housing units in the City of San Mateo rose from 37,010 to 37,719, representing only a 1.9% change. By 2000, the number of units had increased just 1.4% in ten years, to 38,249 units. The State Department of Finance estimates that the housing stock has increased an additional 860 units (2007), to 39,109 units.

#### Housing Types, 2010

Total	Single Family	Multifamily		Mobile Homes
		2-4 Units	5+ Units	
40,014	22,245	2,479	15,237	56
	55.6%	6.2%	38.1%	0.1%

Source: CA Department of Finance, 2010

Single-family dwellings have historically dominated San Mateo's housing stock, but this is changing. Vacant land for new single-family development has become

very limited, and redevelopment of sites for multi-family housing at higher densities has increased. The trend towards multi-family housing also reflects the increasing need for housing at all levels of affordability, as well as the high costs of single-family homes. The proportion of single-family versus multi-family housing has decreased from 78% in 1960 to about 56% in 2010, according to DOF.

San Mateo changed from an owner-dominated housing market in the 1960s (two-thirds owner occupied) to a renter-dominated market in the 1970s due to increases in apartment construction. During the 1980s, condominium construction and the conversion of apartments to condominiums reversed this trend, with the proportion of homeowners and renters now at approximately 52% and 48%, respectively.

Vacancy rates provide a quantifiable measurement of housing supply and demand. A vacancy rate of 5 or 6% is considered to reflect a well-balanced housing market, where those seeking housing have adequate choices and building owners have sufficient demand. Vacancy rates in San Mateo have increased since 2000 to 5.6% in 2010. DOF estimates that vacancy rates in January 2013 at 4.5%.

### Housing Stock Inventory, 2010

Category	Total	Vacancy Rate
Total Year-Round Housing	40,014	
Total Occupied Units	38,233	
Total Vacant Units	1,781	4.5%
For rent	694	1.7%
Rented, not occupied	53	0.1%
For sale only	295	0.7%
Sold, not occupied	69	0.2%
For seasonal, recreational, or occasional use	231	0.6%
Other vacant	439	1.1%

Source: US Census, 2010

Looking at vacancy rates by the type of units available, however, shows a different picture of the overall housing market in the City. While there was a 4.7% overall vacancy rate in San Mateo in 2010, the vacancy rate for available rental units was just 1.7%, and less than 1% for for-sale housing. This highlights the difficulty that home-seekers have in finding suitable housing within San Mateo.

## HOUSING AFFORDABILITY

The cost of housing in the Bay Area has risen dramatically in the past years, making it difficult for lower income people to find housing that is affordable to them. The National Association of Homebuilders reports that California cities have the lowest homeowner affordability rates in the country, defined as the percentage of homes affordable to the median income family. Despite the high median incomes, especially in the Bay Area, few can afford the cost to purchase a home. The San Francisco MSA, of which San Mateo is a part, was the least affordable area nationally in the first quarter of 2013, ranking 222nd of 222 MSAs studied. The following table illustrates these rankings for selected MSAs in California. In this region, only 16.6% of homes are affordable to families earning the median income. However, this is an improvement over the last quarter of 2007, when only 7.9% of homes in the region were affordable to the median income.

### Housing Affordability Index, Selected California MSAs, First Quarter 2013

	Share of Homes Affordable for Median Income	Median Family Income (000s)	Median Sales Price (000s)	National Affordability Rank
San Francisco-San Mateo-Redwood City, CA	28.9%	102.0	675	222
Santa Ana-Anaheim-Irvine, CA	35.8%	84.5	497	220
Santa Cruz-Watsonville, CA	37.1%	73.8	426	219
Los Angeles-Long Beach-Glendale, CA	39.9%	64.2	351	218
San Jose-Sunnyvale-Santa Clara, CA	43.3%	101.3	550	217
San Diego-Carlsbad-San Marcos, CA	46.6%	72.3	360	214
Santa Rosa-Petaluma, CA	54.0%	74.9	341	208
Oakland-Fremont-Hayward, CA	65.8%	92.6	339	198

Source: National Association of Homebuilders, 2013

## Ownership Housing

Since 1960, property values have risen astronomically, with median prices increasing from \$19,200 in 1960 to \$344,300 in 1990 to almost \$540,000 in 2000. Beginning in 2007, however, the City saw significant declines in housing prices, consistent with the national mortgage crisis. This trend is just now beginning to reverse. The following table illustrates the current status of the ownership market.

Comparison of Housing Data, 2005-2012

	Single Family				Condominiums			
	San Mateo	% Change from Prior Year	County	% Change from Prior Year	San Mateo	% Change from Prior Year	County	% Change from Prior Year
2005	\$1,147,174	NA	\$939,148	NA	\$600,950	NA	\$586,432	NA
2006	\$1,130,877	-1.4%	\$961,170	2.3%	\$575,000	-4.3%	\$625,140	6.6%
2007	\$1,195,644	5.7%	\$935,536	-2.7%	\$597,072	3.8%	\$600,432	-4.0%
2008	\$996,863	-16.6%	\$865,512	-7.5%	\$518,940	-13.1%	\$554,364	-7.7%
2009	\$884,462	-11.3%	\$749,304	-13.4%	\$446,040	-14.0%	\$465,696	-16.0%
2010	\$922,848	4.3%	\$762,910	1.8%	\$390,550	-12.4%	\$449,507	-3.5%
2011	\$831,349	-9.9%	\$691,439	-9.4%	\$354,063	-9.3%	\$390,576	-13.1%
2012	\$877,677	5.6%	\$660,944	-4.4%	\$409,050	15.5%	\$360,065	-7.8%

Source: San Mateo County Association of Realtors, based on actual sales of each year.

Note: Adjusted for inflation to 2013 dollars

The difference in the inflation of home values and household income levels has resulted in a critical housing affordability gap in for sales housing. The affordability gap is expected to continue as employment in the lower paying service sectors of the economy becomes more dominant. The following table shows that only moderate-income households of four persons would have enough income to afford the median-priced condo. All other households will find a significant affordability gap.

## Ability to Pay for For-Sale Housing, 2013

	Annual Income	Maximum Affordable Home Price	Median Priced SF Detached Home	Affordability Gap for SF Home	Median Priced Townhouse or Condo	Affordability Gap for Condo
<b>Single Person</b>						
Extremely Low Income	\$23,750	\$97,114	\$877,677	-\$780,563	\$409,050	-\$311,936
Very Low Income	\$39,600	\$161,925	\$877,677	-\$715,752	\$409,050	-\$247,125
Low Income	\$63,350	\$259,039	\$877,677	-\$618,638	\$409,050	-\$150,011
Median Income	\$72,100	\$294,818	\$877,677	-\$582,859	\$409,050	-\$114,232
Moderate Income	\$86,500	\$353,699	\$877,677	-\$523,978	\$409,050	-\$55,351
<b>Four Person</b>						
Extremely Low Income	\$33,950	\$138,822	\$877,677	-\$738,855	\$409,050	-\$270,228
Very Low Income	\$56,550	\$231,233	\$877,677	-\$646,444	\$409,050	-\$177,817
Low Income	\$90,500	\$347,655	\$877,677	-\$530,022	\$409,050	-\$61,395
Median Income	\$103,000	\$370,055	\$877,677	-\$507,622	\$409,050	-\$38,995
Moderate Income	\$123,600	\$505,402	\$877,677	-\$372,275	\$409,050	\$96,352

Source: Baird + Driskell Community Planning; San Mateo County Association of Realtors; [www.hsh.com/calc-howmuch.html](http://www.hsh.com/calc-howmuch.html)  
 Note: Maximum Affordable House Price is based on the following assumptions: 4.5% interest rate; 30-year fixed loan; 50% Yearly Salary as Down Payment; 1% property tax; PMI; .5% insurance rate; and no other monthly payments/debt.

## Rental Housing

The high demand for housing has also affected the rental market over the last few years such that there is a growing affordability gap for rental housing as well. According to RealFacts, a data provider for housing statistics, for the quarter ending March 2013, the average market rent in the County for a one-bedroom was \$2,005 and \$2,398 for a two bedroom. This reflected a 24% and 31% increase since 2010, respectively.

## Average Rents, 2005-2013

	Studio		1 BR 1 Bath		2 BR 1 Bath		3 BR 2 Bath	
	Price	Percent Increase	Price	Percent Increase	Price	Percent Increase	Price	Percent Increase
2005	\$1,134	x	\$1,565	x	\$1,753	x	\$3,271	x
2006	\$1,176	4%	\$1,616	3%	\$1,878	7%	\$3,296	1%
2007	\$1,301	11%	\$1,738	8%	\$2,020	8%	\$3,441	4%
2008	\$1,301	0%	\$1,758	1%	\$2,048	1%	\$3,620	5%
2009	\$1,253	-4%	\$1,651	-6%	\$1,890	-8%	\$3,286	-9%
2010	\$1,226	-2%	\$1,621	-2%	\$1,828	-3%	\$3,334	1%
2011	\$1,301	6%	\$1,785	10%	\$2,027	11%	\$3,496	5%
2012	\$1,414	9%	\$1,977	11%	\$2,246	11%	\$3,831	10%
2013	\$1,500	6%	\$2,005	1%	\$2,398	7%	\$3,955	3%

Source: RealFacts Annual Trends Report, based on reporting from large apartment complexes  
 Note: Adjusted for inflation to 2013 dollars

Fair Market Rents (FMRs) are estimates, prepared by the US Department of Housing and Urban Development, of the rent plus utilities that would be required to rent privately owned, decent, safe, and sanitary rental housing of a modest nature with suitable amenities. The calculation of FMRs is based on information from the 2010 Census, housing surveys, and the CPI for housing. The rent figures do not necessarily reflect current asking rents, but rather the upper limits of rents that can be used in the negotiations for Section 8 contracts and other similar rent subsidy programs. The difference between FMRs and market rents illustrates the ongoing problem of the need for increased housing subsidies. In addition, FMRs tend to lag behind actual market trends by a year or sometimes more. As the gap between HUD FMRs and rents in the County widen, there are fewer and fewer landlords who will accept Section 8 vouchers and certificates.

Actual market rents are often significantly higher than HUD's Fair Market Rents. RealFacts tracks the rental prices in various communities based on surveys of apartment buildings with 50 or more units. The following table illustrates the gap between actual rents, "Fair Market Rents" and with rents defined as "affordable." Affordability, for the purposes of this report, is generally defined as housing where an occupant pays no more than 30% of gross income for rent, including utility costs. The following table shows that the only one category of lower-income households can afford actual market rate rents (shaded yellow in the table below). All other household types would require some assistance to afford market-rate housing in San Mateo.

RealFacts and Fair Market Rents versus Affordable Rents, 2013

Unit Size	RealFacts Rents	Fair Market Rent	Affordable Rents for ELI	As a Percent of RealFacts Rents	Affordable Rents for VLI	As a Percent of RealFacts Rents	Affordable Rents for LI	As a Percent of RealFacts Rents
0 BR	\$1,500	\$1,093	\$594	40%	\$990	66%	\$1,584	106%
1 BR	\$2,005	\$1,423	\$679	34%	\$1,131	56%	\$1,810	90%
2 BR	\$2,398	\$1,795	\$764	32%	\$1,273	53%	\$2,036	85%
3 BR	\$3,955	\$2,438	\$849	21%	\$1,414	36%	\$2,263	57%

Source: RealFacts, 2013; HUD, 2013.

## HOUSING CONDITION

In determining the condition of the existing housing stock and the need for its preservation and improvement, the 2010 Census information is not sufficient, because the Census defines unsound buildings as those without plumbing or without kitchens. The Census therefore does not provide the level of specificity needed to accurately gauge the housing rehabilitation needs of the community.

ABAG notes that the number of substandard units can be estimated from a field survey or sampling, from knowledgeable builders, from nonprofit housing organizations or redevelopment agencies. An estimate of the maximum number of units needing rehabilitation can also be derived from other Census measures such as percentage of units built before 1940.

Approximately 90% of the housing units in San Mateo are over twenty years old, and more than 50% were built before 1960. Similar to the rise in property values, the cost of housing maintenance also increased in the 1980s and onward. As housing structures grow older so does the demand for regular maintenance. Property maintenance, however, is often deferred as residents are frequently unable to afford the rising cost.

### Age of Housing Stock and Estimate of Units Needing Rehabilitation or Replacement, 2010

	Number of Units	Percent of Total	Units Needing Rehab, Percent	Units Needing Rehab, Total
Built 2005 or later	470	1.2%		
Built 2000 to 2004	1,618	4.1%		
Built 1990 to 1999	1,817	4.6%	0.5%	9
Built 1980 to 1989	3,775	9.5%	1%	38
Built 1970 to 1979	5,660	14.3%	3%	170
Built 1960 to 1969	6,284	15.8%	5%	314
Built 1950 to 1959	9,732	24.5%	10%	973
Built 1940 to 1949	5,760	14.5%	20%	1,152
Built 1939 or earlier	4,559	11.5%	30%	1,368
	<b>39,675</b>	<b>100.0%</b>		<b>4,024</b>
				<b>Total Units Needing Rehab</b>
			10.1%	Percentage of Total Units
			99.5%	4,004 Units that Can Be Repaired
			0.5%	20 Units that Must Be Replaced

Source: Data units by age from the US Census Bureau's American Community Survey (ACS); projections by the City of San Mateo

Most units in the City are in good condition and are not considered to be in substandard condition. The city defines a "Substandard Housing Condition" as any dwelling unit which includes but is not limited to the following conditions: Lacks structurally sound foundations, walls, roofs or porches, in need of a new roof or exterior paint, and in need of dry-rot repairs. Those considered to be in substandard condition are located primarily in Central, North Central, Central Business District, Shoreview, and North Shoreview neighborhoods. A "drive-by" survey of the North Central and Shoreview neighborhoods conducted by Housing staff in the Spring of 2014 indicated approximately 900 homes may be in need of rehabilitation.

## UNITS AT RISK OF CONVERSION TO MARKET RATE

State law requires that each city provide analysis and programs for preserving existing affordable multi-family rental housing units that were developed with public subsidies. Units at risk of conversion are those units in which the restrictions, agreements or contracts to maintain the affordability of the units expire or are otherwise terminated. At expiration, units may revert to market rate, rendering them no longer affordable to the people living in them. Loss of affordability can occur at the termination of bond funding, the expiration of density bonuses, and other similar local programs.

The potential loss of existing affordable housing units is an important issue to the City due to displacement of lower-income tenants and the limited alternative housing for such persons. It is typically less expensive to preserve the affordability of these units than to subsidize construction of new affordable units due to the inflation of land and construction costs which has occurred since the original development of the affordable housing projects.

### Project-Based Section 8

**Flores Gardens** has 72 one-bedroom senior units. The project was built with federal 221(d)(4) financing and affordability is maintained through Section 8 project based assistance. The building was constructed over a City owned parking lot via a lease of the “air rights” of the property. The owner of this building had the right to prepay its loan and opt out of the Section 8 program in 2003. However the owner elected to refinance with HUD to preserve the affordability of this building in 2005. The City amended its lease agreement to coincide with the refinance and therefore new affordability restrictions are now in place until the year 2035. . Of particular note is that while there are 72 one-bedroom units, the actual total number of residents vary as each unit may house up to two individuals. Staff verified that a total of 89 residents occupied the property in 2014,

**The Belmont Building** – Opened in 1994, offers six one-bedroom apartments for single persons in Downtown San Mateo. The units were converted from underutilized office space to housing using CDBG and Redevelopment Agency Housing Set-Aside funds. Affordability will be maintained through a forty-year rent-regulatory agreement and Section 8 assistance through the year 2032.

**Edgewater Isle Senior Apartments** – Completed in 1986 and refinanced in 1997, this 92-unit rental development is occupied exclusively by very low- and low-income seniors. The development is the recipient of loans from the San Mateo Redevelopment Agency and the California Housing Finance Agency (CHFA) with affordability restrictions in place until 2048, with an option to renew for an additional 50 years after that. All the low-income tenants in this complex receive Section 8 assistance. This assistance both provides lower rents for the tenants, and helps provide funds for the maintenance of the apartment units.



**200 S. Delaware** – In November 1999, the City entered into an agreement with the nonprofit organization Human Investment Project (HIP Housing) to acquire and conduct minor rehabilitation on the 16-unit apartment building at 200 S. Delaware. The City contributed \$391,600 in RDA Housing Set-Aside funds and \$774,000 in HOME funds to ensure the affordability of all 16 units until 2049. HIP Housing has secured Section 8 assistance for all 16 of the units in the project.

### Tenant-Based Section 8

As of May 2014, the City of San Mateo had the second highest number of households using Section 8 vouchers with 709 disbursed throughout the City, or 16% of the total 4,394 households receiving rental subsidy in San Mateo County.

### Assisted Rental Housing

The following table contains an inventory of assisted rental projects and other rental units that are affordable and the expiration dates of their affordability. The following table contains an inventory of assisted rental projects and other rental units that are affordable and the expiration dates of their affordability. There are two projects with affordability restriction due to expire in the next Housing Element cycle.

**Park Towers.** Now known as Lesley Towers, it was built in 1963 with a HUD Section 202 loan for low income seniors. The loan will be paid in full and the rent restrictions will expire in 2015. The property is owned and operating by Lesley Senior Communities (LSC), a non-profit whose mission is providing affordable senior rentals. In December 2013 LSC was awarded a HUD Senior Project Rental Assistance Contract which will provide Section 8 rental assistance to the project that will ensure ongoing affordability. It will also provide increased cash flow to the building that will be utilized for extensive capital improvements, which are scheduled to begin in 2014.

**Humboldt House.** This is an apartment building that provides 9 units of supportive housing for the mentally ill owned and operated by Mateo Lodge, a nonprofit corporation. In 2000 Mateo Lodge purchased and renovated the building with funding assistance from both the County and City of San Mateo. The City provided \$500,000 which has been accruing 3% interest annually. The loan and regulatory agreements expire in 2020, but both documents have provisions to extend the loan repayment and rental restrictions for an additional 20 years at the City's discretion. The property owner has a very good track record in operating and maintaining the building and it is expected that both parties will want to extend the agreements.

## City of San Mateo Housing Element

### City of San Mateo Assisted Rental Housing

Project & Year Completed	Type of Development	Total Units	Total Aff. Units	30% AMI	50% AMI	65% AMI	80% AMI	120% AMI	Affordability Expiration	Owner	Financial Assistance
Pilgrim Plaza 1961	Senior Rental New Const.	56	56				56		2055	NP	HUD Section 202 Elderly Program
Lesley Towers 1965	Senior Rental New Const.	200	200		200				2015	NP	HUD Section 202 Elderly Program
Flores Gardens 1984	Senior Rental New Const.	72	72				72		2035	Private	HUD Sec 221 (d)(4)
Rotary Haciendas 1988-89	Senior Rental New Const.	82	82		81		1		2044	NP	Bought land w/RDA ; LIHTC
Belmont Bldg. 1993-94	Family Rental Conversion	6	6		6				2032	Private	CDBG Loan; RDA Loan
12 N. Idaho 1994	Family Rental Acq./Rehab	6	6		1	4	1		2034	NP	RDA; HOME ; SM Co. HOME
Darcy Bldg. 1995	Family Rental Conversion	8	8		8				2034	NP	RDA Loan; HOME Loan; SM Co Hsg Authority
106 N. Eldorado 1996	Family Rental Acq./Rehab	6	6		1	4	1		2036	NP	HOME Loan
Hotel St. Matthew 1996	SRO Acq./Rehab	56	56		56				2051	NP	HOME Loan; RDA Loan; LIHTC
Edgewater Isle 1998	Senior Rental Acq./Rehab	92	92		25	66		1	2048 Renewal option for add'l 50	NP	HOME Loan; RDA Loan; CalHFA Loan
Bridgepointe Condominiums 1999	Family Rental New Construct	396	59		24			35	2027	Private	BMR units
200 S. Delaware 1999	Family Rental Acq./Rehab	16	16	2	2		5	7	2049	NP	RDA Loan; HOME Loan
Humboldt House 2000	Supportive Hsg. Rehab	9	9		9				2020 Renewal option for add'l 20	NP	RDA Loan; HOME Loan

## City of San Mateo Housing Element

### City of San Mateo Assisted Rental Housing (cont.)

Project & Year Completed	Type of Development	Total Units	Total Aff. Units	30% AMI	50% AMI	65% AMI	80% AMI	120% AMI	Affordability Expiration	Owner	Financial Assistance
Jefferson at the Bay 2001-02	Family Rental New Construct	575	58				58		Life of property	Private	BMR units
Santa Inez Apt. 2001	Family Rental New Construct	44	44	0	42	2			2055	Private	RDA Loan , LIHTC
11 S. Delaware 2002	Family Rental Acq./Rehab	11	11	5	6				2034	NP	HOME Loan, SM Co HOME Loan
Chamberlain 2003	Family Rental New Construct	21	2				2		Life of property	Private	BMR units
The Metropolitan 2003	Family Rental New Construct	218	22		18	4			Life of property	Private	BMR units
CSM Teacher Housing 2005	Family Rental New Construct	44	4				4		Life of property	NP	BMR units
Nazareth Plaza 2005	Family Rental New Construct	54	5				5		Life of property	Private	BMR units
Rotary Floritas 2005	Senior Rental New Const.	50	50		49			1	2060	NP	RDA Loan, SM Co. HOME Loan ; LIHTC
Fountain Glen 2007	Senior Rental New Const.	135	14				14		Life of property	Private	BMR units
The Vendome 2009	Supportive Hsg. Acq./Rehab	16	16		16				2063	NP	RDA, HOME, SM Co CDBG Loans
Peninsula Station 2010	Family Rental New Const.	68	67	21	32	14			2065	NP	RDA, HOME and SM Co. CDBG Loans, LIHTC
Delaware Place 2013	Family Rental New Const.	60	59	10	49				2068	NP	RDA, HOME and SM Co. CDBG Loans, LIHTC, MHSA
<b>Totals</b>		<b>2,305</b>	<b>1,024</b>	<b>38</b>	<b>625</b>	<b>94</b>	<b>219</b>	<b>44</b>			

### Assisted Ownership Housing

The following table summarizes the City's supply of assisted ownership housing. On the list are three City sponsored developments and five developer sponsored projects, which have set aside affordable ownership units in compliance with the City's Below Market Rate Ordinance. These ownership units make up one component of the City's First Time Homebuyer Program. In order to be eligible for these properties, residents need to be on the City's First Time Buyer waiting list, which is currently quite long due to the tight rental market; as of May 2014, there are approximately 300 households on the list. Units in the Meadow Court and Gateway Commons projects could potentially lose their affordability if sold to the open market, but the City has the first right of refusal when homeowners sell and works to maintain the units in the First Time Buyer Program.

#### City of San Mateo Assisted Ownership Housing

Project & Year Completed	Total Units	Total Aff. Units	30% AMI	50% AMI	65% AMI	80% AMI	120% AMI	Affordability Expiration	Financial Assistance
Meadow Court 1987-88	78	70					70	30-40 years/ rolls over with each new buyer	Bought land w/ CDBG; CalHFA mortgages for buyers
Gateway Commons 1989	96	93				16	77	30-40 years/ rolls over with each new buyer	Bought land w/ CDBG & RDA; CalHFA mortgages for buyers
Summerhill I 1996	54	6					6	30 years/ rolls over with each new buyer	BMR units
Summerhill II 1997	70	6					6	30 years/ rolls over with each new buyer	BMR units
Rushmore Townhomes 1998	13	1					1	30 years/ rolls over with each new buyer	BMR units
Humboldt Square 1998	26	8					8	30 years/ rolls over with each new buyer	RDA write down of land
St. Matthews Place 2000	34	5		2			3	30 years/ rolls over with each new buyer	BMR units
Ryland Homes 2001	153	15					15	30 years/ rolls over with each new buyer	BMR units
The Madrid 2000	13	1				1		30 years/ rolls over with each new buyer	BMR units
Norfolk 2002	57	7		5			2	30 years/ rolls over with each new buyer	BMR units
Bay Meadows Mix Use 2003	19	2					2	30 years/ rolls over with each new buyer	BMR units
Classic Communities 2003	25	3					3	30 years/ rolls over with each new buyer	BMR units
Grant St Condos 2003	17	2				2		30 years/ rolls over with each new buyer	BMR units

## City of San Mateo Housing Element

Project & Year Completed	Total Units	Total Aff. Units	30% AMI	50% AMI	65% AMI	80% AMI	120% AMI	Affordability Expiration	Financial Assistance
Baywood Place 2005	17	2					2	30 years/ rolls over with each new buyer	BMR units
Palm Residences 2007	19	2					2	45 years/ rolls over with each new buyer	BMR units
Stonegate 2007	45	9					9	45 years/ rolls over with each new buyer	BMR units
Park Bayshore 2008	21	2					2	45 years/ rolls over with each new buyer	BMR units
The Versailles 2008	61	6				1	5	45 years/ rolls over with each new buyer	BMR units
Claremont Townhomes 2010	18	2					2	45 years/ rolls over with each new buyer	BMR units
Arbor Rose 2012-2013	74	7					7	45 years/ rolls over with each new buyer	BMR units
<b>Totals</b>	<b>910</b>	<b>249</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>20</b>	<b>222</b>		

**BMR units** = Below Market Rate Program

**RDA units** = Redevelopment Agency-funded

## HOUSING NEEDS

The purpose of this section is to discuss the needs for housing assistance separately for various income groups by tenure type (renter/owner) and for different family categories (large/small families, seniors). This section also discusses the extent to which housing problems affect very low-, low- and moderate-income renters and owners when compared to the jurisdiction as a whole; and to what extent any racial or ethnic group has disproportionately a greater need for housing assistance based on income category, family type, or tenure type when compared to housing needs for the jurisdiction as a whole. Data for this section has been provided by HUD and is generally based on the 2000 and 2010 US Census. For the purposes of this report, the definitions listed in the side bar shall apply.

The 2010 Census records San Mateo as having 38,233 total occupied households; 19,969 (52%) owner occupied housing units and 18,264 (48%) renter occupied units. American Community Survey data (2009-2011) indicate that 2,849 (7.5%) of all housing units in San Mateo were overcrowded with greater than 1.01 persons per room, of which 916 (2.4%) have greater than 1.51 persons per room. Renters tend to have higher rates of overcrowding, both in the City and the County as a whole.

## HOUSING DEFINITIONS

As defined by US Census Bureau or HUD

**Cost Burden:** The extent to which gross housing costs, including utility costs, exceed 30% of gross income, based on data published by the US Census Bureau. **Severe cost burden** is the extent to which gross housing costs including utility costs, exceed 50% of gross income.

**Overcrowding:** Housing units are considered "overcrowded" when there is more than one person per room, discounting bathrooms, porches, utility rooms, unfinished attics, basements etc.

**Housing Problem:** A household having one or more of the following housing problems: (1) housing units with physical defects such as lacking a complete kitchen or bathroom; (2) overcrowded conditions; (3) housing cost burden (exceeding 30% of gross income), or severe housing cost burden (exceeding 50% of gross income).

**Small Related Households:** A household of 2 to 4 persons that includes at least one person related to the householder by birth marriage, or adoption. Single parent households are included in small related households.

**Large Related Households:** A household of 5 or more persons that includes at least one person related to the householder.

**Other Households:** Other households include single persons living alone, as well as small and large households where there are no related persons.

**Elderly/Senior Household:** For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

### Overcrowded Households

		Occupied Homes		Percent	
		San Mateo	San Mateo	County	State
Owner	Not overcrowded	19,664	97%	96%	96%
	Overcrowded	433	2.1%	3%	3%
	Extremely overcrowded	160	0.8%	1%	1%
Renter	Not overcrowded	15,484	87%	86%	86%
	Overcrowded	1,500	8.5%	8%	8%
	Extremely overcrowded	756	4.3%	5%	6%

Source: 2009-2011 American Community Survey

Note: 0-1 people per room is not overcrowded, 1-1.5 people per room is overcrowded, more than 1.5 people per room is extremely overcrowded

**Large Related Households:** Large related households, particularly those that rent, may require housing assistance due to increased household expenses and the need for larger living quarters that typically carry higher rents. Since most of these families must compete for the limited amount of larger units (3 + bedrooms) many, especially those with small children, may experience overcrowding by occupying households with fewer rooms. Data from the Comprehensive Housing Affordability survey (2006-2010), indicate that about 9% of all households were large related households; 1,610 are renter households, with 1,385 (86%) of these reporting problems.

## City of San Mateo Housing Element

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Small Related Households: Data suggests that small related households experience housing problem at a slightly less, but proportionally significant level. Small related renter households headed by single parents may also require housing assistance. According to the American Community Survey (2007-2011), about 16% of female-headed households with children live below the poverty line and who likely pay more than 30% of their income on housing costs, or have some other kind of housing problem.

Senior Households: Senior households, particularly renters, may require special housing assistance when compared to other family, age and tenure groups in the City. Many of these renters live on limited incomes and in substandard rental housing. According to the 2011 American Community Survey, 7% of all senior households are living below the poverty level, and an additional 25% earn less than \$30,000 per year.

Disabled Households: The only data available for these households is number of households within each category. Considering other available data, it would be expected that cost burden represents a large portion of the type of housing problems, but lacking such data, the specific types of housing problems will not be discussed for this report. There are an estimated 7,892 persons with some kind of disability in San Mateo, representing about 8% of the population.

### Housing Needs for Extremely Low and Very Low-Income Households

Extremely Low Income (ELI) households earn 30 percent of the area median income or less. In San Mateo County this amounts to an annual income of \$33,950 or below for a family of four. Many ELI households live in rental housing and most likely facing overpayment, overcrowding or substandard housing conditions. Some ELI households are recipients of public assistance such as social security insurance or disability insurance. Housing types available and suitable for ELI households include affordable rentals, secondary dwelling units, emergency shelters, supportive housing and transitional housing.

In 2010, there were 4,330 ELI households in San Mateo according to 2010 CHAS data. More than half of these households live in rental units, representing a much higher percentage of renters than in San Mateo's general population. Most of San Mateo's ELI households face some kind of housing problem — 90 percent of all ELI renter households and 77 percent of ELI owner households face problems with either overcrowding, overpayment, and/or lack complete kitchen or plumbing facilities.

### Housing Needs for Extremely Low-Income Households

Household Category	Renter Households	Owner Households	Total Households
Total households any income	16,970	20,735	37,705
Total ELI households	2,760	1,570	4,330
ELI households with housing problems	90%	77%	86%
ELI households with cost burden (paying 30% or more of income)	88%	77%	84%
ELI households with cost burden (paying 50% or more of income)	77%	61%	71%
Source: HUD Comprehensive Housing Affordability Strategy (2006-2010)			

In contrast to ELI, very low-income households (VLI) are defined by HUD as those households whose incomes do not exceed 50% of the median income. Data on both these groups will be combined because the needs of these groups are virtually the same. In addition, much of the data available on lower-income housing groups is provided in aggregation. However, this Housing Element does include a section specifically addressing data on the ELI income group in compliance with State law.

### Renters

ELI/VLI renters are usually subject to the worst housing conditions and have the greatest need for rental assistance. High rents in San Mateo not only place a severe housing cost burden on families in this income category but create a situation which leads to overcrowding as families double up to pay higher rents. ELI/VLI renters typically occupy substandard units which are often small and subject to overcrowding. These units are placed under a particular burden and most are in need of housing rehabilitation.

Housing Problem: Data provided by HUD indicates that an estimated 81% of all ELI households, reported a housing problem. The most severe housing problem associated with this group includes having a severe cost burden.

Cost Burden: In San Mateo, 90% of VLI renters pay over 50% of their gross income toward rent. Households with high cost burden demonstrate the greatest need for rental assistance or rental subsidies. Elderly, small, large and other household types all demonstrate a great need for rent subsidies and as such cannot be separated or classified as a priority group for rental assistance.

Overcrowding: Based on field experience of City housing and code enforcement staff, it is likely that the number of overcrowded living situations is under reported by the Census. Although it is not possible to quantify, code enforcement officers routinely encounter living situations where people sleep 2-3 persons per room as well as garages, sheds, basements and campers. These living situations consist of large extended families, or large groups of single persons, usually male, who share the rent. With the high cost of housing in this



area, dangerous overcrowding remains a significant problem and is a priority for code enforcement cases.

### Owners

As a group, ELI/VLI owners have fewer housing problems than renters, yet they have significantly higher percentage of housing problems as whole, which is almost entirely due to housing costs. Since it is nearly impossible for an extremely low or very low-income household to purchase a lower priced home in San Mateo's market, it is safe to assume most VLI owners have owned their property for some time. Past studies have shown that 78% of owners with incomes below poverty level live in homes over 35 years old, and 46% with homes older than 50 years. Home repair and maintenance costs are a significant burden for this income group. According to CHAS data (2006-2010), there are approximately 4,570 ELI/VLI homeowners.

Housing Problem: HUD data indicates that 61% of all ELI/VLI homeowners reported a housing problem in San Mateo. This percentage is higher than the general owner population, 55% of which reported a housing problem.

Cost Burden: Of the ELI/VLI homeowners reporting housing problems, 17% had a cost burden between 30% and 50%, whereas 61% of those households reported a housing cost burden of over 50% of income. This is significantly higher than owners reporting housing problems as a whole.

### Specific Housing Needs for Extremely Low-Income Households

Of the 4,055 ELI households, more than 54% of them are seniors. Of all ELI owners, 73% are seniors. This clearly illustrates the income problem that seniors often have. And, as could be expected, ELI senior households have high rates of housing problems, especially cost burdens. Additionally, although precise statistics are not available, anecdotal information suggests that large ELI households also experience a significant amount of overcrowding, as families try to double up to save costs.

### Housing Needs for Low-Income Households

Low-income households (LI) are defined by HUD as those households whose incomes fall between 51 to 80% of the median income. Approximately 18% or 6,745 of all households in San Mateo are considered to be low-income. Renters constituted 3,507 (52%) and owners constitute 3,238 (48%) of all LI households.

### Renters

The greatest housing need identified for moderate-income household renters is for those suffering from a cost burden, especially when one considers the limited number of affordable housing units available to this income group.

Housing Problem: HUD data indicates about 70% of all LI renters reported a housing problem. Cost burden data for LI renters seems to indicate that most housing problems for this group are due primarily to the high price of housing that requires a greater portion of household income to be devoted to rent.

Cost Burden: Cost burden data provided by HUD indicates that 56% of all LI renters reported a cost burden. Elderly, small, large and other households types do not demonstrate a greater cost burden when compared to LI households as a whole and therefore do not warrant specific targeting for subsidies or rental assistance.

## Owners

Housing rehabilitation appears to be an important need for those LI owners reporting a housing problem and cost burden. In many instances minor repairs can lower energy bills and other maintenance costs for homeowners reporting a cost burden.

Housing Problem: Out of the all LI homeowners, more than 50% reported a housing problem. This is somewhat higher than the 34% reported for all City homeowners.

Cost Burden: For LI homeowners the cost burden greater than 30% for is not significantly different than that for LI renters with 56% of all LI homeowners reporting as having a cost burden.

## Housing Needs for Moderate Income Households

Moderate-income households (MOD) are defined as those whose incomes are 80% to 120% of HUD's adjusted median family income. Renters and owners consisted about 50% each of the total number of households, or 2,125 households in each category.

## Renters

Housing needs identified for middle-income renters are primarily due to cost and affordability of rental units. As with lower income renters cost burden is an issue but to a lesser degree when considering the flexibility and price ranges available to this income group.

Housing Problem: Housing problems were reported for 24% of all MOD renters. However housing problems reported for this income group is 54-67% lower when compared to VLI and LI renters and is most likely associated with cost burden as opposed to overcrowding or substandard housing, with one exception for large family households.

Cost Burden: Cost burden was reported for 11% of all MOD renters with only 1% reporting a severe cost burden. When compared to VLI and LI renter households reporting a cost and severe cost burden this group fared far better than both.

### Owners

As with LI households, housing rehabilitation assistance can be an effective way to lower the cost of housing maintenance and utilities and somewhat improve the cost burden for many middle-income homeowners reporting overpaying for housing costs and utilities.

Housing Problem: Housing problems were reported for 25% of all MOD homeowners. Housing problems reported for this income group are not significantly different for all households reporting a housing problem and is not a specific housing issue for this income group.

Cost Burden: The majority, 22%, of these homeowners reporting a housing problem also reported a cost burden with only 4% percent reporting a severe cost burden. Cost burden does not appear to be as significant of a problem for owners in this income group as it does for VLI and LI homeowners.

### NEEDS OF HOMELESS PERSONS AND FAMILIES

The following is a discussion of a numerical estimate and description of sheltered and unsheltered homeless persons. The City incorporates both recent and previous data and studies from other government agencies, educational institutions and service providers to better examine the nature and extent of homelessness in the City. The City of San Mateo participated in the development of the *HOPE: Ending Homelessness in San Mateo County 10-Year Plan to End Homelessness* published in March 2006 (HOPE Plan) and continues to serve on the HOPE Inter-Agency Council (IAC). The City also serves on the Continuum of Care Steering Committee and as a reviewer for the annual HUD Continuum of Care NOFA grant application.

#### Homelessness Defined

The City concurs with the definition of "homeless" as presented in the HOPE Plan, which states:

"People who are "homeless" include those who are living in the street, cars, and other places not meant for people to live, and also people living in emergency shelters and transitional housing."

Additionally, the HOPE Plan further defines people who are "at risk of homelessness" as:

"Those who have housing but are at acute risk of losing their housing because they earn 30% of Area Median Income (AMI) or below and pay more than 50% of their income for rent."

### Homeless Population

In support of the HOPE Plan strategy to develop new methodologies to gather data relating to homelessness, in 2007 San Mateo County implemented a new methodology for the requisite bi-annual one-day homeless census. This methodology provided for a more thorough one-day street enumeration process and a survey of homeless individuals documenting various demographic data, characteristics and needs of homeless individuals and families. This process, combined with a refinement of the Homeless Management and

Information Strategies (HMIS) System that collects data from service providers serving homeless populations, provides a more detailed set of collected data that will provide important information for all stakeholders to continue to develop and implement strategies to better meet the needs of the community. Even with these improved methodologies, the HOPE Plan acknowledges the difficulty in collecting accurate data in that the counts often overlook those in hidden places, such as those who living in cars or are doubled up with friends or family, and those who are “situationally” homeless as a result of financial or other crisis.

The 2013 Homeless Census and Survey found there were, overall, 11% more unsheltered homeless people in the County in January than there were two years ago. The 2013 Census counted 1,299 people living on the streets, in vehicles or in encampments. Another 982 people were sheltered.

#### County Homeless Population Location, 2013

	2007	2013	Change
On the Street	29%	15%	-41%
In Car, R.V., or Encampment	24%	41%	90%
In Emergency Shelter	14%	11%	-18%
In Motel with Motel Voucher	5%	1%	-73%
In Transitional Housing	15%	19%	41%
In Institution	13%	12%	7%
Total:	2,064	2,281	217

Source: 2013 San Mateo County Homeless Census and Survey, 2011 San Mateo County Homeless Census and Survey, 2009 San Mateo County Homeless Census and Survey, prepared by the San Mateo Human Services Agency, Center on Homelessness

Looking more closely at the data from the one-day count, the City of San Mateo had a total of 285 sheltered and unsheltered homeless, reflecting 12.5% of the total homeless population countywide – less than the 15.4% the City experienced in 2007. This number includes 103 unsheltered homeless, or 7.9% of the total percentage of unsheltered homeless population countywide.

Although detailed data were not provided for the City alone (because of the small survey response rate), Countywide data from 2013 gives a helpful glimpse at the issues facing homeless people. The results of the 2013 unsheltered homeless survey indicated that the typical unsheltered homeless person in San Mateo County is a single man with at least one disability. Of those surveyed, 94% were single adults or adults living with other adults, 71% were men, and 80% had at least one disability. The most commonly cited disabilities were alcohol or drug problems (72%), physical disability (52%), chronic health problems (47%), and mental illness (37%). This data was consistent with the results from the 2011 survey, though all categories of disability showed small increases.

The population of sheltered homeless people looks somewhat different than the unsheltered population. While this population is still predominantly single and male, there is a greater representation of families. Of the homeless adults living in shelters, transitional housing and institutional settings, 21% are in families with children, compared to only 6% of the unsheltered adults. Sheltered adults were 60% male and 40% female. Levels of disability are also somewhat lower among the sheltered population compared to the unsheltered population: only 10% reported having a mental illness and 8% chronic substance use.

The racial and ethnic composition of the unsheltered homeless population was 60% White, 19% Latino, 13% Black or African-American, and 10% other races and ethnicities. This data reveals that some groups are over- or under-represented among homeless people in San Mateo County. African Americans represent only 3% of the total County population, yet are 13% of the homeless population. Many of the African Americans in San Mateo County live in the south county communities of East Palo Alto and Redwood City, which, as noted earlier, have a disproportional number of homeless people. Latinos are 25% of the total population but only 19% of the homeless people surveyed.

Of the unsheltered homeless people counted, 11% were Veterans (having either served in the US Armed Forces and/or in the National Guard or as Reservists). This represented a decrease from 2011 when 13% of unsheltered homeless people were veterans, and may reflect increases in the availability of housing resources for this population since ending veteran homelessness has been made a key priority both locally and at the federal level. Among the sheltered people counted in the HMIS system, 24% were veterans, compared to only 10% in 2011. This reflects the addition of a number of shelter and transitional housing beds funded by the VA to the sheltered count, rather than an expansion in the number of sheltered homeless veterans.

A very high proportion of unsheltered homeless people in San Mateo County have been homeless repeatedly and/or for long periods of time. The survey found that 65% were “chronically” homeless, meaning that they were disabled and had been homeless for longer than 12 months or for 4 times in the past 3 years. This represented an increase from 2011, when only 46% were chronically homeless. The rise in chronic homeless is likely due to the same factors that have contributed to the overall increase in homelessness: high unemployment, rising rents and lack of affordable housing.

The typical homeless person has strong connections to San Mateo County. Of those who responded to the survey, 87% reported that they were living in San Mateo County at the time they became homeless and 69% indicated that their hometown was in San Mateo County. The following table summarizes demographic characteristics of the County’s homeless population in 2013.

## Demographics of the Homeless Population, San Mateo County, 2013

	Unsheltered Homeless	Sheltered Homeless
Single Adult or Living w/Another Adult	94%	79%
Family	6%	21%
Male	71%	60%
Female	29%	40%
White	60%	x
Latino	19%	x
African American	13%	x
Other Races	10%	x
Non-Veteran	89%	76%
Veteran	11%	24%
Alcohol / Drug Problems	72%	8%
Physical Disability	52%	x
Chronic Health Problem	47%	x
Mental Illness	37%	10%

Source: 2013 San Mateo County Homeless Census and Survey, prepared by the San Mateo Human Services Agency, Center on Homelessness. May not total 100% due to rounding

## Needs of Homeless Subpopulations

The following information in this section for homeless sub-populations are derived from the San Mateo County HOPE Plan, the San Mateo County Human Service Agency Continuum of Care, Healthy Community Collaborative of San Mateo County 2008 Community Assessment, as well as other resources as noted. It should be noted that most data provided are based on a surveys of homeless persons and service providers in San Mateo County as well as goals and achievements noted by the Continuum of Care and other organizations. While it is unlikely San Mateo County Human Service Agency's statistical profile accurately represents the City's, it does give a general description of the likely characteristics of the City's homeless population which can be used for discussion and comparative purposes.

According to the National Low Income Housing Coalition's "Out of Reach 2013", San Mateo County has risen from the nation's fourth least affordable counties to third, tied with San Francisco and behind Honolulu and Nantucket County, MA. The report indicates that the hourly wage needed for housing for a two bedroom rental would be \$34.52, or about \$72,000 annually. However, with the California State minimum wage at \$8.00 (just 23% needed to rent two bedrooms), there persists a substantial income gap for many of our City's most needy families.

## Need for Transitional Shelter Space for Families

In many homeless families the head of the family may lack job skills necessary to qualify for a job that pays enough to support the family, especially given the high cost of housing in San Mateo County. Longer-term transitional housing and job training are needed by many

of these homeless parents. Those who do not have satisfactory job skills or work experience often suffer from medical conditions or other problems that limit their ability to work and require special medical care or counseling. Children of these families also need an array of services, including proper nutrition, health care, education, counseling and a stable living environment.

As in prior years, the enumerators counted very few unsheltered homeless families with children. Of the 180 family households counted in 2013, 115 (64%) were living in shelters, 64 (36%) were in cars or RVs, and only 1 (<1%) was observed on the street. The very low numbers of unsheltered homeless families on the street reflects the County's ongoing commitment to preventing family homelessness and its investment in programs targeting families with children, such as the Motel Voucher Program, Inclement Weather Voucher Program, and homeless prevention programs operated by the Core Service Agency Network.

The 2013 data on homeless families is consistent with the experience of San Mateo County service providers who observe that homeless families with children rarely live on the streets and are much more likely to reside in shelters or cars. Many families with children also live in places that do not meet the HUD standard of homelessness (i.e. they are living temporarily with friends or families) yet they are very precariously housed. See the section on "Hidden Homelessness," below for more details.

The relative percentages of homeless households with children versus those without children increased slightly from 2011 to 2013. In 2011, 8% of all homeless households counted (both sheltered and unsheltered) were families with children compared to 10% in 2009.

According to the Healthy Community Collaborative of San Mateo County 2008 Community Assessment the community perception of the availability of local homeless programs and shelters was 64.3% as "Fair/Poor", 26.3% as "Good" and 9.4% as "Excellent/Very Good," all reflecting a significant improvement from both 2001 and 2004. The primary provider of shelter for homeless families in this area is InnVision Shelter Network (IVSN), which serves both San Mateo and Santa Clara Counties. IVSN operates First Step for Families in San Mateo which provides interim shelter and services for 39 families. This provides both short-term housing for up to 60 days and one-bedroom transitional housing apartments for an additional 4 months. In addition to providing shelter, there is free on-site day care for resident children as well as other job development and case management resources. First Step has helped 610 families move to permanent housing since opening its doors 10 years ago. IVSN operates 11 interim shelters in both counties and assists an average of 240 families each year.

Although the resources available to these families have increased, there still remains a need for more. According to respondents to the Healthy Community Collaborative of San Mateo County 2008 Community Assessment survey, 6.4% of adults had to live with friends or family due to housing emergencies. There were 22 families counted that were housed through emergency shelters and voucher programs in locations other than Shelter



Network's facilities. According to the Sustainable San Mateo County 2008 Indicators Report, in fiscal year 2006-07, Shelter Network served 850 homeless families and 638 homeless adults totaling 3,506 individuals, 1,571 of which were children. The number of shelter beds nights provided increased 16% from 2005-06. In fall 2008, the need was exacerbated with the foreclosure and economic crisis. Shelter Network reported that their waiting list at First Step for Families increased to over 100 families waiting for emergency and transitional shelter as a result, this more than doubled the number of families on the waitlist in November 2007. This reflects the continued need for more transitional housing for families.

### Need of Homeless Who Are Mentally Ill

The passage of the Mental Health Services Act, Proposition 63, in November 2004 has created a much needed ongoing revenue resource for a wide variety of mental health services. As a requisite to the receipt of these State funds, San Mateo County is primarily completed with an extensive community planning procedure that developed an MHSA Plan for use of these funds they are calling "Transforming the System."

One of the core visions of the process included housing in this statement: "The Mental Health Partnerships with county and community based agencies to address the psychological, spiritual, health, social, and housing needs of people with serious emotional disturbances/mental illness." This effort will include an extensive network of other County departments such as those in various aspects of health, ageing, disabilities, and criminal justice, as well as nonprofit service providers, community organizations, consumers and their families and business and labor organizations.

For the unsheltered population, it is noted above that the commonly cited disabilities included alcohol or drug problems (72%) and mental illness (37%). This data was consistent with the results from the 2011 survey. It is clear that the homeless mentally ill need medical care, mental health, and drug and alcohol counseling services in addition to emergency, transitional, and permanent housing. Affordable apartments and single room occupancy hotel type housing are important elements to retaining stable long-term housing.

Providing onsite services at a housing location has been proven to be a more efficient and effective way of providing services to this population. The Mental Health Association of San Mateo County continues to be a leader in providing supportive housing for those with mental illness with their 25 unit supportive housing units at Belmont Apartments. . The first MHSA Housing project in partnership with MHA for the 15-unit Cedar Streets Apartments in Redwood City, has recently made the units available for application.

### Needs of Homeless with Substance Abuse

Substance abuse is one of the major causes of homeless, and it is also a major factor that keeps homeless persons in a condition of homelessness. In the 2013 Census and Survey, 72% of the unsheltered indicated alcohol or drug use as being a disabling condition. High unemployment levels among those with alcohol and drug issues make it clear that these persons would have a hard time obtaining and retaining housing without assistance.



Substance abuse presents a complex problem for service providers because most services and available housing are not designed to address drug and/or alcohol addiction. The need for increased treatment programs and sober housing is critical to meet these person's housing needs. The Safe Harbor Shelter, operated by Samaritan House, provides 90 beds of emergency shelter for adult individuals with substance abuse counseling available onsite.

### Need of Homeless Fleeing from Domestic Violence

Many studies document domestic violence as a major cause for homelessness. Those suffering from domestic violence are in need of longer-term transitional housing that can provide the safe, specialized and essential support services needed to help those overcome their battering experiences and move on to permanent housing. Transitional housing should also provide childcare, job training and development, counseling and other support services to rebuild client's lives. CORA, Community Overcoming Relationship Abuse, is the only domestic violence provider within San Mateo County and operates an emergency shelter in San Mateo.

According to in 2008 Community Assessment, there were 2,704 domestic violence-related calls for assistance in San Mateo County in 2005. This reflected a decline of 14% in the number of calls since 1998, with 2005 being the lowest year. A total of 555 arrests were made in 2005, down 27% from the record high of 759 in 1997. The 2013 survey data on domestic violence was consistent with 2011: in both years 16% of respondents indicated they had been victims of domestic or partner violence.

### Needs of Homeless Youth

According to Youth and Family Enrichment Services, a service provider group serving youth and families, there is an ever growing number of homeless youth ages 16-21, who have no means of support and are not wards of the State or on probation. The group points out that more than 400 teens each night in San Mateo County are generally lost in the County's system of services. According to the 2013 Homeless Survey, there were nine households counted, consisting of only unaccompanied homeless youth under the age of 18.

Without early intervention many of them will encounter the underground of economies of drugs and prostitution. There are currently three shelters in the County specifically for these homeless youth. The County has increased its focus on providing housing for emancipated foster youth and other transition age homeless youth. The City and County should continue to stay informed of this growing trend and encouraged to provide emergency and transitional housing assistance and specialized counseling for youth.

### Needs of Homeless with AIDS

The National Commission on AIDS reported in 2007 that roughly 1/3 of all people infected with AIDS is either homeless or in eminent danger of becoming homeless. According to

the National Coalition for the Homeless, up to 50% of person living with HIV/AIDS are expected to need housing assistance of some kind during their lifetimes.

The 2013 Homeless Survey indicated about 2% of the survey respondents had HIV or AIDS. Overall Countywide HIV statistics show that total reported cases of infection increased in 2011 (the most recent year for which data are available), compared to the previous 4 years. However, these numbers are still relatively small – only 83 people were reported as newly infected in 2011, compared to 222 in 1992. Of the 83 cases in 2011, 90% were in men. It is

Cumulative Prevalence of Reported Living HIV Cases by Residential Zip Code, San Mateo County, 2011



not known if this increase represents an increase in transmission. An increase was seen in Asian/Pacific Islander cases, comprising 28% of the 83 newly identified HIV cases in 2011 in the county. Approximately one third of newly identified HIV cases in 2011 reported an unspecified means of transmission. The highest rates are seen in zip codes 94005, 94401, and 94063. The high rate seen in Pescadero (zip code 94074) is due to low population in that zip code.

ELLIPSE is a service group located in San Mateo which provides emotional, financial and basic needs support for people with AIDS and HIV. With advanced drug treatments, persons with HIV/AIDS have shown a growth in those living longer with the disease at a

cumulative 900+ persons in San Mateo County in 2011. This points to the long term need for housing for those living with this disease.

### [Needs of Persons Threatened with Homelessness](#)

In San Mateo there is an extensive sub-population which is threatened by homelessness. One of the groups most at risk of becoming homeless is very low-income households (<50% AMI) whose housing cost burden is greater than 50 percent of gross income. To a lesser extent, low-income households (<80% AMI) who also pay more than 50 percent of income towards housing are at risk of becoming homeless. Emergency rent assistance and transitional programs are important resources for keeping persons in their homes, especially since the cost of getting back into housing is much higher than the cost of preventing homelessness.

Others who are at risk of becoming homeless are persons in overcrowded housing situations, victims of domestic violence and persons in tenuous employment situations. The needs of overcrowded households are extensive and include the risk homelessness. The housing need of victims of domestic violence is for additional shelters, or increased occupancy capacity for those in operation in order to accommodate all persons desiring to leave dangerous living situations.

## City of San Mateo Housing Element

Below is a table which roughly estimates the number of persons in the City of San Mateo who are at risk of becoming homeless based primarily on census data, data tables provided by HUD, and nonprofit agency estimates:

### Households at Risk of Becoming Homeless

Category	Households at Risk
Extremely and Very Low-Income, With Cost Burden Over 50% of Income	6,415
Low-Income, With Cost Burden Over 50% of Income	1,980
Extremely Overcrowded Households	660
Victims of Domestic Violence	100
Other	50

### Addressing Homelessness Issues

Combining data from 2013, 2011 and 2009, planners, policymakers and service providers have a wealth of data available as they work to expand and improve the system of housing and services for homeless people. The following are some strategies and approaches that have been and will continue to be the highest priorities.

#### Continuing Areas of Focus

The following strategies are already being implemented and will continue in the coming year:

- Addressing the lack of housing affordability by continuing to create supportive and affordable housing for homeless people and those at-risk of homelessness;
- Continuing to develop specialized outreach to homeless veterans and linking them to available housing resources, particularly the VASH permanent housing program;
- Working with the systems of care whose clients have very high levels of homelessness, particularly the alcohol and drug treatment system, mental health system, and the criminal justice system, to develop strategies for meeting the housing and service needs of these populations;
- Coordinating with the health systems on the implementation of the MediCaid expansion authorized through the Affordable Care Act, which should result in many currently uninsured homeless people becoming eligible for health care;
- Recognizing that the majority of homeless people are long-time residents of San Mateo County and embracing joint planning between the County and local jurisdictions to meet their housing and service needs.

#### New Areas of Focus:

- Expansion of the highly successful Homeless Outreach Team (HOT) to cover the entire County. The existing HOT teams conduct intensive outreach to and engagement with chronically homeless people and help connect them to permanent supportive housing. Teams in San Mateo and South County have assisted hundreds of clients over the past several years. Increasing the capacity of this program will help reduce the incidence of chronic homelessness.

- Expanding shelter system capacity in the South County in response to the high levels of homelessness in those communities. New emergency shelter capacity should be strongly linked to permanent supportive housing options to ensure there are ways for people to exit the shelter system.
- Addressing the high rate of unemployment among homeless people by exploring strategies to engage and secure employment. In particular, there is a need for specialized employment and training services that are tailored to meet the needs of chronically homeless people with disabilities. This population requires support in the areas of employment readiness, as well as approaches like supported employment and wage subsidies in order to successfully enter the workforce.
- Over the next year, the Cities, in partnership with the County, should explore additional methodologies for identifying people who are vehicularly housed (particularly those living in RVs) and assessing their need for housing and services. This project may include outreach, engagement and needs assessment surveys.

### Other Special Needs

In addition to the homeless, there are other groups of persons who require supportive housing, including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, and persons diagnosed with AIDS and related diseases.

#### Needs of Persons Living With AIDS

With advanced drug treatments, persons with HIV/AIDS have shown a growth in those living longer with the disease at more than 900 persons in San Mateo County in 2011. Additionally, since 1992 there has been a declining number of newly diagnosed cases.

In a presentation made in 2003 to the HIV Health Services Planning Council, the Director for San Mateo County's Public Health AIDS Program indicated that for those living with or newly diagnosed with HIV/AIDS, the lack of affordable housing was a significant barrier to creating stable permanent housing for this population.

The National Commission of AIDS published the report "Housing and the HIV/AIDS Epidemic; Recommendations for Action" which indicates that roughly 1/3 of all people infected with AIDS are either homeless or are in eminent danger of becoming homeless and are in greatest need for supportive housing and housing assistance. Therefore, utilizing the number of persons living with AIDS in San Mateo County in 2011, approximately 300 persons and/or households require some type of supportive housing.

#### Needs of the Disabled

To be considered disabled, a person must have an illness or impairment that impedes his/her ability to function independently. This number may include those with developmental disabilities, those who are mentally ill, those who are elderly, and/or frail elderly (these subgroups are specifically discussed later in this report), and those with physical disabilities.

## City of San Mateo Housing Element

Unfortunately, much of the data provided by the Census and HUD on persons with disabilities tend to aggregate certain types of disabled persons together. For example, data provided by HUD indicate that the number of persons reporting some type of a disability was 7,892 in 2010, or about 8.2% of the population. The following table provides some information on disability types within San Mateo in 2010.

Persons with Disabilities by Disability Type, 2010

	Number			Percent		
	San Mateo	County	State	San Mateo	County	State
Under 18 with Disability	327	3,270	280,649	1.6%	2.1%	3.0%
Age 18-64 with Disability	3,213	23,231	1,843,497	3.3%	5.0%	7.9%
Age 65 + with Disability	4,352	28,703	1,547,712	33.4%	30.6%	37.0%
<b>TOTAL with Any Disability</b>	<b>7,892</b>	<b>55,204</b>	<b>3,671,858</b>	<b>8.2%</b>	<b>7.7%</b>	<b>10.0%</b>
Any Age With Hearing Disability	2,635	15,651	1,022,928	2.7%	2.2%	2.8%
With Vision Disability	1,225	8,199	685,600	1.3%	1.1%	1.9%
With Cognitive Disability	2,767	19,549	1,400,745	2.9%	2.7%	3.8%
With Ambulatory Disability	4,251	29,757	1,960,853	4.4%	4.2%	5.3%
With Self Care Disability	1,748	12,819	862,575	1.8%	1.8%	2.3%
With Independent Living Disability	3,115	22,735	1,438,328	3.2%	3.2%	3.9%

Source: 2011 American Community Survey

Note: Some people may have multiple disabilities

The housing needs of the disabled population are as diverse as the population itself. The current approach to providing housing for disabled persons is based on a goal of offering the highest level of independence possible and increased accessible marketing of available publicly sponsored housing opportunities. Information on specific disabled populations is provided below.

### Developmentally Disabled

A “developmental disability” as a condition that originates before an individual reaches age 18; continues, or can be expected to continue indefinitely; and constitutes a substantial impairment in three or more areas of major life activity. Developmental disabilities include mental retardation, epilepsy, cerebral palsy, autism, and disabling conditions closely related to mental retardation or requiring treatment similar to that required by people with mental retardation, but does not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person’s living situation as a child to an appropriate level of independence as an adult.

The State Department of Developmental Services (DDS) currently provides community based services to approximately 243,000 persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Golden Gate Regional Center (GGRC) is one of 21 regional centers in the State of California that provides point of entry to services for people with developmental disabilities. The center is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

According the Developmental Disabilities Board, Area 5 (an advocacy organization), a total of 746 persons with developmental disabilities are consumers of the Golden Gate Regional Center's services within San Mateo zip codes. The following highlights the living arrangements of these individuals in both San Mateo and the County.

### Living Arrangements for People with Developmental Disabilities, 2013

Lives with	Number		Percent	
	San Mateo	County	San Mateo	County
Parents/Legal Guardian	389	2,289	52%	66%
Community Care Facility (1-6 Beds)	195	532	26%	15%
Community Care Facility (7+ Beds)	8	73	1%	2%
Independent/Supportive Living	64	349	9%	10%
Intermediate Care Facility	83	191	11%	5%
All Others	7	60	1%	2%
<b>Total</b>	<b>746</b>	<b>3,494</b>	<b>100%</b>	<b>100%</b>

Source: Golden Gate Regional Center

Note: Counts based on zipcode and may include areas outside of jurisdictional borders.

Some percentage of these individuals will need different living arrangements based on individual needs; for example, as parents age, they may be unable to care for their aging children, who will eventually need a different kind of housing situation. The types of housing opportunities appropriate for people living with a developmental disability include:

- Rent-subsidized affordable housing, with services, accessibility modifications, and proximity to transit and the community;
- Licensed and unlicensed group homes;
- Inclusion within larger housing developments serving the general populations and/or affordable housing;
- Section 8 housing choice vouchers or project-based Section 8;
- Home purchases through special programs like first-time homebuyers;
- HUD Section 811/MHP/SHP developments for disabled populations; and
- Housing especially modified for the Medically Fragile (SB 962 homes)

The needs of this population for supportive housing vary depending on the severity of the disability. Some developmentally disabled persons participate outside of supportive housing in different programs offered by service providers to help them live independently and



successfully in the community. For example, Community Gatepath is a nonprofit organization that provides opportunities of greater independence for children, youth and adults special needs and disabilities. The organization serves individuals and families by providing education and support services. A significant number of this population lives independently in supportive housing, with support levels based on the need. Estimates are that approximately 1 to 3% of persons and/or households who report developmental disabilities also require housing assistance. Utilizing that percentage, the housing need would range from approximately 30 to 87 households in San Mateo – less than that estimated by the Developmental Disabilities Board, but still significant.

### Mentally Disabled

Although basic information on persons in the City with a mental disability is provided in the Census, detailed information is generally only available at the County level. The Mental Health Services Act plan (2005) provides statistics on the needs of the mentally ill throughout San Mateo County. Of those served with mental health services, the plan found the following in 2003-2004:

- ♦ Most people (10,085) were served in the outpatient system, including psychiatric emergency and Access Team contacts.
- ♦ Over 2,000 adult clients (or 59% of all adult clients) were served with less than 15 hours of service per year. Of these, 17% received only medication related services.
- ♦ About 2,500 people also used San Mateo Medical Center Psychiatric Emergency Services (PES) for crisis services. Of these, most were adults, followed by children/youth and then older adults. Between 20% (older adults) and 35% (children/youth) had received services from the mental health system prior to the first PES visit. Post the PES visit, 76% of children/youth received services compared with only 37% of adults and 36% of older adults.
- ♦ Just over 700 people had inpatient episodes, most of them adults. There were 89 transition age youth and 70 older adults. The number of consumers with five or more inpatient episodes dropped from 23 in FY 02/03 to 11 in FY 03/04. A review of these 11 cases indicated the investment of a minimum of 47 hours of outpatient services to a top of 312 hours of outpatient service in addition to the inpatient stays.
- ♦ Over 500 adults received residential services in addition to outpatient services; 109 people were served in skilled nursing facilities/locked facilities; 12 of these individuals were older adults.
- ♦ Slightly over half of the people served by San Mateo County were MediCal beneficiaries (56.5%), although this varied by age group. About 7% of the people served were on and off of MediCal during the year of service.
- ♦ There is a range in the percentage of MediCal consumers served by sub-region (countywide average, 12.13%, ranging from 8.63% in East Palo Alto to 14.48% in Central). Sub-regions also show variance in the percentages by ethnicity of the MediCal population served.
- ♦ The diagnostic mix of San Mateo County consumers was:
  - ADHD 2%
  - Anxiety 6%
  - Bipolar 5%
  - Conduct Disorder 1%

- Deferred 26%
- Depression / Mood Disorder 20%
- Other 14%
- Schizophrenia / Psychotic 25%

The mix of diagnoses is representative of most public mental health systems. The number of deferred diagnoses may reflect capacity issues, in terms of time and availability of staff to develop more detailed diagnostic analyses, but is a serious barrier to adequate treatment planning.

As can be expected, many of the people with mental illness served by the County come from the homeless population. The 2005 plan found that the populations identified as most at-risk of becoming homeless are Latinos and African Americans. The Federal Task Force on Homelessness and Severe Mental Illness estimates that 33% of those that are homeless have a serious mental illness (SMI), and of these, 40-60% have a co-occurring substance abuse (SA) disorder. In San Mateo County, this would result in almost 1,500 homeless individuals per year that require mental health/co-occurring disorder services. While this population is mostly adult, there are also transition age youth and older adults in the homeless population. In San Mateo County, the Transitions (AB 2034) program has been focusing on the homeless population, serving 71 adults and 11 older adults in FY 03/04. We conclude that a substantial proportion of the homeless population is unserved.

### Needs of Frail and Non-Frail Elderly

As Census data has shown, the number of senior population has increased dramatically from the city to county, state and national levels. According to the Administration on Aging *A Profile of Older America: 2003*, there were 31.2 million persons in America ages 65+ in 1990. In 2000 there were 35 million and in 2010 there were 40.3 million, a growth of 9 million in 20 years.

In 2000, there were 13,932 persons age 65 and over in San Mateo with 5,445 males and 8,487 females. Of those persons, 3,320 of the males and only 2,975 of the females reported having a disability. In 2010, there were a total estimated 4,352 seniors over 65 with a disability. A substantial percentage of senior households pay more than 50% of their household income on housing – many are on fixed incomes. CHAS data from 2006-2011 indicate that there are more than 1,200 senior households who are considered extremely low income.

Housing needs of the elderly are varied. Some households have substantial retirement incomes and own their own homes, while others live on limited incomes in substandard rental housing. Some elderly have unique housing needs because of poor health, mobility problems and income. Of the elderly requiring supportive housing, there are two sub-populations which need to be discussed in the Consolidated Plan including: frail and non-frail elderly. The following is a description of the general supportive housing needs for these groups:



## City of San Mateo Housing Element

Frail Elderly: The frail elderly share many of the same housing needs as the disabled. In order to remain dependent and in their own homes, they may require accessible housing with special design features. Typically frail elderly categorized as low-income are ones which are in most need of supportive housing assistance. According to the American Community Survey (2008-2012), there are about 4,406 persons over the age of 65 with a disability, broken down as follows:

Population 65 years and older	Number	Percent of Total with Disability	Percent of All Seniors
With a hearing difficulty	1,859	42%	14%
With a vision difficulty	611	14%	5%
With a cognitive difficulty	1,167	26%	9%
With an ambulatory difficulty	2,948	67%	22%
With a self-care difficulty	1,189	27%	9%
With an independent living difficulty	2,289	52%	17%
<b>Total With Disability</b>	<b>4,406</b>		<b>33%</b>

Source: ACS 2008-2013

Non-Frail Elderly: Non-frail elderly households can also have severe cost burden problems and may lack adequate resources to deal with the continuing increase in costs for housing. Where the effects of aging are combined with low-income, the risk of homelessness is greatest. Non-frail elderly persons may be in need of tenant-based rental assistance, shared housing opportunities, housing rehabilitation, and other supportive services, such as low-cost food and health care services. HUD data indicates 2,909 elderly households have reported housing problems and are in need of some form of supportive housing or other housing assistance.

Supportive Housing Available for Frail and Non-Frail Elderly: The State Department of Social Services' Inventory of Community Care Facilities indicates that as of March 30, 2005, there were 70 residential care facilities providing supportive housing for persons over age of 60 with a combined capacity and population of 1,211 persons. San Mateo has been very proactive in supporting senior housing development within the City.

### Persons with Alcohol/Other Drug Addictions

Alcohol and other drug abuse is defined as excessive and impairing use of alcohol or other drugs, including addiction. The San Mateo County Human Service Agency (SMCHSA) which administers various alcohol and drug abuse recovery services in San Mateo County indicates that approximately 9-10 percent of the total County population suffers from some form of alcohol or other drug addiction. It is estimated that out of this population, approximately 25 percent require supportive housing.

In the SMCHSA Alcohol and Drug Services June 2003 report "*Alcohol and Drug Issues: An Overview of In-Treatment Data and Community Needs Indicators*", there were 6,529 treatment episodes reported for 2001-02. Treatment episodes were defined as "one client

enrollment in an alcohol/drug treatment program” and may occur more than once during the year. These treatment episodes were for 4,939 unduplicated clients, of which 680 were adolescent clients. During that program year additional funds were committed to specifically increase juvenile services. Considering the percentages previously noted, it could be estimated that approximately 1,235 persons would require some form of supportive housing.

### Farmworkers

There is no agriculture and no housing for farmworkers within the City of San Mateo or in eastern San Mateo County in general. High housing costs and a long commute to the coast make farmworker housing impractical in the eastern County.

### Female-Headed Households

According to the 2011 American Community Survey, there are about 3,580 female-headed households in San Mateo, which represents about 9.2% of the total number of households. While 1,473 of those households include children under 18 years of age, a greater proportion (58%) have no children under 18.

Children living in female headed households are more likely than other children to live below the poverty line. Single mothers have a greater risk of falling into poverty than single fathers due to such factors as the wage gap between men and women, limited training and education for higher-wage jobs, and inadequate child support. According to recent studies, single mothers on welfare rarely find full-time, permanent jobs at adequate wages.

### Female-Headed Households, 2010

	San Mateo		County	State
	Number	Percent		
Female living with own children, no husband	1,473	3.9%	4%	7%
Female living with other family members, no husband	2,008	5.3%	6%	6%
Female living alone	7,039	18.5%	15%	13%
Total Households	37,997	100%	256,305	12,433,049
Female Households Below Poverty Level	NA	6.2%	8%	17%

Source: 2011 American Community Survey

## E. PROJECTED HOUSING NEEDS

### EMPLOYMENT TRENDS

A total of 20,410 new jobs are anticipated to be created in San Mateo between 2010 and 2040, as shown in the table below. This represents a growth rate of 38.9%. The County as a whole is expected to experience a growth rate of 28.9%. However, this follows a period of decline, with both the county and the City losing about 10% of their respective jobs between 2000 and 2010. While the City anticipates a reduction in the jobs-per-employed-person ratio, the County will continue to see more jobs per person than the City.

#### Projected Job Growth, 2010 - 2040

Jurisdiction	2010	2020	2030	2040	Growth, 2010 - 2025	Growth Rate		
						2010- 2020	2020- 2030	2030- 2040
San Mateo City	52,540	63,430	67,380	72,950	20,410	20.7%	6.2%	8.3%
San Mateo Co.	345,190	407,550	421,500	445,070	99,880	18.1%	3.4%	5.6%

Source: ABAG's Projections 2013

Consistent with national trends, the unemployment rates have increased in certain sectors of the Bay Area. In May 2013, the unemployment rate in San Mateo was 3.8%, which was lower than the County as a whole. The following table shows unemployment for the jurisdictions of the County.

#### Unemployment Rates by Jurisdiction, San Mateo County, May 2013

Jurisdictions	Labor Force	Employment	Unemployment	
			Number	Rate
Belmont	15,400	14,800	600	4.2%
Burlingame	16,800	16,200	600	3.5%
Daly City	57,000	53,500	3,500	6.1%
East Palo Alto	13,600	12,000	1,600	11.9%
Foster City	17,500	16,900	600	3.6%
Half Moon Bay	6,600	6,300	300	5.0%
Menlo Park	16,900	16,200	700	3.9%
Millbrae	10,400	10,200	300	2.5%
Pacifica	23,800	22,400	1,300	5.6%
Redwood City	44,200	42,100	2,100	4.9%
San Bruno	23,500	22,500	1,000	4.2%
San Carlos	16,400	15,900	500	3.3%
San Mateo	52,700	50,700	2,000	3.8%
South San Francisco	33,400	31,300	2,000	6.0%
<b>COUNTYWIDE TOTAL</b>	<b>399,200</b>	<b>379,700</b>	<b>19,400</b>	<b>4.9%</b>

Source: California Employment Development Department, Labor Market Information, 2013

The Association of Bay Area Governments provides statistics on population and employment growth between 2010 and 2040. Although there are expected to be approximately 20,500 new jobs added over the next three decades, some jobs sectors will be impacted positively or negatively. For example, while jobs within the professional sector are expected to grow by more than 70%, manufacturing and wholesale jobs will experience a further decline.

#### Job Projections by Sector, 2010-2040

Sector			Change	% Change
	2010	2040	2010-2040	2010-2040
Agriculture and Natural Resources	125	102	-23	-18.4%
Construction	1,328	1,866	538	40.5%
Manufacturing/Wholesale	2,353	1,692	-661	-28.1%
Retail	6,611	7,316	705	10.7%
Transportation/Utilities	1,776	2,516	740	41.7%
Information	3,315	5,810	2,495	75.3%
Finance/Leasing	6,114	5,372	-742	-12.1%
Professional	15,309	26,071	10,762	70.3%
Health/Education	5,202	8,749	3,547	68.2%
Other	7,827	10,843	3,016	38.5%
Government	2,968	3,123	155	5.2%
<b>Total</b>	<b>52,928</b>	<b>73,460</b>	<b>20,532</b>	<b>38.8%</b>

Source: ABAG Jobs Housing Connection Strategy and Projections, 2012

In addition, although a significant number of new jobs are expected to be created in the San Francisco/San Mateo/Redwood City region, a large portion of them will be in low-wage service occupations. As shown in the following table, 65% of the job classifications projected to have the highest number of openings in the Metropolitan region from 2010 to 2020 have mean hourly wages that represent extremely low or very low incomes. With the exception of openings for certain types of managers and computer professionals, the vast majority of job openings will afford the earner far below median income. In fact, 72% of the jobs in the top 20 would not provide the funds needed to rent an apartment according to the National Low Income Housing Coalition's "Out of Reach 2013". In addition, more than 68% of these jobs will not require any more than on-the-job training; in other words, these jobs require little skill. This trend indicates that job growth in the region is likely to increase the demand for affordable housing and that the housing affordability situation for those currently housed is not likely to improve due to market forces during this period.

Largest Job Growth, 2010 – 2020, San Francisco-San Mateo-Redwood City Metropolitan Division<sup>2</sup>

Top Twenty Occupations	# of Job Openings	Median Hourly Wage	Annual Income	Education/Experience Required
Waiters and Waitresses	14,840	\$10.58	\$22,007	Short-Term On-The-Job Training
Counter Attendants, Cafeteria, Food Concession, and Coffee Shop	6,340	\$10.42	\$21,660	Short-Term On-The-Job Training
Dishwashers	4,390	\$10.44	\$21,720	Short-Term On-The-Job Training
Food Preparation Workers	4,950	\$10.64	\$22,136	Short-Term On-The-Job Training
Combined Food Preparation and Serving Workers, Including Fast Food	6,860	\$10.83	\$22,522	Short-Term On-The-Job Training
Retail Salespersons	13,120	\$11.58	\$24,089	Short-Term On-The-Job Training
Cashiers	13,470	\$11.87	\$24,692	Short-Term On-The-Job Training
Personal Care Aides	8,170	\$12.11	\$25,178	Short-Term On-The-Job Training
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	7,090	\$12.64	\$26,287	Short-Term On-The-Job Training
Cooks, Restaurant	4,230	\$13.67	\$28,439	Moderate Term On-The-Job Training
Office Clerks, General	5,470	\$17.67	\$36,751	Short-Term On-The-Job Training
Customer Service Representatives	5,510	\$20.15	\$41,905	Short-Term On-The-Job Training
First-Line Supervisors of Office and Administrative Support Workers	4,370	\$30.01	\$62,422	HS Diploma/GED
Accountants and Auditors	6,070	\$37.67	\$78,362	Bachelor's Degree
Market Research Analysts and Marketing Specialists	6,240	\$39.36	\$81,880	Bachelor's Degree
Management Analysts	4,410	\$46.24	\$96,170	Bachelor's Degree
Software Developers, Applications	6,140	\$52.64	\$109,488	Bachelor's Degree
Registered Nurses	5,990	\$54.23	\$112,801	Associate's Degree
Software Developers, Systems Software	5,130	\$56.28	\$117,069	Bachelor's Degree
General and Operations Managers	4,980	\$65.00	\$135,193	Associate's Degree
<b>TOTAL</b>	<b>137,770</b>			

Source: California Employment Development Department, 2010

## POPULATION TRENDS

According to ABAG's Projections 2013, the City's population is expected to grow 29.6% (28,800 people) by 2040. As shown in the following table, the population growth of the County is projected to be slower, with a rate of 25.9% for the same period.

### Projected Population Growth: 2010 - 2040

Jurisdiction	2010		2040		Growth	Rate
	#	% total	#	% total	2010-2040	2010-2040
San Mateo	97,207	13.5%	126,000	13.9%	28,793	29.6%
County Total	718,451		904,400		185,949	25.9%

Source: ABAG's Projections 2013

<sup>2</sup>Data for San Mateo County alone no longer available from the EDD.

## HOUSEHOLD TRENDS

ABAG projects that, although the number of households is expected to grow 22.2% for the County as a whole through 2040, the household growth rate for the City of San Mateo will increase by 27.2% for the same time period.

### Projected Household Growth: 2010 - 2040

Jurisdiction	Growth 2010-2040	Rate 2010-2040
San Mateo	10,387	27.2%
County	57,263	22.2%

Source: ABAG's Projections 2013

## COMMUTING TRENDS

As housing prices escalate, families often move further and further away from central cities to find housing that is more affordable. This trend can be reflected in commuting patterns, not only in terms of the time it takes to travel between two locations, but also in the sheer number of commuters moving into and out of a region. According to the following table, nearly 33,000 people commuted into the City in 2010.

### Commuting Patterns of Local Workers, 2010

	Employed Population 2010	In- Commuters	% of Workforce In-Commuting	% of Population Out-Commuting
Atherton	1,789	1,996	96%	96%
Belmont	9,253	4,853	91%	95%
Brisbane	2,083	5,889	97%	90%
Burlingame	13,318	31,586	95%	88%
Colma	786	3,564	99%	96%
Daly City	46,030	13,337	83%	94%
East Palo Alto	7,737	2,525	87%	95%
Foster City	18,257	17,202	93%	93%
Half Moon Bay	4,369	3,195	78%	79%
Hillsborough	4,081	1,077	91%	97%
Menlo Park	13,616	24,549	95%	90%
Millbrae	7,599	3,924	90%	94%
Pacifica	16,176	2,667	67%	92%
Portola Valley	1,640	945	96%	98%
Redwood City	32,153	42,906	91%	87%
San Bruno	17,159	10,351	91%	94%
San Carlos	12,212	10,955	91%	91%
San Mateo City	40,968	32,665	87%	88%
South San Francisco	30,618	37,691	91%	89%
Woodside	2,428	1,639	95%	96%
San Mateo County	302,934	184,544	61%	61%

Source: 2010 US Census, On The Map

This table indicates that large percentages of residents (88%) are employed outside of the City, while a similarly large percentage (87%) of people working in the City come from elsewhere.

### REGIONAL HOUSING NEEDS ALLOCATIONS

The Regional Housing Needs allocation process is a State mandate, devised to address the need for and planning of housing across a range of affordability and in all communities throughout the State. Each jurisdiction in the Bay Area (101 cities, 9 counties) is given a share of the anticipated regional housing need. The Bay Area's regional housing need is allocated by the California State Department of Housing and Community Development (HCD), and finalized through negotiations with ABAG.

According to ABAG, the regional housing need is determined by estimating both the existing need and the projected need for housing. Existing need is the amount of housing needed to address existing overcrowding or low vacancy rates. Projected need relates to providing housing for the growing population. Using slightly different methods, both the State, through the State Department of Finance (DOF), and the region, via ABAG, estimate projected household growth. Since these numbers may differ, the State and the region work closely together to arrive at an agreed upon estimate of future population growth; therefore, housing need through 2022.

On July 19, 2013, the ABAG Executive Board adopted the final Regional Housing Need Allocation (RHNA) methodology for the period between 2014 and 2022. The RHNA methodology consists of two major steps: determining a jurisdiction's total RHNA and identifying the share of the jurisdiction's total RHNA in each income category. The following describes the components of the adopted RHNA Methodology.

#### *Sustainability Component*

This component advances the goals of SB 375; this factor is based on the Jobs-Housing Connection Strategy, which allocates new housing development into Priority Development Areas (PDAs) and non-PDA areas. By concentrating new development in PDAs, the Strategy helps protect the region's natural resources by reducing development pressure on open space, rural areas, and small towns. This allows the region to consume less energy, thus reducing household costs and the emission of greenhouse gases. Following the land use distribution specified in the Jobs-Housing Connection Strategy, 70% of the region's housing need as determined by the California Department of Housing and Community Development (HCD) will be allocated based on growth in PDAs and the remaining 30% will be allocated based on growth in non-PDA locations.

HCD determined that the housing need for the Bay Area region for 2014 to 2022 is 187,990 units. The sustainability framework of the PDAs is the basis for the Sustainable Communities Strategy (SCS) and the inclusion of this framework in the RHNA methodology promotes consistency between the two.

As of July 19, 2012, the Jobs-Housing Connection Strategy was modified to include a feasible growth concentration scenario that was applied to the 2014-2022 RHNA cycle. This new distribution shifts approximately 3,500 units (1.5 percent of the total regional allocation) from Oakland, Newark, San Jose, and the North Bay primarily to medium sized cities with high job growth and transit access.

#### *Fair Share Component*

This component achieves the requirement that all cities and counties in California work to provide a fair share proportion of the region's total and affordable housing need. In particular, cities with strong transit networks, a high number of jobs, and that permitted a low number of very low- and low-income units during the 1999-2006 RHNA cycle received higher allocations. The Fair Share Component includes the factors listed below:

- *Upper Housing Threshold:* If growth projected by the Jobs-Housing Connection Strategy in a jurisdiction's PDAs meets or exceeds 110 percent of the jurisdiction's household formation growth, that jurisdiction is not assigned additional units. This ensures that cities with large PDAs are not overburdened. In addition, the total allocation to a jurisdiction cannot exceed 150 percent of its 2007-2014 RHNA.
- *Minimum Housing Floor:* Jurisdictions are assigned a minimum of 40 percent of their household formation growth. Setting this minimum threshold ensures that each jurisdiction is planning for housing to accommodate at least a portion of the housing need generated by the population within that jurisdiction.
- *Fair Share Factors:* The following three factors were applied to a jurisdiction's non- PDA growth:
  - *Past RHNA Performance:* Cities that permitted a high number of housing units for very low- and low-income households during the 1999-2006 RHNA cycle received a lower allocation.
  - *Employment:* Jurisdictions with a higher number of existing jobs in non-PDA areas (based on 2010 data) received a higher allocation.
  - *Transit:* Jurisdictions with higher transit frequency and coverage received a higher allocation.

#### *Income allocation*

The income allocation method gives jurisdictions that have a relatively higher proportion of households in a certain income category a smaller allocation of housing units in that same category. For example, jurisdictions that already supply a large amount of affordable housing receive lower affordable housing allocations. This also promotes the state objective for reducing concentrations of poverty and increasing the mix of housing types among cities and counties equitably. The income allocation requirement is designed to ensure that each jurisdiction in the Bay Area plans for housing people of every income.



## City of San Mateo Housing Element

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The income distribution of a jurisdiction's housing need allocation is determined by the difference between the regional proportion of households in an income category and the jurisdiction's proportion for that same category. Once determined, this difference is then multiplied by 175 percent. The result becomes that jurisdiction's "adjustment factor." The jurisdiction's adjustment factor is added to the jurisdiction's initial proportion of households in each income category. The result is the total share of the jurisdiction's housing unit allocation for each income category.

### *Sphere of Influence Adjustments*

Every city in the Bay Area has a Sphere of Influence (SOI) which can be either contiguous with or go beyond the city's boundary. The SOI is considered the probable future boundary of a city and that city is responsible for planning within its SOI. The SOI boundary is designated by the county's Local Area Formation Commission (LAFCO). The LAFCO influences how government responsibilities are divided among jurisdictions and service districts in these areas.

The method for allocating housing need for jurisdictions where there is projected growth within the SOI varies by county. In Napa, San Mateo, Santa Clara, Solano, and Sonoma counties, the allocation of housing need generated by the unincorporated SOI is assigned to the cities. In Alameda and Contra Costa counties, the allocation of housing need generated by the unincorporated SOI is assigned to the county. In Marin County, 62.5 percent of the allocation of housing need generated by the unincorporated SOI is assigned to the city and 37.5 percent is assigned to the county.

## SUBREGIONAL SHARES

As part of the RHNA process, local jurisdictions have the opportunity to form a subregion to conduct an allocation process that parallels, but is separate from, the regional process. For the 2014 - 2022 RHNA, three subregions were formed by the respective jurisdictions in Napa, San Mateo, and Solano counties.

The first step in the subregions' RHNA process was for ABAG to determine each subregion's share of the total regional housing need determination from HCD. Housing Element law states that the subregion's share "shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan." The household distribution is based upon the county's distribution in 2022 from the Jobs - Housing Connection Strategy of the SCS. Napa received 0.8%, San Mateo received 8.7%, and Solano received 3.7% of the region's total housing need.

### Subregion Allocation Method

The San Mateo subregion was responsible for completing its own RHNA process. Their process paralleled, but was separate from, the Bay Area's RHNA process. The San Mateo subregion created its own methodology, issued draft allocations, and handled the revision and appeal processes. They also issued final allocations to members of the subregion.

Although the subregion worked independently of the regional RHNA process, ABAG is ultimately responsible for ensuring that all of the region's housing need is allocated. Thus, if the subregion were to fail at any point in its attempt to develop a final RHNA allocation for the subregion, ABAG would have had to complete the allocation process for the members of the subregion.

The San Mateo subregion housing allocation method mirrored ABAG's final method. The same factors and weights were used as described above. Once units were allocated, using the ABAG formula, several cities in the San Mateo subregion agreed to transfer units, including the City of San Mateo. The following table shows the final ABAG housing allocation, as adjusted, for the City of San Mateo for the 2014-2022 planning period.

#### REGIONAL HOUSING NEED ALLOCATION, 2014-2022

Total Projected Need	Very Low	Low	Mod	Above Mod	Average Yearly Need
3,100	859	469	530	1,242	388
	28%	15%	17%	40%	

In addition, State Housing Element Law requires that jurisdictions provide for the needs of residents considered to be extremely low-income, defined as households earning less than 30% of median income. Accordingly, the need allocation is further disaggregated as follows:

Total Projected Need	Extremely Low	Very Low	Low	Mod	Above Mod	Average Yearly Need
3,100	429	430	469	530	1,242	388
	14%	14%	15%	17%	40%	

## CLIMATE CHANGE

With the passage of AB 32 and SB 375, the City of San Mateo has taken extensive steps to address climate change. In 2007, a Carbon Footprint study was conducted to determine the City's greenhouse gas emissions which helped the City focus its sustainability efforts. In addition to the Carbon Footprint, the City initiated a Sustainability Advisory Committee which created and submitted to the City Council a Sustainable Initiatives Plan, which provided recommendations on how the City should address climate change and reduce the City's greenhouse gas (GHG) emissions generated by the community.

Following the Sustainable Initiatives Plan, a Climate Action Plan (CAP) for City's Operations and Facilities was created. This Plan focused on City agency efforts and included specific actions to reduce the energy and fuel use in City facilities and operations.

In 2014, the City of San Mateo developed a community-wide CAP, which will serve as a comprehensive strategy to reduce emissions of GHGs. This CAP integrates and consolidates the City's previous plans and efforts to address climate change, creating an updated

## City of San Mateo Housing Element

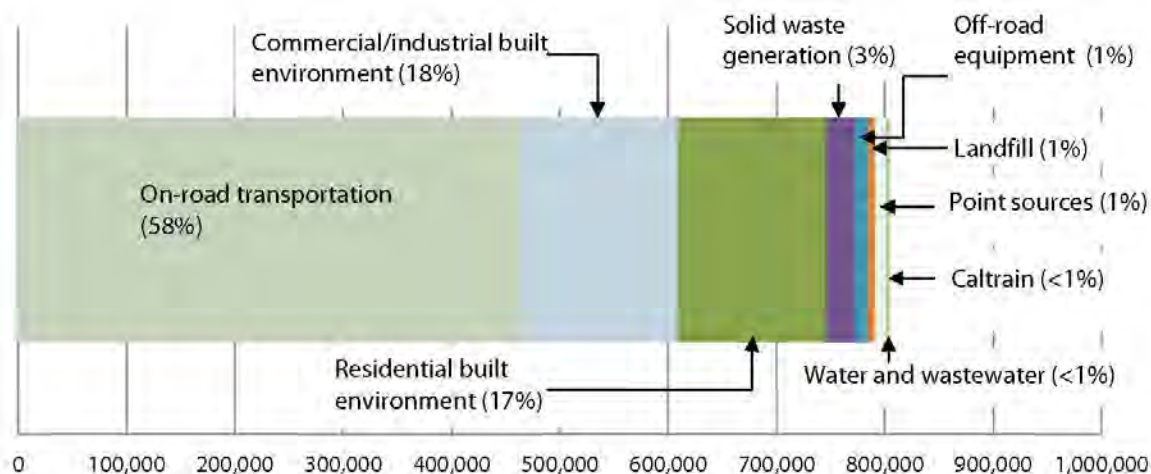
framework for addressing GHG emissions in the community. The CAP identifies the City's preferred strategies for new development to address climate change.

This CAP serves as a Qualified GHG Reduction Strategy, consistent with California Environmental Quality Act (CEQA) Guidelines Section 15183.5 and the Bay Area Air Quality Management District (BAAQMD) GHG Plan Level Guidance. As part of the requirements for a Qualified GHG Reduction Strategy, the CAP includes an inventory and forecast of San Mateo's current and future GHG emissions, a target to reduce community-wide GHG emissions, specific strategies to achieve these reductions, and an implementation and monitoring program to track progress toward the target and the status of the reduction strategies.

The following are excerpts of the City's Climate Action Plan as it relates to the Housing Element Update.

### Community-Wide Greenhouse Gas Emissions Inventory

The CAP presents emissions for activities that take place within the City limits of San Mateo, even if the emissions are physically emitted in another community, such as a community member using electricity generated by a power plant in another part of California. Emissions are calculated using reported activity data (for example, the amount of electricity used in the community) and factors that reflect the local conditions. All GHG emissions in the inventory are shown in a common unit: metric tons of carbon dioxide equivalents, or MTCO<sub>2</sub>e, which allows the varying potencies of different GHGs to be represented in one number. The GHG emissions inventory included nine sources of emissions, or sectors, for San Mateo in 2005. By understanding where these emissions come from, CAP measures can be targeted to address the largest sources in San Mateo. The community's total emissions in 2005 were 804,290 MTCO<sub>2</sub>e. More than half of these emissions (58%) came from on-road transportation, and an additional 35% came from energy use in residential, commercial, and industrial buildings. Community-wide GHG emissions in 2005 are shown in the Figure below.



Using the baseline inventory, the CAP estimates the long-term impact of San Mateo's efforts to reduce GHG emissions. The CAP presents the City's ongoing commitment to achieve long-term, post-2020 targets consistent with State guidance. Full implementation of all strategies in the CAP can result in a reduction of emissions by approximately 18% below 2005 baseline levels by 2020, exceeding both the 2020 goal in San Mateo's adopted General Plan and State guidance for a 15% reduction.

The strategies in the CAP consist of measures and actions, identifying the steps the City will take to support reductions in GHG emissions. San Mateo will achieve these reductions in GHG emissions through a mix of voluntary programs and new strategic standards. All recommended standards presented in the CAP respond to the needs of development, avoiding unnecessary regulation, streamlining new development, and achieving more efficient use of resources.

### Energy Conservation Strategies for the Built Environment

Residential energy use in the community of San Mateo comprised approximately 17% of baseline GHG emissions in 2005. Strategies in the CAP to reduce emissions from the residential sector seek to improve the existing housing stock, encourage green building in new homes, encourage energy efficiency, and expand the use of renewable energy to meet residential energy needs.

The following measures from the CAP include key actions in the CAP that address residential energy efficiency:

#### RE 3: Renewable energy systems for new residences

##### Recommended Actions:

- Provide educational materials to developers about existing federal, State, and regional programs that support and/or subsidize small-scale or distributed-generation renewable energy systems for local use.
- Develop incentives for developers who install renewable energy systems on their developments, including solar photovoltaics and solar water heating. An incentive program could include reduced or waived fees, rebates, or low/no interest loans, among other mechanisms. The City should explore a revolving loan program or dedicated funding source(s) for the incentives. Funding sources could include the City and/or a combination of public and private resources, such as rebates, grants, and loans. Incentive programs should apply to solar photovoltaics and solar water heating though other feasible options could be supported.
- Partner with PG&E, San Mateo Energy Watch, a CCA, or others to provide rebates and energy buy-back programs for on-site renewable electricity systems.
- Reduce or eliminate existing solar permit fees.
- Require new houses and multi-family developments to be solar ready as defined by the California Building Standards Code to support the installation of a rooftop solar energy array at a later date.

- Revise the San Mateo urban design guidelines to allow for nontraditional building design elements if necessary to support on-site renewable energy systems.

### RE 4: Renewable energy systems for existing residences

#### Recommended Actions:

- Provide information to homeowners about existing funding programs for renewable energy systems.
- Offer incentives for applicants who install renewable energy systems on their homes as feasible, including same-day permit approval and participation in revolving loan programs.
- Promote existing financing programs, such as Property Assessed Clean Energy (PACE) programs, allow homeowners to incrementally pay for renewable energy systems, and explore creating or joining additional programs.
- Reduce or eliminate solar permit fees for existing buildings beyond the minimum standards required by Assembly Bill 2188

### EE 1: Residential energy efficiency owner-occupied retrofits

#### Recommended Actions:

- Educate homeowners, property managers, and real estate agents about the benefits of residential energy retrofits, the availability of financing options, and how to participate.
- Provide energy retrofit information to project applicants seeking permits for renovation or expansion work on existing houses.
- Host residential energy outreach events such as evening workshops and local learn-at-lunch sessions, provide energy retrofit information at community events, and distribute information on residential energy retrofit online and in public buildings.
- Publicize the available options and financial benefits of PACE programs.

### EE 2: Residential energy efficiency renter-occupied retrofits

#### Recommended Actions:

- Educate property owners about available financing mechanisms to improve energy efficiency in rental units, such as shared savings programs.
- Support efforts by property owners to make improvements to rental units through PACE programs.
- Encourage property owners to participate in energy benchmarking efforts.
- Work with tenant groups and property management companies to identify actions tenants can take within the bounds of their lease to improve energy efficiency.
- Offer low- or no-cost energy audits to property owners who agree to disclose a unit's energy efficiency results to tenants.  
Provide incentives such as direct subsidies, participation in revolving loan programs, and expedited permitting to property owners who make energy efficiency improvements to their units beyond any minimum actions required by the adopted energy code.

## EE 5: Residential energy education and low-cost retrofits

### Recommended Actions:

- Conduct outreach to homeowners, renters, real estate agents, and property managers about low-cost retrofits and energy-efficient behaviors.

## ENERGY CONSERVATION

Home energy efficiency have become an increasingly significant factor in housing construction, particularly in the past few years with the increasing demand to build energy efficient and sustainable buildings in California. Energy costs related to housing include not only the energy required for home heating, cooling and the operation of appliances, but the energy required for transportation to and from home.

State Title 24 Part 6 is the California Energy Code, first enacted in the 1980s, permits builders of new residential units to achieve compliance either by calculating energy performance in a prescribed manner or by performance based on computer modeling. The energy code is updated every three years by the Energy Commission to advance the energy efficiency standards for building construction. The city has adopted the 2013 California Energy Code which is effective July 1, 2014. This code edition is the latest version of the energy code ensuring the most up-to-date standards are applied to newly constructed buildings and existing buildings with alteration work. In addition to the energy code, the state also adopted the 2013 Green Building code to further heighten the overall sustainable building construction standards. The Green Building code addresses the use of sustainable materials, methods of construction, interior and recycling of construction waste. These measures contribute to the overall building energy efficiency and have an added ongoing benefit throughout the useful life of a building.

In order to save natural resources and to make utilities more affordable, the City's HOME Repair programs provide both funding and information referral for participants to include weatherization improvements and utilize energy and water efficient appliances and fixtures. Program participants are encouraged to use the energy conservation programs provided by Pacific Gas and Electric (PG&E).

In new affordable housing construction where the City provides financing, the City encourages the design of new units that are sensitive to energy consumption. In 2013, the City adopted the California Green Building Code to provide further energy conservation measures including solar ready, plumbing insulation, efficient lighting and heating systems, as examples.

The City's energy efficiency efforts have already supported improved energy efficiency in San Mateo since 2005. The Climate Action Plan presents the impact of such efforts, highlighting the sustained community-wide reductions in energy use documented since 2005. The City's ongoing plans for fostering ongoing energy efficiency in the residential sector are presented in the Climate Action Plan, as summarized above.

## F. EVALUATION OF THE PREVIOUS ELEMENT

The City made progress in meeting many of its objectives established in 2009, when the most recent Housing Element was adopted. A detailed list of activities is included in Appendix C.

### QUANTIFIED OBJECTIVES

The goal for total housing units, including market rate housing was 1,338. During this reporting period, 1,334 units were completed. The following table summarizes the quantified objectives from the last Housing Element Update.

Quantified Objectives, 2007-2014

Conservation/Preservation	Total	ELI	VLI	LI	MOD
Homeowner and Renter Rehab	50			50	
Vendome Hotel	16	16			
<b>TOTAL, CONSERVATION/PRESERVATION</b>	<b>66</b>	<b>16</b>	<b>0</b>	<b>50</b>	<b>0</b>

New Construction	Total	ELI	VLI	LI	MOD
Peninsula Station	67	21	32	14	
Police Station Site	60	27	27	6	
Bay Meadows Affordable Site	50	22	23	5	
Bay Meadows BMR	50				50
Other BMR	100			20	80
Other potential affordable construction projects	40	17	18	5	
<b>TOTAL, NEW CONSTRUCTION</b>	<b>367</b>	<b>87</b>	<b>100</b>	<b>50</b>	<b>130</b>
<b>TOTAL, AFFORDABLE</b>	<b>433</b>	<b>103</b>	<b>100</b>	<b>100</b>	<b>130</b>

Private Sector/Market Rate	
New Construction	905
<b>GRAND TOTAL</b>	<b>1,338</b>



### Accomplishments, 2007-2014

Conservation/Preservation	Total	ELI	VLI	LI	MOD
Homeowner and Renter Rehab	26		26		
Vendome Hotel	16	16			
<b>TOTAL, CONSERVATION/PRESERVATION</b>	<b>42</b>	<b>16</b>	<b>26</b>	<b>0</b>	<b>0</b>

New Construction	Total	ELI	VLI	LI	MOD
Peninsula Station	67	21	32	14	
Police Station Site	120	10	49	0	61
Bay Meadows Affordable Site	0				
Bay Meadows BMR	42			11	31
Other BMR	94		35	31	28
Other potential affordable construction projects	0				
<b>TOTAL, NEW CONSTRUCTION</b>	<b>323</b>	<b>31</b>	<b>116</b>	<b>56</b>	<b>120</b>
<b>TOTAL, AFFORDABLE</b>	<b>365</b>	<b>47</b>	<b>142</b>	<b>56</b>	<b>120</b>

Private Sector/Market Rate	
New Construction	969
<b>GRAND TOTAL</b>	<b>1,334</b>

### ONGOING PROGRAMS

A number of housing programs and policies have been ongoing to further the main goals of preserving the character and quality of residential neighborhoods, to provide a range of housing types to accommodate a diverse population, and to meet the demands created by new job growth. The City continues to seek a variety of funding sources to preserve, rehabilitate, and use code enforcement to improve existing properties and neighborhoods. It also uses those resources to work in partnership with private and nonprofit developers to provide housing for all the community, including those with special needs and the homeless. An appendix to this Housing Element outlines each of the actions to be implemented in the prior Element, and what actual progress was made.



## G. INVENTORY OF LAND FOR RESIDENTIAL DEVELOPMENT

A key component of the Housing Element is a projection of a jurisdiction's housing supply. State law requires that the element identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and make adequate provision for the existing and projected needs of all economic segments of the community. This includes an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

### ADJUSTED HOUSING NEED FIGURES

The State allows local jurisdictions to deduct units built or in the pipeline between January 1, 2014 and January 31, 2015 from the total need figures established by ABAG. The resulting number includes those units that ultimately must be accommodated through adequate sites. The City of San Mateo has developed the following figures for reducing the need that must be accommodated in adequate sites:

#### Adjusted Housing Need, 2014

	ELI/VLI	LOW	MOD	ABOVE	TOTAL
City of San Mateo RHNA #s	859	469	530	1,242	3,100
Minus Pipeline Projects	(35)	(11)	(105)	(835)	(986)
<b>Final Adjusted RHNA #s</b>	<b>824</b>	<b>458</b>	<b>425</b>	<b>407</b>	<b>2,114</b>

### ADEQUATE SITES INVENTORY

City staff inventoried vacant and underutilized parcels in San Mateo to determine what land is available for development at various levels of density. These density levels were then equated to the ABAG affordability levels and the number of units which might be able to be developed at each affordability level is estimated, e.g. available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was also completed using the actual average built densities for developments built on land with various zoning designations; the State has determined that it is not sufficient to simply calculate it at the zoned densities, especially if there are significant differences between zoned and built densities.

The City of San Mateo's land inventory for future housing includes property zoned for multifamily use that is currently vacant as well as land that is underutilized. The adequate sites analysis demonstrates that there is enough land to meet the ABAG Regional Housing Needs Allocation. The analysis for affordable housing units for extremely low, very low, low and moderate income households is based on three assumptions: (1) that any property

zoned multifamily that can accommodate 11 or more units will produce 10% affordable units through the Below Market Rate (BMR) program (15% starting January 1, 2010); (2) that land zoned at densities higher than 30 units to the acre can facilitate affordable housing development; and (3) that government subsidies can be applied on any multifamily site to provide further affordability.

The ability to provide affordable units citywide is more dependent on available financial resources than zoning density. An example of this can be demonstrated with a comparison of two similarly sized projects approved in 1999. The Santa Inez Apartments is a .74 acre site zoned R-5 which was approved for 44 units. With a combination of federal tax credits and funding from the San Mateo Redevelopment Agency, 42 of the units are affordable for very low-income households and 2 are affordable to low income households. Another project, the Baer Apartments got approved for 53 units on an .89-acre site utilizing the Density Bonus Program. This site is zoned R5-D. This project did not receive any government subsidy, but was required to provide 5 very low-income units.

The following table summarizes the various zoning classifications, the maximum mathematical capacity and the realistic capacity. The realistic capacity is based on two factors: for land where the actual development potential is already known (for example, in the Bay Meadows Specific Plan), the approved unit capacity was used. For land where the development potential is not known, historical averages were used. Based on research derived from the Housing and Land Use Study, the City has been approving projects for development at a rate of approximately 77% of maximum zoned capacity. On those sites where the development potential is not known, therefore, the maximum capacity was multiplied by 77% to arrive at the realistic capacity.

While the 77% was applied to all of the sites listed in Appendix A regardless of Zoning District, residential uses are not the only use allowed on each of the inventoried sites. Commercial uses are permitted on all sites not designated for high density residential. To evaluate the extent on how much residential was constructed on non-residentially zoned parcels, including but not limited to, C1-C3, E1, E2 and TOD zones, an evaluation on historic averages was also conducted. Using the same Housing and Land Use Study referenced above, non-residentially zoned sites were isolated and then evaluated on the rate the city approves residential on these sites. The analysis shows that the City approves residential on nonresidential sites at a higher rate than the 77% of maximum listed above. The actual maximum approval rate is approximately 85% of the maximum zoned capacity. This percentage is based on the evaluation of 20 residential projects since 2001. Furthermore, 10 of the 20 projects reached the maximum residential density as a mixed-use development with some non-residential use; therefore, maximum residential density can be reached on non-residentially zoned properties with or without non-residential uses.

While residential was the primary use of the approved projects many of them were approved as mixed uses and incorporated some commercial on the ground floor. Even though the 85 % approval rate could be figured into the realistic capacity for Appendix A, 77% was used for a more conservative analysis.

## City of San Mateo Housing Element

### Land Inventory by Zoning Designation, 2014

ZONING	PERMITTED DENSITY (DU/ Acre)	CAPACITY (In Acres)	MAXIMUM NUMBER OF UNITS	REALISTIC NUMBER OF UNITS
Bay Meadows Specific Plan (TOD)	50	39.15	1,958	1,068
Commercial Districts (CBD, C1, C2 etc.)	50	15.99	802	648
Executive Office (E1, E2 etc.)	50	5.68	286	275
Lower Density Residential (R1, R2, etc.)	9-35	35.04	695	367
Other High-Density Residential (R4, R5 etc.)	50	4.37	220	165
Other TOD	50	52.54	2,629	2,200
<b>TOTAL</b>		<b>152.77</b>	<b>6,590</b>	<b>4,723</b>

By income category, this information can be summarized as follows:

### Land Inventory by Income Category, 2014

INCOME LEVEL	REALISTIC CAPACITY (In Housing Units)
Extremely Low/Very Low	938
Low	564
Moderate	669
Above Mod.	2,401
<b>TOTAL</b>	<b>4,723</b>

A more complete breakdown of this information – including by parcel number, by vacant/ underutilized status, and specific zoning – can be found in Appendix A. The following table illustrates that the City has met the adequate sites test in terms of realistic capacity versus ABAG RHNA.

### Adequate Sites Summary, 2014

	ELI/VLI	LOW	MOD	ABOVE	TOTAL
Current Inventory	938	564	669	2,401	4,723
Adjusted Regional Housing Need Allocation	824	458	425	407	2,114
<b>SURPLUS/(SHORTFALL) OF SITES</b>	<b>114</b>	<b>106</b>	<b>244</b>	<b>1,994</b>	<b>2,609</b>

\*Note: Total number in inventory in this summary is slightly lower than in table above due to rounding.

The narrative below further describes a few of the various programs to address the housing sites issue through land use activities.

## SENIOR CITIZEN OVERLAY DISTRICT

Another technique used in San Mateo to increase the housing supply and to meet the housing needs of a growing sector of the community is the Senior Citizen (SC) Overlay district, adopted in 1978. The SC zoning classification allows a developer to increase the number of units and reduce parking requirements for housing built expressly for senior citizens. These provisions recognize the smaller sized units and reduced traffic generation and parking needs of senior housing.

## SECONDARY UNITS

In 1983, the City adopted a Secondary Unit Ordinance, which allows for the creation of ancillary rental units (commonly referred to as "granny" or "in-law" units) on single-family properties. The ordinance requires that the units be small (maximum 640 square feet of living area), that they provide adequate parking and that the property owner reside on-site. In 2003, the ordinance was revised to comply with State regulations allowing secondary units as permitted uses in all residential zoning districts.

## MOBILE HOMES AND MANUFACTURED HOUSING

Manufactured housing and mobile homes provide opportunities for lower cost housing. Manufactured homes, which are fabricated off-site and assembled on residential properties, are permitted in all residential districts in San Mateo. Mobile homes, which are certified under the California Health and Safety Code, are also permitted in San Mateo, subject to a design review process. There are no mobile home parks in San Mateo.

## EMERGENCY SHELTERS

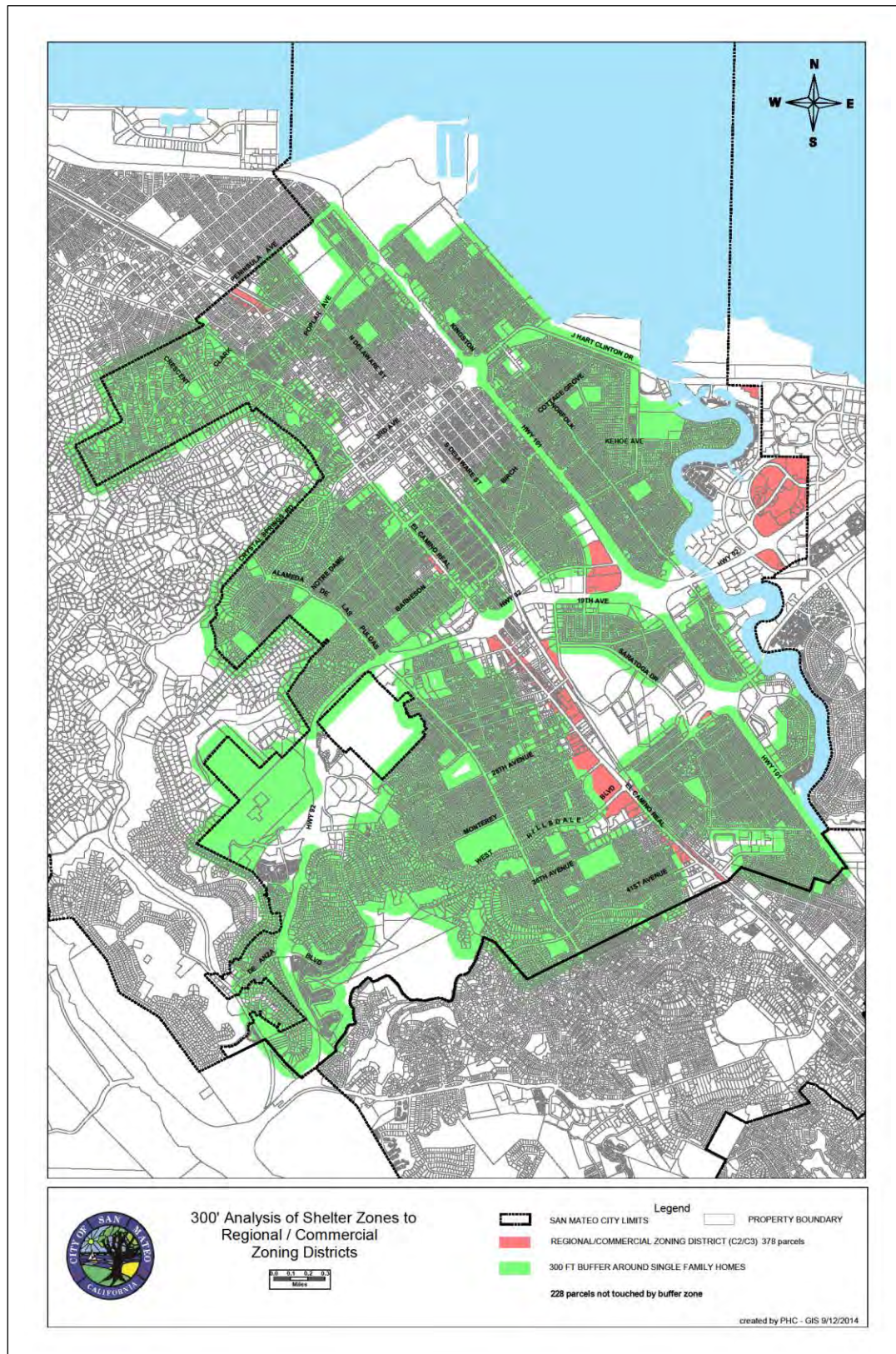
In compliance with SB2, the Zoning Code was amended in 2009 to allow emergency shelters as a permitted use within C2 and C3 Zoning Districts (Regional/Community Commercial Land Use Designations).

The C2 and C3 commercial zones were specifically chosen to meet the potential needs for emergency shelters due to its commercial zoning and proximity to transit and other core social services. In the C2 and C3 commercial zones, there are a total of 228 parcels with an average parcel size of 0.79 acres that would allow emergency shelters as a permitted use. The commercial buildings on these parcels have an average square footage of 15,746 square feet and since 2008 the commercial vacancy rate for the City of San Mateo has been between 15-21%. Using a ratio of 200 square feet per homeless person, an average vacant commercial building converted to an emergency shelter would house approximately 78 homeless people. This converted average commercial vacant building would exceed the identified need of 103 unsheltered homeless people identified in the City of San Mateo in 2013.

Additionally, to meet City Council concerns regarding potential impacts to existing neighborhoods, the City further implemented a 300 foot buffer limitation around single family neighborhoods (Single Family Zoning Districts). This allows emergency shelters to be located on 228 of the 378 C2 and C3 zoned parcels. This 300 foot limitation is consistent with limitations currently applied to new Community Care facilities per California Health and Safety Code Section 1520.5(b). The following map illustrates the eligible parcels throughout the City.



SB2 Compliance - Emergency Shelters as a Permitted Use



## H. CONSTRAINTS ON HOUSING DEVELOPMENT

### GOVERNMENTAL CONSTRAINTS

There has been much discussion as to the extent to which governmental regulation affects the cost of housing development by the private sector. The points at which the City becomes involved in the housing development process include the zoning code, subdivision regulation, building codes, improvement fees, and permit processing procedures, as well as at the financing stage as with the development of affordable housing. These forms of regulation are considered necessary to protect the health, safety and general welfare of both existing and future citizens of San Mateo. To a certain extent, all forms of regulation are a constraint on the ability of the private market to produce housing. However, the City has been very aggressive in examining its codes and procedures, and revising its regulatory role to encourage housing development.

#### Zoning

The zoning code regulates the use of land and structures, the density of development and population, the bulk of structures, parking provisions, open space requirements, landscaping standards and other design requirements. The San Mateo zoning code has been written to be as accommodating as possible for new residential development, while attempting to provide for quality living environments. The amount of multi-family zoned land within the City is substantial, and there are significant areas zoned to allow for mixed-use residential and commercial development. Most commercial and office districts also permit housing development.

*Multi-family densities permitted under the General Plan reach 50 units per acre, and the zoning code has been amended to conform to this maximum, although it will continue to be subject to state statutes mandating density bonuses under certain conditions.*

The City allows for a wide range of housing types from single-family dwellings (approx. 4 – 9 units/acre) to high density residential (50 dwelling units per acre - and up to 75 dwelling units per acre with public benefit). In addition, the City allows for secondary units on residentially zoned properties. There are also special standards to allow increased density for senior citizen housing units. The City also adopted provisions to allow emergency shelters within existing churches. This was done to accommodate a program coordinated by local churches. Emergency shelters are also permitted uses in Regional/ Community Commercial land use areas.

Specific plans for larger areas have also allowed for a broadening of housing types. The Bay Meadows Specific Plan, adopted in 1997 allows for live-work units, standard lot single-family dwellings units, small lot single-family dwellings, townhouse units, multi-family residential units and secondary units. Bay Meadows Phase 2, adopted in 2005, allows for the

development of up to 1,500 residential units in a transit oriented mixed use environment that includes various housing types.

The San Mateo Rail Corridor Transit-Oriented Development Plan includes transit supportive land use and housing policies. These policies include the establishment of two TOD zones located within the larger plan area in the vicinity of the Hayward Park and Hillsdale CalTrain Stations. The Plan provides for mixed use development at the highest residential densities and building heights near the train stations to encourage lively, transit oriented, and pedestrian friendly places.

In addition, the City of San Mateo is participating in the Grand Boulevard Initiative which is a collaboration of cities and other agencies in San Mateo and Santa Clara counties to improve El Camino Real. The Guiding Principles for the Grand Boulevard Initiative direct cities to target housing and job growth in strategic areas along the corridor and encourage mixed-use development. In 2008, the City Council adopted Resolution No. 18 (2008) endorsing the Guiding Principles of the Grand Boulevard Initiative, and incorporating them into future plans involving El Camino Real.

To further build upon these efforts, the city also adopted the Hillsdale Station Area Plan in 2011 which provides established TOD zones west of the Hillsdale Caltrain station. The Plan provides for transit supportive land uses including multi-family housing with densities that may range between 25 to 50 units per acre, and allows for mixed-use buildings, with retail combined with residential or office uses. This Plan compliments the Bay Meadows Phase II development plan on the east side of the Hillsdale station, and balances the concentration of density on both sides of the station.

Parking requirements for residential development were comprehensively reviewed in 1989 and 1990 and are tailored to match vehicle ownership patterns of residents of new projects in San Mateo. These standards require 1.5 spaces for a studio, 1.8 for a one-bedroom unit, 2.0 for a two-bedroom unit, and 2.2 for three bedrooms; one space per unit must be covered. These requirements are generally consistent with parking rates published by the Institute of Traffic Engineers (ITE) publication "Parking Generation". In addition, field studies are done to verify the appropriateness of City parking requirements for specialized types of housing, such as senior residential care. The San Mateo Rail Corridor Transit-Oriented Development Plan requires reduced parking requirements in conjunction with the development of transit-oriented development.

The subdivision regulations affect the manner in which property can be divided into individual lots for development. Since there is so little land left to subdivide in San Mateo, these regulations have little effect on the housing supply.

A summary of zoning requirements for all zoning districts follows. As indicated below, the setbacks for multifamily are not onerous when compared with the requirements of single family dwelling zoning districts. In addition, density and floor area ratio both increase for multi-family dwelling zoning districts.



Open space requirements apply only to R3, R4-D, R5-D and R6-D zoning districts. However, this open space requirement can be met by either private open space, such as patios and deck area, or by public open space, such as common plaza and garden areas, or by a combination of both. This allows maximum flexibility in meeting these requirements. Additionally, landscaped areas that are part of the required building setbacks can be counted towards meeting the open space requirement.

### General Zoning Summary

ZONE	USE	MAX HT	FLOOR AREA RATIO	REQUIRED YARDS				MIN LOT WIDTH	PARK-ING
				SIDE	FRONT	REAR	STREET SIDE YARD (CORNER LOT)		
SINGLE-FAMILY RESIDENTIAL									
R1-A	SFD	24' to plate line;	0.4	7'	25'	15'; 25' above 1 <sup>st</sup> floor	15% of lot width (7.5' min.; 25' max)	75'	2 enclosed garage spaces, plus 1 per 750 SF over 3000 SF
R1-B		32' to roof peak	0.5	5'	15'; (20' to garage)		15% of lot width (7.5' min.; 15' max)	60'	
R1-C							50'		
TWO-FAMILY RESIDENTIAL									
R2	SFD Duplex	24'	0.5 - 0.6	Same as R1-B				30'	Studio – 1.5  1 BR – 1.8  2 BR – 2.0  >2 BR or >1400 SF – 2.2
MULTIPLE FAMILY DWELLINGS									
R3	Medium density	35' to 55'. See bldg height plan	0.85	1-2 units = 5'; >2 units = 6'; > 2 stories = ½ bldg ht.; max of 25'	15'; > 3 stories = ½ bldg ht.	15'; > 3 stories = ½ bldg. ht.	1-2 units = 5' >2 units = 6' > 2 stories = ½ building ht. max of 25'	50'	
R4	High density		1.5						
R5			2.0						
DOWNTOWN RESIDENTIAL DISTRICTS									
R4-D	High density	35' to 55' See Chap 27.28	3.0	15'	20'	25' or 25% of lot width, whichever is greater; 40' max 25'	15'	50'	(1 covered space req'd per unit)
R5-D					N/A				
R6-D					20'			N/A	



General Zoning Summary (con't.)

ZONE	USE	MAX HT	FLOOR AREA RATIO	REQUIRED YARDS				MIN LOT WIDTH	PARK-ING
				SIDE	FRONT	REAR	STREET SIDE YARD (CORNER LOT)		
COMMERCIAL DISTRICTS & TOD ZONE									
C1	Neighborhood Commercial	25' to 55'	.5 - 3.0	Buffers are required for parcels adjacent to residential parcels; see Chap 27.30.060				N/A	See Chap. 27.64.160
C2	Regional/Community		.5 - 2.0						
C3			1.0 - 2.0						
C4			.5 - 1.5						
CBD	Central Business District	See bldg height plan	3.0	Buffers are required for parcels adjacent to residential parcels; see Chap 27.38.120				N/A	See Chap. 27.64.160
CBD-S	Central Business District Support	3.0	Buffers are required for parcels adjacent to residential parcels; see Chap 27.18.120						
TOD	Transit Oriented Development	35' to 55' See Rail Corridor Plan. 24' to 55' See Hillsdale Station Area Plan	2.0 – 3.0 (Rail Corridor Plan) 1.0-2.0 (Hillsdale Station Area Plan)	See Rail Corridor Plan and Hillsdale Station Area Plan				N/A	See Rail Corridor Plan and Hillsdale Station Area Plan
COMMERCIAL OFFICE DISTRICTS									
E1	Executive Park	25' to 55'	.4 -1.0	Buffers are required for parcels adjacent to residential parcels; see Chap 27.44.090				N/A	See Chap. 27.64.160
E2	Executive Office	See bldg height plan	.5 - 2.0						
MANUFACTURING DISTRICTS									
M1	Manufacturing	See bldg height plan	1.0	See Chapter 27.56.075				N/A	See Chap. 27.64.160
SPECIAL DISTRICTS									
S	Shoreline District		1.0	15 feet when adjacent to R zoned property				N/A	See section 27.61.060
A	Agricultural District								
OS	Open Space District								
Q	Qualified Overlay District								
SC	Senior Citizen Overlay District								

As noted in the charts above, zoning regulations are not more onerous for multi family dwelling zoning districts when compared with other zoning classifications. The need for

on-site and off-site improvements is not dictated by the type of land use, but by the extent of impact generated by the project. For example, transportation impacts fees are determined by the number of vehicle trips that will be generated by the development.

### Codes

The City has adopted the California Building Code, which is common to all California cities. There is little distinction between San Mateo's code standards and those faced by builders in other communities, with the exception of some minor local amendments and security standards that regulate protection of building openings and exterior illumination levels. The financial impacts of the security standards are minimal in most cases. The City participates in the Joint Venture Silicon Valley Program (JVSF), which was established to streamline the building permit process and to promote consistency on building code language, interpretations, and administrative procedures among local and regional agencies.

The City's code enforcement program is an important tool in maintaining its housing stock and protecting residents from unsafe conditions. Local enforcement is based on the State's Uniform Housing Code that sets minimum health and safety standards for buildings. To minimize displacement and to encourage the rehabilitation of substandard dwellings, code violations are reported to the City's housing rehabilitation specialists, who contact property owners and encourage application for rehabilitation funding programs. The City implemented the Apartment Inspection Program in 1994 which is coordinated by the Fire Department through its Fire Prevention Division. The purpose of the program is to ensure that the living standards of tenants are maintained and dangerous and unsanitary conditions are avoided through enforcement of the Municipal and Housing codes.

### Below Market Rate (BMR) Program

Inclusionary zoning programs – of which the City's local BMR program is one variant – are sometimes perceived as adding to the cost of housing by requiring the market-rate units to subsidize the affordable units. This is an area of much dispute, both in the Bay Area and nationally. There are as many positive aspects of inclusionary programs as there are negative aspects. For example, a study conducted by the National Housing Conference's (NHC) Center for Housing Policy (2000) highlighted several important contributions to inclusionary zoning to communities, not the least of which is the creation of income-integrated communities without sprawl.<sup>3</sup>

Within the last three years, several studies have been published that specifically address the issue of who pays for inclusionary zoning. Some of these studies assert that the costs associated with inclusionary programs are passed on to the market priced homes, while other studies assert that in fact the cost is not borne by the end users at all. For example, the "Reason Foundation" study entitled "Housing Supply and Affordability: Do Affordable

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<sup>3</sup>Inclusionary Zoning: A Viable Solution to the Affordable Housing Crisis? (Washington, DC: The Center for Housing Policy, National Housing Conference, October 2000).

Housing Mandates Work?” (April 2004) argues that housing consumers and some landowners pay for inclusionary requirements, not developers. The authors assert that market-rate buyers (and to some extent, renters) will be forced to pay higher amounts than they otherwise would for their units because of inclusionary zoning’s implicit tax on other units.

In an article published in the Hastings School of Law Review in 2002 which provided one of the first comprehensive reviews of inclusionary zoning and its cost implications for jurisdictions in California, Barbara Kautz, former Director of Community Development for the City of San Mateo and now a lawyer with Goldfarb and Lipman, noted that:

Most cities that have conducted economic analyses have concluded that, in the long run, most of the costs are borne by landowners [rather than market rate renters or buyers.] Initially, before land prices have had time to adjust, either the market-rate buyers or the developer pays, depending on whether the market allows the developer to increase his prices. If the developer cannot raise the market price for the non-inclusionary units or lower his total costs, or some combination, his profits will decline. To put this another way, builders will pay less for land because inclusionary zoning lowers their profits.<sup>4</sup>

Kautz asserts that developers will sell at the highest level they are able to sell at, meaning they will set prices according to what the market will bear. If a unit’s market value is \$500,000, it will be sold for \$500,000. Developers would not “add” more to the price to pay for the affordable units that are required; if they could sell it at \$550,000, for example, they would have sold it for that price in the first place. Furthermore, if the market value of a unit is \$500,000, a buyer would not pay \$550,000. And, if all a buyer can afford is \$500,000, then the buyer will not spend \$550,000. Ultimately, the price for a unit is dependent on what the market will bear; it is not directly affected by the affordability requirement.

The requirement to add inclusionary units results in substantial costs to a project compared to being allowed to build all market rate units. These costs cannot be passed on to other purchasers because buyers will not pay more because the development costs more; buyers pay what the market will bear relative to the desirability of the unit, the location and the community. Nor will the developer build for a lesser profit (unless the developer is unlucky enough to have purchased land and planned a project under one set of conditions and must sell units under a different set of conditions as a result of an unanticipated City policy.) The land price is the variable that adjusts, over time, to absorb the increased costs of development within the community.

If the cost of inclusionary zoning is not borne by the buyers or renters, but rather the developers (in terms of less profit) or the original landowners (also in terms of less profit), the question then becomes whether or not inclusionary zoning unfairly reduces the profit one can realize through the development of property. As the courts have repeatedly shown, zoning laws do not constitute a “taking” unless an owner is deprived of most, if not

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<sup>4</sup>Barbara Ehrlich Kautz, “In Defense of Inclusionary Zoning: Successfully Creating Affordable Housing,” *University of San Francisco Law Review* – Vol. 36, No 4 (Summer 2002).

all, of the economic benefit of a property. Land is a limited community resource, and as such courts have given jurisdictions broad discretion in implementing a variety of land use mechanisms that tend to restrict both the value and the particular use of property in order to achieve objectives that meet the greatest public good.

In most instances – certainly within the State of California – local jurisdictions with inclusionary programs have analyzed them as potential constraints to development. This has been the directive of State HCD: while it pronounces “housing element law neutral relative to enactment of mandatory local inclusionary provisions,” the State also notes that there may be tradeoffs that must be discussed in the Housing Element’s constraints section. However, jurisdictions almost always have implemented a number of incentives and cost benefits to mitigate these impacts, so that whatever constraint has been identified there is an offset offered to mitigate it.

In 2006 the City formed a Technical Advisory Committee to study a number of housing and density issues that specifically included a review of the City’s Below Market Rate Program and how it compared to other cities in San Mateo County. The resulting Housing and Land Use Study Report (2008) identified a number of findings on this issue. The economist report in the Housing and Land Use Study Report concluded that depending on the flexibility of land prices, the cost of the inclusionary units is generally-passed on to the property owner selling his land for housing rather than to the price or rental rate of the housing units. In other words, the price that the property owner is offered for his land is already lower because of the developer’s additional costs for the BMR program. A survey of residential building permit activity of local jurisdictions in San Mateo County showed no nexus between the number of building permits issued after the adoption of an inclusionary program as compared to before adoption of such a policy. Finally, the City surveyed its inclusionary requirements compared to the rest of the cities in San Mateo County. In November 2008 the City Council approved an increase in its affordable housing requirement from 10% to 15% for projects that include 11 or more residential units. This was found to be very comparable to neighboring cities. A survey revealed that 3 cities in addition to San Mateo had a 10% requirement option, 7 cities had 15%, and six jurisdictions had 20%.

Developers are given the option of utilizing the Density Bonus program that provides up to a 35% increase in units in exchange for additional affordable units in the BMR program plus 1 to 3 development concessions depending on the level of affordability of the housing units provided. The City also revised its BMR requirements to include more flexibility in the size and amenities of the affordable units in order to help offset some of the costs to the developer.

The City does not believe that the BMR program has increased housing costs to the consumer. Ultimately the developer will charge market rate rents and sales prices on the unrestricted units regardless of the development costs. Although the BMR program does impact the developer’s profit, it is difficult to determine at what point those impacts are great enough to discourage moving forward or decreasing the number of units on a site. Generally the cost of land has the most impact on those decisions.

In summary, the City has considered the pros and cons of providing affordable housing through the City's BMR program and has determined that the benefits far outweigh the costs, especially since developers are afforded incentives to mitigate the costs.

### Processing, Permits, and Fees

The development application and environmental review process necessary to obtain a building permit can significantly affect the cost of a project, both in processing fees and time. The review process in San Mateo has been structured to minimize delay, while providing opportunities for public input. The City adopted a pre-application planning process for applicants to hold meetings with neighborhood residents and the Planning Commission (large developments over 21 units) to allow for early input into the design of a project before submitting a formal planning application for public review. While this process adds additional time in the early stages of a development, the applicant obtains public comments and direction from the Planning Commission which helps expedite the formal planning approval process. The City of San Mateo has established timing goals for the processing of formal planning application development projects. When a developer has submitted all materials and a project is determined to be complete, the following processing goals have been established: 24 calendar days for Zoning Administrator decisions; 40 calendar days for Planning Commission decisions for projects that are exempt from CEQA; 60 calendar days for projects requiring Negative Declarations; and 90 calendar days for projects requiring approval by the City Council. Since 2006, City staff has met these processing goals 100 percent of the time for Planning Commission and City Council hearings, and an average of 90 percent for Zoning Administrator decisions. In addition, multifamily developments less than 6 units can be approved by the Zoning Administrator without the need for a Planning Commission public hearing.

### Housing Types and Approval Body

Residential Use	Approval Body
New Single Family Dwelling	Zoning Administrator
Single Family Subdivision (less than 6 units)	Zoning Administrator
Single Family Subdivision (more than 6 units)	Planning Commission
Multi-Family (less than 6 units)	Zoning Administrator
Multi-Family (more than 6 units)	Planning Commission
Residential Development with Parcel Map	Zoning Administrator
Residential Development with Subdivision Map	Planning Commission
Residential Development with Negative Declaration	Zoning Administrator or Planning Commission (depends on project size as noted above)
Residential Development with Environmental Impact Report	Planning Commission
Residential Development as a Planned Development (reduced setbacks, reduced parking, increased floor area)	City Council
Residential Developments needing Zoning Reclassifications or General Plan Amendments	City Council

During the discretionary review process, the final approval body determines the action on development proposals by making the appropriate findings. These findings are based primarily on conformance to the City's General Plan and Municipal Code, and environmental review is based on the California Environmental Quality Act (CEQA). Typical City of San Mateo findings by permit type for residential uses are listed below. If a development proposal meets the required findings for approval, the City's Municipal Code directs that the project shall be approved. It should be noted that all projects need to meet the outlined findings below. Projects that include affordable units, whether the project has just one unit or is a 100% affordable units, are treated the same as projects that have no affordable units.

### Single Family Dwelling Design Review (SFDDR)

Applies to all new single family dwelling applications:

1. The structures, site plan, and landscaping are consistent with the adopted R1 Single Family Dwelling Design Guidelines;
2. The development will not be detrimental to the harmonious and orderly growth of the City;
3. The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interest of the public health, safety, or welfare;
4. The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site; and,
5. The development will not adversely affect matters regarding police protection, crime prevention, and security.

### Site Plan and Architectural Review (SPAR)

Applies to any new building or subdivision including multiple buildings except for single family dwellings:

1. The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;
2. The development will not be detrimental to the harmonious and orderly growth of the City;
3. The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interest of the public health, safety, or welfare;
4. The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site; and
5. The development will not adversely affect matters regarding police protection, crime prevention, and security.

### Tentative Subdivision and Parcel Maps

Applies to all residential projects with a required tentative map:

1. That the proposed map is consistent with applicable general and specific plans;
2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
3. That the site is physically suitable for the type of development;
4. That the site is physically suitable for the proposed density of development;
5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

### Planned Development (Special Permit)

Applies to residential projects to allow reduced setbacks, reduced parking standards, and increased floor area:

1. The granting of the permit will not adversely affect the general health, safety, and/or welfare of the community, and that the use will not cause injury or disturbance to adjacent property by traffic or by excessive noise, smoke, dust, odor or noxious gas, glare, heat or fumes, or industrial waste.

The City has also adopted design guidelines for single family, duplex, and multifamily dwellings. These guidelines provide criteria for key building components, characteristics, scale, and neighborhood character for applicants to consider when submitting plans. Compliance to the guidelines increases a projects chance of receiving approval, and may decrease the amount of overall application processing time.

Permit processing fees are established by City Council resolution and are intended to reimburse the City for actual administrative costs. Fees are imposed by the Planning, Building and Public Works Departments. Also, the Developers Contribution Policy, adopted in 1979, requires a builder to pay for all infrastructure and public improvements directly associated with the proposed development and a proportionate share of all citywide programs affected by the development. San Mateo has adopted fees to carry out this policy. The most common development fees in San Mateo are for expansion of the wastewater treatment plant, transportation improvement fees, and the park in-lieu fee.

In 2013, The 21 Elements group's consultant surveyed the 21 jurisdictions of San Mateo County to learn more about the fees involved in a multi-family subdivision development



application. 21 Elements compared the development and impact fees of four comparable cities within the county (specifically, Burlingame, Daly City, San Mateo and Redwood City) for a hypothetical 96-unit building that would require a zoning change, Planned Development Permit, and Tentative Map. In San Mateo, a typical 96-unit multi-family project pays approximately \$1,042 per unit in Entitlement & CEQA fees and approximately \$8,766 per unit in Construction Plan Check and Building Permit fees for a total of \$9,808 per unit. This compares to a range of \$9,808 to \$30,386, with an average of \$18,380.

The Development Impact fees for the hypothetical project include \$868 per unit for expansion of the wastewater treatment plan, \$2,184 for Sewer Capacity fee, \$2,101 for transportation improvement fees, and \$10,076 for park in lieu fees for a total of \$16,409 per unit. This compares to a range of \$5,074 to \$16,017 in the four compared cities with an average of \$10,339 per unit.

San Mateo's total fees are in line with the neighboring cities, which typically represents 2-4% of the total development costs of new residential development. Although these represent cost to construct housing, they are in line with other local communities and are not considered such magnitude to inhibit development based on other development costs.

### Single Family and Multi-family Development

The City of San Mateo is a mostly built out community. The majority of new development will consist primarily of infill, reuse, or redevelopment. Available land to construct a large scale single family development is scarce. Planning application and permit processing for single family and multi-family developments are somewhat comparable in the City of San Mateo. As previously stated, planning application processing charges are intended to reimburse the City for actual administrative costs and applicants are billed for staff time and resources regardless of the type of application submitted to the City. In addition, the City processes all requested development approvals (subdivision maps, site plan and architectural review, environmental documents, etc.) concurrently, which provides for consistency among different application types and reduces the overall public review processing time.

If there was enough land for a large single family development, it is estimated that a 100-unit multi-family development could cost less in City charges and fees, but may take longer to process than a 100-unit single-family subdivision. Many City fees are based on building valuation and/or land value. Given minimum lot sizes for residential development, it is anticipated that land value would be higher per square foot for a single-family dwelling than a comparable multi-family unit. In addition, the single family structures would tend to be larger in size and therefore have higher building valuation costs that increase City fees. Traffic impact fees are higher for single family dwellings, and the larger land area requirements would increase the potential for grading and tree removal processing fees. A multi-family development may take longer to complete the planning and building permit process due to design review issues related to larger building forms, and impacts on adjacent neighborhoods. In addition, the plan checking process for code compliance may be more extensive and time consuming with a large multi-family development.



The City has compiled a series of responses to the constraints questionnaire posed by the Association of Bay Area Governments. This questionnaire provides guidance to local jurisdictions on what issues should be addressed in the constraints analysis.

➔ Do the land use designations allow for a range of housing types?

The City allows for a wide range of housing types from single family dwellings (approx. 4 – 8.7 units/acre) single family dwellings to high density residential (50 – 75 dwelling units per acre.) In addition, the City allows for secondary units on lots zoned residential as a permitted use. There are also special standards to allow increased density for senior citizen housing units.

The City also adopted provisions to allow emergency shelters within existing churches. This was done to accommodate a program coordinated by local churches. Emergency shelters are also permitted uses in Regional/ Community Commercial land use areas.

Specific plans for larger areas have also allowed for a broadening of housing types. The Bay Meadows Specific Plans, adopted in 1997 and 2005, allow for live-work units, standard lot single-family dwelling units, small lot single-family dwellings, townhouse units, multi-family residential units and secondary units.

➔ Are there enough land use and density categories and do they match well with the local need for housing?

The range of housing types, from single-family detached dwellings to high-density multi-family allows for a wide range of housing types. San Mateo's housing stock has historically been dominated by single-family dwellings, but this is changing. Vacant land for new single-family development has become very limited, and redevelopment of sites for multi-family housing at higher densities has increased. The trend towards multi-family housing also reflects the declining size of households and the high costs of single-family homes. Special provisions for emergency shelters, senior citizen housing and secondary units broaden the types of housing permitted in the City.

➔ Do growth limitations unduly restrict housing development?

There are no adopted growth management policies in the City of San Mateo.

➔ Do zoning and subdivision requirements match the best possible use of particular sites or areas?

There are areas around CalTrain stations have potential for mixed use development. The San Mateo Rail Corridor Transit-Oriented Development Plan established TOD zones in the vicinity of the Hayward Park and Hillsdale CalTrain Stations. The Plan provides for mixed use development at the highest residential densities and building heights near the train stations to encourage lively, transit oriented, and pedestrian friendly places.

➔ Have local constraints on the supply of new housing forced up prices on existing housing?

The local constraints on the supply of housing have added marginally to the price increases on existing housing. The main difficulty has been the staggering demand for

housing, far beyond what jurisdictions can produce or encourage in development. Large influxes of workers in the high tech industries – with significant available capital – have “bid up” the cost of housing so that many people cannot afford to live here.

- ➔ Do project mitigations result in housing being built at less than the allowed site capacity?

San Mateo does not include mitigation measures that reduce the achievable density of residential projects. Mitigation measures normally are associated with design details of a project, construction activities and the design of public improvements. It should be noted that the densities for multifamily zoning districts are expressed as a range; it is more likely that site capacity will be maximized with larger sites, and through requests by developers for density bonuses.

- ➔ Do high fees or other exactions result in high-end, rather than lower-cost, housing being constructed?

Local fees and exactions have added marginally to the cost of housing. The primary problem is the cost of land and construction. See the discussion on non-governmental constraints below.

- ➔ Are open space requirements compatible with standards used in other communities?

The City of San Mateo Zoning Code does not include open space requirements in all of its residential zoning districts. The sole citywide district, R3 (Medium Density), which requires the provision of open space, allows for both private and common open space to be used in the fulfillment of this requirement. This allows for a great deal of flexibility on the part of the design team in the design of open space areas. Both passive and active open space areas are also counted towards this requirement. Downtown residential zoning districts also require the provision of open space. However, similar to the R3 district, this requirement can be met through the provision of both private and common open space. The provision of adequate open space is insured by implementation of the City’s multi family dwelling design guidelines, which includes a guideline calling for the provision of open space to “...accommodate the needs of the residents.” This allows for flexibility on the part of the designer to provide open space while at the same time meeting other project goals, such as the provision of housing units.

- ➔ Do zoning and land use laws pose illegal barriers to any of the populations protected by the fair housing laws, such as families with children, minority groups, low- and very low-income families, or individuals with disabilities?

Cities can assist in the housing of the disabled by permitting residential care facilities. San Mateo allows care facilities serving six or fewer persons in all residential districts and permits facilities serving seven or more persons in multi-family and commercial districts. For the disabled, the City’s Building Inspection Division enforces state and federal disabled housing requirements. The City funds a disabled accessibility program to enable newly disabled persons to remain in their homes. Most senior units are also specifically designed to serve the disabled.

- ➔ Do the parking requirements accurately reflect the parking need? For example, the demand for parking in multifamily housing may be lower due to income, or proximity to transit, shopping or work.

San Mateo's residential parking requirements are generally consistent with rates published by the Institute of Traffic Engineers (ITE) publication "Parking Generation". In addition, field studies are done to verify the appropriateness of City parking requirements for specialized types of housing, such as senior residential care. Reduced parking requirements in conjunction with the development of transit-oriented development have been approved in the San Mateo Rail Corridor Transit-Oriented Development Plan.

- ➔ Does parking have to be enclosed? Covered? Decked?

Single-family dwellings require provision of a two car enclosed garage, although nonconforming dwellings may be added to without providing an additional parking space. In multi-family developments, at least one parking space per unit must be covered.

- ➔ Do parking standards for mixed-use impose an impediment or incentive for housing?

Generally, the parking requirement for mixed-use projects must be met for each individual use, which may contribute to a development impediment based on the high cost of providing parking. However, within the Rail Corridor, the parking requirements are more flexible in that reduced and shared parking standards are allowed which may provide an incentive for housing. In 2008, the Planning Commission approved mixed-use residential and commercial projects within the Rail Corridor with either reduced or shared parking standards.

### Constraints on the Development, Maintenance and Improvement of Housing

On January 1, 2002, a new law became effective that requires local jurisdictions to include, in the analysis of governmental constraints, a discussion of the potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities, and demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for persons with disabilities (Section 65583(a)(4)). In addition, the jurisdiction must include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities (Section 65583(c)(3)).

The State Department of Housing and Community Development (HCD) prepared a report highlighting some of the many implementation issues associated with the passage of this law, SB 520. In addition to clarifying the State's intent on reasonable accommodation, SB 520 requires that jurisdictions who find such constraints must include programs to remove them, or provide reasonable accommodations for **housing** designed for occupancy by persons with disabilities (as opposed to **persons** with disabilities themselves). According to this report:

Housing designed for occupancy by, or with supportive services for persons with disabilities includes a wide range of housing types. For example, housing that is physically accessible to people with mobility impairments, residential care facilities for individuals with disabilities or for the elderly, group homes, housing for individuals with Alzheimer's, housing for persons with AIDS/HIV, housing with support services and transitional housing that serve homeless with disabilities are within the meaning of "housing designed for occupancy by, or with supportive services for, persons with disabilities."

If constraints are found, the rule of thumb is that the jurisdiction must remove them. However, in some cases the greater public good, as deemed by the jurisdiction, may warrant not removing the constraint. In these instances, the jurisdiction must provide a reasonable accommodation process for the **housing** for persons with disabilities, as defined above. In other words, the jurisdiction must create a process to allow developers or operators of housing for people with disabilities to make a claim for relief from whatever constraints exist.

As part of the Countywide Analysis of Impediments to Fair Housing Choice, the City conducted an analysis of constraints to housing for persons with disabilities that bears relevance to this Housing Element. The AI examines policies and practices that may limit residents' ability to choose housing in an environment free from discrimination. San Mateo County, together with Daly City, Redwood City, San Mateo, and South San Francisco funded the AI.

The US Department of Housing and Urban Development requires entitlement jurisdictions to develop action plans to overcome the effects of identified impediments to fair housing choice. Therefore, the Analysis of Impediments is the necessary first step in the Fair Housing Planning process. HUD wants entitlement jurisdictions to become fully aware of the existence, nature, extent, and causes of all fair housing problems and resources available to solve them.

City strategies and policies to preserve and develop affordable housing were reviewed to assess the extent to which they address affordability issues in the community, mitigate the housing problems of major groups in need, and meet the RHNA housing development targets. According to the AI, affordable housing has most direct impact on low-income residents disproportionately represented by ethnic minorities, persons with disabilities, large families with children, and other groups protected by fair housing laws.

According to the AI, one of the most powerful tools available to increase the supply of affordable housing is inclusionary zoning policy. Within the county, some cities have effective inclusionary zoning ordinances that apply citywide with a wide scope of application. The City has an effective inclusionary zoning ordinance that generates significant numbers of BMR units each year. However, the AI found that new housing construction has been unbalanced. While the 1999-2006 RHNA targets for above moderate income housing were surpassed, lower income housing production was less successful. The AI found that the City could reduce the shortfall by increasing the percentage of BMR units required under its inclusionary zoning ordinance or by requiring an in-lieu fee for smaller projects. The City increased the BMR requirement so that a greater

## City of San Mateo Housing Element

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balance may be achieved in the future. The current BMR requirement applies to developments consisting of 11 or more units:

- 15% of ownership units will be affordable to moderate income families, or
- 10% of ownership units will be affordable to low income families.
- 15% of rental units will be affordable to low income families, or
- 10% of rental units will be affordable to very low income families.

## Land Use and Zoning

Public policy is a major factor driving the City's housing environment. Often employed as a tool to prevent change and maintain a majority population's concept of "neighborhood value," restrictive practices can pose significant impediments to fair housing choice, sometimes in violation of federal or state law. On the other hand, used constructively, elements of zoning and land use policy can be major tools in efforts to provide affordable housing and remove impediments to fair housing choice for lower income residents, groups protected under Federal and State Fair Housing laws, and others.

The City's definition of family in the zoning code is consistent with fair housing laws. Specifically, the code states in 27.04.195, "*Family*" means a person or a group of persons living together and maintaining a common household. (Ord. 1981-27 § 10, 1981; Ord. 1978-18 § 24 (part), 1978; prior code § 142.01(65)). In other words, persons living together, regardless of marital or blood affiliation, are, for the purposes of City laws and regulations, considered a "family" and therefore are not discriminated against. For example, this means that residential care facilities (sometimes referred to as "group homes") with six or fewer persons are treated as a family, regardless of actual affiliation.

Consistent with State requirements, the City has established standards for the location of residential care facilities. These are essentially divided into two categories: those serving six or fewer residents, and those with more than six. For those with six or fewer residents, the City complies with State law pertaining to group homes, treating such facilities as traditional single family residences. The State allows a 300' limit between such facilities to ensure there is no overconcentration of such developments within the community.

When the proposed use meets the requirements of the City's residential use criteria, residential care facilities serving 7 or more residents in addition to the caregiver may be permitted by approval of a special use permit and a site plan and architectural review by the Planning Commission in any zoning district that permits multiple family dwellings. There cannot be other residential care facilities of any size within 500 radial feet of the perimeter of the proposed facility, such as licensing and density requirements.

## Reasonable Accommodation Policy and Ancillary Accessibility Issues

San Mateo codified a formal reasonable accommodation process in June 2014, which further supports the City's effort to provide assistance to housing for people with disabilities. The City currently does this in a number of significant ways. Through both the Community Funding and Housing Repair programs, grants are provided to assist in home

modifications, such as installation of ramps, grab bars, assistive devices in bathrooms, etc., enabling disabled residents to live independently at home. The City also provides Community Development Block Grant (CDBG) funding for ongoing sidewalk infrastructure improvements, such as curb cuts and expansion that allow full accessibility for all residents in their neighborhood. The City completed ADA accessibility upgrades to all City owned facilities in addition to providing rehabilitation and other capital improvement loans and grants to nonprofit organizations for the purpose of making accessibility upgrades to their affordable housing, emergency shelters, and other residential programs.

## NON-GOVERNMENTAL CONSTRAINTS

Nongovernmental constraints include a variety of factors that negatively impact "the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction" {65583(a)(5)}. Clearly, the potential list of all constraints on the development could be quite long, and might include information on national economic conditions and regional geology. However, this analysis this Housing Element will focus on non-governmental constraints that the City may be able to positively impact.

### Financing Availability

The availability of financing can sometimes constrain the development or conservation of housing. Until the end of 2008, home mortgage credit has been readily available at attractive rates throughout the US. The beneficial effects of lower mortgage interest rates on homeownership affordability are profound. For example, with mortgage interest rates at 10%, and assuming a 15% down payment, a family with an annual income of \$60,000 can qualify to purchase a \$166,000 home. With interest rates at 8%, the same household with the same \$60,000 income qualifies to purchase a \$198,000 home. Were interest rates to fall to 6%, the same household could qualify for a \$242,000 home.

Mortgage interest rates clearly have an influence on homebuyers, especially at the lower incomes. Despite recent substantial cuts in the prime lending rate by the Federal Reserve Board, mortgage rates have generally not seen a concomitant drop. Nonetheless, mortgage rates have generally declined since the early 1990s, during which time the rates were as high as 10% to 12%.

A related issue is the financing available for the construction of new housing development. According to the Statewide Housing Plan, land developers purchase raw land, entitle and subdivide it, and, sometimes, depending on the developer and market, install on-site services (e.g., streets, sewers, drainage) and pay for off-site improvements. These activities are generally carried out two to five years ahead of unit construction. The long lead times and high costs associated with these activities create a considerable risk for the developer.

The State notes that the high levels of risk associated with land development make it difficult for land developers to find investors and financing. As a result, potential land



investors typically require large premiums over and above other types of real estate investments. Lenders who make land development loans impose lower loan-to-value-ratios, charge higher rates, and/or require the loan to be a recourse loan. If other, lower-risk lending opportunities are available, lenders may eschew land development loans altogether.

Construction loans for new housing are difficult to secure in the current market. In past years, lenders would provide up to 80 percent of the cost of new construction (loan to value ratio). In recent years, due to market conditions and government regulations, banks require larger investments by the builder.

Due to Federal and state budget cuts, affordable housing developers have had a much harder time securing funding. Since 2009, the Federal Government has cut programs such as Community Development Block Grants, HOME, and HOPE VI funding by 27-50 percent (ABAG). Traditionally, these programs have been a large source of affordable housing funds. In addition to Federal cuts, the State dissolved Redevelopment agencies in 2012, leaving San Mateo County with a loss of \$25.5 million in funds for affordable housing. However, Low Income Housing Tax Credits still provide an important source of funding, so it is important for jurisdictions to consider which sites are eligible for affordable housing development. MidPen Housing has agreed to help jurisdictions identify appropriate sites.

Today, the economic condition in the country is still difficult, and financing for any development is challenging. The foreclosure crisis has also hit the Bay Area, some areas more than others. At the end of 2008, there were about 60 units in pre-foreclosure, foreclosure, or in auctions in the City of San Mateo, out of a total 39,168 units, or 0.1 %. In contrast, in the City of Antioch in Contra Costa County – with a total of 33,936 units – almost 870 were somewhere in the foreclosure process (2.5%). Although home affordability has been improving as a result of the increasing numbers of foreclosures on the market, building permits, starts and sales continue to decline because prospective homebuyers either lack access to credit or the confidence to buy. According to industry experts, the recent drop in 30-year fixed mortgage rates to near 5% will cushion the decline in housing but is not enough to stop it. That will take an end to declining home prices and much improved confidence about income security. Neither is likely in the next few months.

The data in the table below is from the Home Mortgage Disclosure Act (HMDA) and represents loan applications in 2012 for of one- to four-unit properties, as well as manufactured homes. More than 65 percent of the loan applications were filed by households earning above a moderate income (greater than 120 percent of AMI). Moderate income households (80-120 percent of AMI) represented 18 percent of loan applicants, low income households (50-80 percent of AMI) represent 12 percent, and very low income households (less than 50 percent of AMI) only 4 percent. Almost 75 percent of all loans were approved and accepted by the applicants, and 10 percent were denied. Above moderate-income households had the highest rates of approval of any group. Loan approval rates have improved since the subprime crisis.

Disposition of Applications for Conventional Home Purchase Loans (2012)					
Income Level	Number of Loan Applications	% of All Loans	% of Loans Originated	% of Loan Applications Denied	% Other*
Less than 50% AMI (Very Low Income)	700	4%	57%	22%	21%
50-80% AMI (Low Income)	1,968	12%	67%	14%	20%
80-120% AMI (Moderate Income)	3,017	18%	73%	11%	17%
120%+	11,381	67%	76%	8%	16%
All	17,066	100%	74%	10%	17%
Source HMDA Data, 2012 for San Francisco-San Mateo-Redwood City MSA					
* includes loans applications approved but not accepted, loan applications withdrawn, and incomplete files					

## Construction and Land Costs

Land costs in San Mateo County are high, due in part to the desirability of housing in the county, and because available land is in short supply. These costs vary both between and within jurisdictions based on factors like the desirability of the location and the permitted density.

The following land costs are approximate, and derived from conversations with local developers. For a typical multi-family construction in San Mateo County, land costs add approximately \$90,000 per unit. Land for a single-family home often costs \$400,000 or more per lot.

Construction costs include both hard costs, such as labor and materials, and soft costs, such as architectural and engineering services, development fees and insurance. For multi-family homes in San Mateo County, hard costs account of 60-65 percent of the building cost and soft costs average around 15-20 percent (the remaining 15-20 percent is land costs). For single family homes, hard costs often are roughly 40 percent of the total cost, soft costs are 20 percent, and land is 40 percent.

According to housing developers in San Mateo County, construction costs for multi-unit buildings vary based on the form of parking (structured vs. surface) in addition to other environmental factors such as topography, pre-existing structures etc. For a larger, multi-unit building, costs can vary from \$185,000/unit to as high as \$316,000/unit. The cost per square foot ranges from \$172-\$200.

For the least expensive production single-family homes, the cost of preparing the vacant land is around \$100,000/lot, and the cost of construction is approximately \$145/sf. For more expensive, custom homes, however, the construction costs can be higher than \$435/sf. In general, soft costs add another approximate third to the subtotal.

An affordable housing project recently completed in the City of San Mateo illustrates the actual construction costs that are typical in San Mateo. The 60 unit apartment building is 4 stories wood frame construction over an at-grade parking podium. The development costs including land totaled \$26.5 million. This includes \$275,000 per unit for hard construction costs, \$115,000 per unit for soft costs, and \$51,000 for land for a total of \$441,000 per unit. In square footage terms this equates to about \$365 per square foot for total development



costs.

### Other Non-Governmental Constraints

#### NIMBYism

An additional significant constraint to the development of housing is created by the “Not In My Backyard” or NIMBY syndrome in which individual and community-wide fears surface regarding perceived decreases in property values, deterioration of service levels, fiscal impacts, environmental degradation, or public health and safety issues. Although has been generally true of affordable housing developments, there are also increasing concerns with market rate housing as well. As neighborhoods become built out, any new or increased density housing may be a perceived threat to the existing residents’ quality of life in terms of traffic patterns, level of services provided, and community amenities. However, city officials and developers can work to assuage these concerns by requiring design review, emphasizing management of new developments, and engaging in public education to address myths about high density/low-income/supportive housing (HCD). Some cities, such as Redwood City, have had success by developing clear, explicit requirements during a thorough public planning process and then providing more certainty to developers.

#### Construction Defect Litigation

The threat of lawsuits over real or imagined construction defects deters the building of condominiums and townhouses because they are managed by homeowners associations that may be more willing to sue developers than individual homeowners typically are. Thus, according to this argument, California is deprived of badly needed owner-occupied, affordable, high-density and in-fill housing.<sup>5</sup>

#### Downpayment/Move-In Costs

The ability to accumulate enough funds for a downpayment remains a significant obstacle to many potential homebuyers. Lower-income homebuyers may have a difficult time transitioning from the rental housing market to homeownership because of the difficulty in accumulating the required downpayment, which can be as much as 20-25% – or more – of the sales price. Prior to the subprime mortgage market and credit meltdowns, it was possible for prospective homeowners to buy houses and condos with no money down, in many cases. In the same way, lower-income households may not be able to find appropriate housing because they cannot accrue the security deposits as well as first and last month’s rent.

#### Voter Initiative – Measure P

Measure P, a reauthorization of Measure H which was originally approved by the voters in 1991, was approved by voter initiative in 2004 with the expressed purpose of maintaining “the San Mateo General Plan so as to preserve the livability and suburban character of the

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<sup>5</sup> “Construction Defect Litigation and the Condominium Market,” California Research Bureau, Sacramento, November 1999.

City of San Mateo by essentially maintaining height limits and densities established by San Mateo voters in 1991, while providing for the level of economic growth projected in the San Mateo General Plan and increasing the city's commitment to providing its fair share of affordable housing." The Measure P language is included in the city's General Plan, and cannot be modified, revised or updated without voter approval. In general, Measure P permits residential development at a range of densities from 9 to 50 units net per acre, with the higher end of the density range to be used only for projects which provide substantial public benefits. Residential development is also allowed in commercial districts. Measure P also includes a requirement for inclusionary housing which are administered by the city's Below Market Rate housing program.

While Measure P serves to maintain building height limits, floor area ratios, and density ranges in San Mateo, it has not precluded residential development. Since 2004, the majority of development in San Mateo continues to focus along the San Mateo Rail Corridor as evidenced with the 18-block Bay Meadows Phase II development that will include over 1,000 residential units at total full build out, a 60-unit affordable housing development at 1990 S. Delaware Street (former Police Station site), and a 68-unit affordable Transit Oriented Development project at 2901 S. El Camino Real called "Peninsula Station". Measure P allows for flexibility in development design while providing opportunity for developers to provide additional affordable units or the ability to provide housing affordable to those in the very, low-income economic group.

Anecdotal, developers believe Measure P inhibits their ability to provide more housing. There are a variety of conditions which may affect the production of housing, as such it is unclear to what degree Measure P has, or has not, impacted the development of housing, especially affordable housing. However, the city continues to experience a high level of entitlement requests for residential development.

## I. PRESERVATION OF UNITS AT RISK OF CONVERSION TO MARKET RATE

### INVENTORY

There are two projects at risk of conversion to market rate within the new planning period. The earliest project that will see affordability restrictions expire is the Lesley Towers Project, owned by Lesley Senior Communities and built in 1965. The 200-unit development is in nonprofit ownership, and was financed under the HUD Section 202 Program for seniors. Its restrictions will expire in 2015, however the owner is in the process of refinancing the project with HUD and the assistance of Section 8 rental assistance which will renew the affordability covenants for another 40 years.

The other project is Humboldt House, consisting of 9 units of supportive housing and owned by Mateo Lodge. The rent restriction expires in 2020 but has provisions to renew for an additional 20 years at the City's discretion.

### COST ANALYSIS OF PRESERVING "AT-RISK" PROJECTS

Given the housing market in San Mateo County, recent significant increases in rental rates, and owners foreclosed throughout the Bay Area looking for rental housing, conversion to market rates is likely to be an attractive option for owners of at-risk properties.

The cost of producing an affordable unit to replace a lost unit is extremely high. Development costs are estimated at \$350,000 to \$450,000 a unit, depending on land costs. Typically, the City's cost to subsidize existing affordable units is \$60,000 - \$100,000 per unit.

Preservation of at risk units can be accomplished in several ways, including acquisition of the property by qualified nonprofit housing corporations, local housing authorities, or other organizations that are committed to long-term affordable housing. As part of the financing of this type of acquisition, long-term regulatory restrictions are recorded against the property, removing the risk of conversion.

### AVAILABLE RESOURCES FOR PRESERVATION

The City will actively work with HUD, the owner, and other interested parties to extend affordability restrictions to preserve the affordability, utilizing state or federal programs for any units that are at risk of conversion to market rate in the future. If the project requires financial assistance from the City, resources include Redevelopment Agency Housing Successor funds, and HOME funds. Priority of City resources will be given to preserve at risk units if need be.

## QUANTIFIED OBJECTIVES FOR AFFORDABLE “AT-RISK” UNITS

Over the next 10 years the Quantified Objectives to preserve existing affordable units is 209 very low income units.

Both of the projects with potential expiring affordability restrictions are owned and operated by non-profit organizations who are highly motivated to keep the rents affordable for their clients. Based on the particular situations it is extremely likely that the affordability restrictions will be extended. City staff will track these projects over the next few years, and offer assistance should the agencies require refinancing in order to preserve the units. In the unlikely event the Lesley Senior Communities would sell the complex, they are required to send Notices of Intent to Prepay to the City and other qualified entities in the area who are skilled and motivated to acquire properties to ensure ongoing affordability. A number of qualified agencies are listed below..

### Selected List of Qualified Entities, 2013

Organization	City	ST
A. F. Evans Development, Inc.	Oakland	(510) 891-9400
Affordable Housing Foundation	San Francisco	(415) 387-7834
American Baptist Homes of the West	Pleasanton	(925) 924-7100
Bank of America, N.A.	San Francisco	(415) 953-2631
Belveron Real Estate Partners, LLC	San Francisco	(415) 273-6801
BRIDGE Housing Corporation	San Francisco	(415) 989-1111
Cabouchon Properties, LLC	San Francisco	(415) 433-2000
California Community Reinvestment Corp.	Glendale	(818) 550-9800
California Housing Finance Agency	Sacramento	(916) 326-8801
California Housing Partnership Corporation	San Francisco	(415) 433-6804
Citizens Housing Corp	San Francisco	(415) 421-8605
Community Home Builders and Associates	San Jose	(408) 977-1726
Domus Development, LLC	San Francisco	(415) 856-0010
EAH, Inc.	San Rafael	(415) 258-1800
Goldrich & Kest Industries, LLC	Culver City	(310) 204-2050
Mercy Housing California	San Francisco	415-355-7160
Mid-Peninsula Housing Coalition	Foster City	(650) 356-2900
Mill Rock Capital, LLC	San Francisco	(415) 730-7126
National Housing Development Corporation	Rancho Cucamonga	(909) 291-1400
National Housing Trust	Walnut Creek	(925) 945-1774
Northern California Land Trust, Inc.	Berkeley	(510) 548-7878
Palo Alto Housing Corp	Palo Alto	(650) 321-9709
Renaissance Housing Communities	San Francisco	(415) 0419-4027
Resources for Community Development	Berkeley	(510). 841.4410
ROEM Development Corporation	Santa Clara	(408) 984-5600
SLSM, LLC	San Francisco	(415) 826-0301
The John Stewart Company	San Francisco	(415) 345-4400
The Trinity Housing Foundation	Lafayette	(925) 385-0754
Union Partners Realty Group, Inc.	San Rafael	(415) 446-1811
West Bay Housing Corporation	San Francisco	(415) 618-0012

## J. DESCRIPTION OF HOUSING PROGRAMS

For this section, the State is looking for a description of the myriad ways a jurisdiction can address housing concerns in the community, both from a land use and from a programmatic standpoint. Many of these programs are designed primarily to address affordability issues, as the cost of housing is a significant impediment to homeowners and renters alike.

Many of these programs have already been mentioned, including in the inventory of land for housing (section F). Other programs are found in the section on new goals, policies and programs below (section I). This section will discuss some of the ways the City assists in the development of housing, especially that which is affordable, through financial and other kinds of assistance

There are a number of resources available to the City to implement its housing and community development objectives. Housing projects, in particular, typically require a combination of resources and partnerships.

### FEDERAL PROGRAMS

#### Community Development Block Grant (CDBG)

The City of San Mateo has been an active participant in the CDBG program for over 35 years. HUD awards this flexible grant program to jurisdictions through a statutory formula that uses measurements of need. CDBG funds can be used to assist low and moderate income persons in the form of social services activities, housing rehabilitation, economic development, neighborhood revitalization, improvement of public facilities, and prevention and elimination of slums and blight. The City's entitlement grant has decreased an average of about 16% over the last five years. It is anticipated that the CDBG grant will continue to remain the same or decrease further; therefore, the City is budgeting a conservative 2% decrease annually over the next five years.

#### HOME Investment Partnership Program

The HOME program is a federal grant to participating jurisdictions determined by formula allocations. HOME funds are directed toward the housing programs that assist persons 60% of the median income including acquisition, rehabilitation, new construction, tenant based assistance, homebuyer assistance, planning and supportive services. The City of San Mateo participates in the program as an individual jurisdiction. A portion of each year's grant (15%) is set aside for use by non-profit Community Housing Development Organizations (CHDO). Currently there is one certified CHDO in San Mateo, HIP Housing Development Corporation (HHDC). The City's HOME allocation has decreased 50% from five years ago and it is unclear if funding levels will be maintained for this program in the future..

### Low Income Housing Tax Credits (LIHTC)

The LIHTC is an incentive for investors to provide equity to develop rental units for households at 30 - 60% of median income. The program is not a direct federal subsidy, but rather a tax incentive administered by the Internal Revenue Service. Tax credits were used to help finance Peninsula Station in 2009 and Delaware Pacific in 2012..

### Section 8 Rental Assistance Program

This program is administered by the San Mateo County Housing Authority with multiple eligibility criteria; a family or a single person who is 62 years or older, disabled or pregnant, household annual gross income equal to or below the HUD published income limits. Households who qualify for Federal Preference are considered first and are defined as persons who are involuntarily displaced, or persons who are paying more than 50% of household income towards rent.

## **OTHER PUBLIC FUNDS**

### State Programs

Over the past five years The City of San Mateo obtained funding from several State programs such as CalHome Program, the Infill Infrastructure Grant program and Proposition 1C Housing Related Parks Program funds. Staff keeps a close eye on funding cycles and new funding opportunities from the State as they are released. Also, housing developers and housing organizations are eligible to apply for State funds, such as programs sponsored by California Housing Finance Agency (CalHFA), on a project by project basis. There are also State Low Income Tax Credits available, which can be used to assist housing projects.

Participants in First Time Homebuyer Programs often utilized the CalHFA mortgage and down payment assistance programs as they are available.

### Housing Successor Agency for the Redevelopment Agency

As mandated by the state legislature, the Redevelopment Agency (RDA) of the City of San Mateo was dissolved as of February 1, 2012. As the Housing Successor Agency, the City of San Mateo is responsible for the management of properties and funds formerly belonging to the Redevelopment Agency. The City elected to retain the housing assets and housing functions previously performed by the Agency upon dissolution. A portfolio of loans previously financed by RDA funds provides some program income to support future affordable housing. At the time of dissolution the City's RDA fund balance of approximately \$1.9M was returned to the local taxing agencies. The City elected to retain its portion of the returned funds in the amount of \$706,000 to be reserved for affordable housing. It has also set a policy to contribute 20% of the annual increase in property tax revenues to be retained for affordable housing on an ongoing basis.

### Below Market Rate Program (BMR)

In 1992 an inclusionary zoning ordinance was passed that requires a portion of affordable units be provided in all complexes sized 11 or more units, both rental and ownership developments. The program was amended January 1, 2010 to revise the affordability requirements and provide some flexibility in unit design and location.. For rental projects, developers have the choice of providing either 10% of units to be affordable to households up to 50% AMI or provide 15% of the units affordable to households up to 80% AMI. In for-sale developments, developers can either provided 10% of the units affordable to households up to 80% AMI or 15% of the units affordable to households up to 120% AMI.

## **PRIVATE FOR-PROFIT AND NONPROFIT SOURCES**

### Community Reinvestment Act (CRA)

Several opportunities exist for partnership with local lenders via the Community Reinvestment Act. This law requires local lenders to analyze the lending needs of the community in which they do business, particularly the needs of low and moderate-income persons, and develop programs to address those needs. To date several lenders have offered favorable terms on first mortgages for the First Time Home Buyer program which has provided tremendous support to the program. Other lenders have assisted new construction projects in the form of construction loans and permanent financing. The City considers this a beneficial resource for future partnerships as well.

### Private Developers

In any housing project the City undertakes with private developers, the City attempts to leverage its resources as much as possible. The City attempts to provide the "gap" financing that is needed to make a project feasible. Private developers are very interested in developing housing because of the current high demand and the City continues to work with them to find ways to include affordability within their projects. With the current demand for housing, the City sees good opportunities to work with the private sector in the area of new housing construction over the next eight years.

### Non-Profit Agencies

There are several partnership opportunities with non-profit organizations. Foundations and lender consortiums provide means of financial assistance. Community service organizations provide housing services and manage housing programs. Non-profit developers produce new affordable units. To date the majority of new affordable units have been sponsored by non-profit developers. This trend will most likely continue since the federal programs strongly encourage the use of non-profit agencies for housing programs.



## HEART

The Housing Endowment And Regional Trust (HEART) of San Mateo County is a regional trust fund for affordable housing in San Mateo County. It has a revolving loan fund to provide financing for affordable housing developments usually in the form of short term gap or predevelopment financing. HEART provided short term interim financing for Peninsula Station in 2009.

Its "Opening Doors" Program provides below market rate second loans as down payment assistance for home buyers who make up to \$150,000 per year. The program is also structured to eliminate private mortgage insurance which results in lowering the total monthly housing payment for homebuyers.

As new federal, state and local sources of funds appear, the City will integrate them into its programs and look for new solutions to meeting the affordable housing needs. It also continues to aggressively seek other potential financing sources and partnership opportunities.

## **INSTITUTIONAL STRUCTURE**

There are several institutions that coordinate to implement the City of San Mateo's Consolidated Plan:

### City of San Mateo

The Neighborhood Improvement and Housing (NIH) Division is the lead public agency for the development, preservation and improvement of housing in San Mateo. NIH administers the federal funds received by the City and the Housing Successor Agency's housing activities. NIH is responsible for many activities and programs such as Minor Home Repair Program,, the First Time Homebuyer Program, the development of new housing through developer assistance, site acquisition and rehabilitation, Code Enforcement and the Community Funding program.

Other City Departments are also involved with the CDBG program because other Departments typically manage the larger capital projects. For instance, the Public Works Department manages street and sidewalk repairs and the Parks and Recreation Department manages improvements to neighborhood parks and recreation centers.

As a leader in the provision of housing, the City of San Mateo is well suited to continue implementing and expanding the housing and community development programs identified in this report. The City's housing programs have the support of the City Council and management staff, as well as the experience to carry out housing plans. Expertise in ongoing programs such as housing rehabilitation and working with community nonprofits will result in continuing success for these programs. Staff also has experience in the intricacies of housing development, from negotiating purchases and selecting and working



## City of San Mateo Housing Element

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with a developer, to securing short and long term financing. The City is well versed in taking steps necessary to alleviate neighborhood concerns with development, and in winning support from the community for its projects. Some limitations the City faces include the restrictive nature of the uses of federal funds and City budget constraints which impact the City's ability to meet the identified needs.

## County of San Mateo

The County plays a smaller role in San Mateo than it does in other cities on the Peninsula because of the City's eligibility to receive funds directly from the federal government. However, the City does find it beneficial to collaborate with the County on the more regional issues such as homelessness and housing. The County contributes to housing efforts in the City through such programs as its first time homebuyer program and the financing of nonprofit agencies that provide housing. In addition, the County coordinates the Continuum of Care Plan, which the City supports with its programming for the homeless. In certain situations the City and County will both provide funds for a project.

The San Mateo County Housing Authority, a division of the Department of Housing, is responsible for implementing the federally funded Section 8 Program throughout the County of San Mateo. A portion of the Housing Authority's rent assistance vouchers and certificates are placed in the City of San Mateo. There are no public housing facilities in San Mateo that are operated by the Housing Authority. The Housing Authority operates an ongoing program in which it has extensive experience, and is therefore very capable of delivering its housing programs to those in need. Limitations of the Housing Authority include the lack of development experience and the lack of resources needed to assist all those who seek its help.

## Nonprofit Organizations

Nonprofit organizations play an important role in the provision of affordable housing and other basic human services to low and moderate income San Mateo residents. The agencies provide a variety of services in order to meet the changing needs of the diverse San Mateo population. On a two year funding cycle, the City sets aside funds to provide grants for housing and other public services. Nonprofit and other community organizations submit proposals on both a competitive and invitational basis to obtain these funds so the number and names of providers change each cycle. The working relationship established between the City, County and nonprofit agencies ensure the continuation of valuable housing and other services to low-income residents. The City provides financial support to these nonprofits through its community funding program.

The majority of nonprofit agencies working in the City of San Mateo can be described as experts in their field. They are adept fundraisers and project managers and they know the diverse needs of their clients and the most efficient ways to meet them. They are also very experienced in working with each other and with other public and private organizations. There exist grassroots, or community-based organizations, who work within the City that do not have as extensive experience as nonprofit service providers. The City remains

committed to providing as much technical assistance as possible in their efforts to develop capacity and grow into strong community organizations.

There are several agencies the City works with that have experience developing new housing. InnVision Shelter Network of San Mateo County has several facilities that house homeless adults and families throughout the County with First Step for Families and the Vendome Hotel in the City of San Mateo. Human Investment Project and the Mental Health Association of San Mateo County have experience with acquisition and rehabilitation of housing properties as well as strong property management. Many of the new construction and larger projects in the County are developed by Mid-Peninsula Housing Corporation, Mercy Housing, as well as other qualified nonprofit developers in the region.

### Private Sector

Private sector organizations involved in providing housing and community development services include realtors, lenders, architects, developers and contractors. These groups rarely take a lead role in providing affordable housing, but are crucial in its provision and development. The private sector's role in the delivery of affordable housing is the same as for any other client. Banks know what is required to make projects work and how to help move them forward. Contractors and developers are equally adept in their fields, as are other members of the business community. Their shortcoming is that they are often unfamiliar with the needs of lower income persons, or with the limitations of those trying to provide services for them. Private developers are also involved with building affordable housing through the requirements of the City's Redevelopment Agency and Below Market Rate ordinance.

As illustrated in the identification and description of the City's institutional structure, the City of San Mateo is a strong leader and participant in the development and ongoing support of various programs and initiatives constituting the delivery system. The strengths include extensive efforts to involve the community in identifying needs and trends, collaborative efforts with other jurisdictions to address regional issues, and the close working relationships with and support of the nonprofit sector in their important role in the overall health and strength of the San Mateo community. Overcoming the experience gaps of each group requires only cooperation with other agencies or groups who have the necessary experience. The urban metropolitan statistical area of which San Mateo is a part, with its multitude of agencies and organizations, is a tremendous asset brimming with resources for those who need them. It is common for an agency to contact another to learn how to approach problems they may be facing. Public and private agencies in San Mateo County have and continue to work well together to combine experience and resources in order to bring a project to fruition.

Regardless of the strength of the public, private, and nonprofit community collaboration, the most critical gap beyond each agency's capability to overcome is the lack of sufficient funding resources to address the vast needs of all low-income persons.

## City of San Mateo Housing Element

The City of San Mateo has no public housing facilities within its jurisdiction, nor is it involved in the provision of any public housing.

### **HOUSING-RELATED PROGRAMS**

#### Minor Home Repair and Paint

The Minor Home Repair and Paint program provides these services free of charge to low-income homeowners. Owners are entitled to a free exterior paint job and/or minor exterior repairs or minor, urgent interior repairs. Repairs also include accessibility modifications and simple energy efficiency improvements. The overwhelming majority of participants in this program are senior citizens.

#### Lead-Based Paint Hazard Reduction

The City developed and implements lead-based paint regulations in accordance with HUD Guidelines.

#### First Time Home Buyers Program

The City has two primary strategies to address the need for affordable homeownership in San Mateo. The first strategy continues to be the City's project based first time buyer program. This program provides first time buyers the opportunity to purchase condominiums as they become available for resale at two City sponsored complexes. This project-based approach is also augmented by new ownership units that either the City builds or private developers build in compliance with the City's Below Market Rate Program.

#### Section 8 Rental Assistance

The San Mateo Housing Authority manages the Section 8 rental assistance program. Nearly 700 San Mateo residents are assisted annually through individual vouchers and selected housing that distributes assistance more confidentially throughout neighborhoods.

#### Acquisition of Land

The City is always looking for opportunities to purchase land to assist the development of housing. This includes land banking for the development of owner and rental housing, senior and family housing, transit-oriented housing and mixed-use developments.

#### Acquisition and Rehabilitation of Existing Housing

The City also partners with nonprofit organizations to purchase and rehabilitate existing housing and make it more affordable. As funds are available, the City will consider purchasing multi-family complexes and/or single-family homes to make available for rental housing. This helps preserve the existing housing stock by ensuring adequate property management standards and adds to the City's affordable housing stock. The City typically funds these types of projects with HOME and RDA Housing Successor funds.

In addition, the City will consider purchase of individual condominium units in private developments, as funds are available. These units would be included in the existing First Time Homebuyer Program and sold to moderate-income households with the same loan terms and resale price restrictions.

### [Below Market Rate Program](#)

Created by City ordinance, this program requires developers of new housing projects with more than 10 units to develop 10%-15% of units with housing price restrictions. These units, either rental or ownership, will have deed restrictions that make them permanently affordable. Ownership units are required to be affordable to households at or below 120% median income and rentals are required to be affordable to households at or below 80% median income. The City does not provide any financing to the buyers. NIH coordinates the marketing, sales, and program monitoring of the units through its First Time Buyer program.

### [Community Housing Development Organizations \(CHDO\)](#)

The City will coordinate with HIP Housing Development Corp. (HHDC) or any other qualified CHDO to apply the annual increment of HOME funds that are channeled directly to CHDOs. The HOME funds will be used to assist persons who make less than 60% of the median income. For the last several years, the City was granted a specific request to waive the requirement for CHDO set-aside, based on the high percentage of completed CHDO projects in prior years.

### [New Construction](#)

Although the financial crisis starting in 2008 has had significant impact on available funding sources, the City sees the potential for more partnership opportunities to develop new housing with both for-profit and nonprofit developers, mostly due to the wide array of financing tools currently available. Developers have become far more knowledgeable about how to apply for and combine the various government program funds and available private funding to build affordable housing.

### [Secondary Units](#)

The City's secondary unit ordinance allows the construction of modest units sometimes referred to as "granny units" in residentially zoned neighborhoods. These units are relatively inexpensive to rent due to their size and are often occupied by family members as a way to live together yet maintain an element of privacy.

### Homeless Programs

Although the City does not directly manage any homeless prevention or assistance programs, it collaborates and financially supports a variety of programs countywide. The sources of funds for homeless programs in the City of San Mateo are CDBG, Affordable Housing Funds, and City Housing funds. County level funding that helps to benefit San Mateo residents in need include McKinney-Vento, HPRP, and Section 8 programs. All homeless outreach, assistance and prevention programs are conducted by local nonprofit organizations in coordination with various local government agencies. The City works with several groups to provide emergency shelters, transitional housing and support services for the homeless as described in the 2010-15 Consolidated Plan.

#### **Safe Harbor Emergency Shelter**

The City will provide \$15,000 from City Housing for the operation of Safe Harbor, the regional emergency shelter for adult individuals located in South San Francisco and operated by Samaritan House. After the basic human needs have been met and shelter clients have been stabilized, Safe Harbor provides case management for financial counseling including job search and employment services as well as budgeting to help achieve financial self-sufficiency. The program also provides housing search assistance, including assistance to find subsidized housing when possible. One example is access to the San Mateo County Housing Readiness Voucher program which includes 3 years of continuous case management and rental housing vouchers. Safe Harbor's overall goal is to ensure stabilized housing for three years.

### Regional Collaborations

City staff members are active members of the following regional collaboratives to address a wide variety of issues associated with homelessness and homeless prevention.

#### **Inter-Agency Council (IAC)**

The IAC is a countywide consortium of housing stakeholders to develop and support the San Mateo County HOPE: 10-year Plan to End Homelessness. This plan focusses on the provision of new affordable housing opportunities rather than development of new shelters.

#### **Continuum of Care**

The Continuum of Care committee for San Mateo County implements its plan to serve homeless persons and families. Through this collaboration of service providers and local government agencies, efforts are coordinated for outreach, needs assessment, provision of services for the homeless. The consortium also determines the priorities and allocation of Countywide Emergency Shelter Grant funds.

#### **HIP Housing Self Sufficiency Program**

Although the City does not anticipate providing financial assistance to this program in 2014-15, staff does serve on the selections committee for entry into this program that provides support services and rent assistance for a one to two year term for candidates with

educational and/or vocational training plans to find employment at a level to get off of government assistance payments. The program provides deep supportive services to the clients to move toward self-sufficiency within a 2 year time period.

#### Chronic Homelessness

The Housing Outreach Team (HOT) is a multi-disciplinary team, including City staff, formed through the HOPE initiative that addresses chronic homelessness by outreach and engagement. This program helps to provide housing and bring medical, mental health and substance abuse support services to those who might not otherwise seek such services. The outreach and case management of this team supports the residents of The Vendome, a permanent supportive housing SRO in Downtown San Mateo. The Vendome was acquired and renovated by the City with various housing financial resources in 2009. The Vendome will continue to serve HOT identified clients and other very low income residents this program year. City staff also supports the efforts of IVSN to bring additional financial resources for services and rent assistance to the operation.

#### Homeless Prevention

As detailed under “Special Needs Housing” and “Homelessness” above, in order to help prevent further homelessness the City will provide \$15,000 in an assistance grant to Human Investment Project. Please refer to the prior sections mentioned for specific agency details. Also Samaritan House, as well as other local agencies, provides services for the extremely low income residents that include homeless prevention through a variety of programs funded by others such as Rapid ReHousing, and emergency housing vouchers.

In addition to these agencies, the Legal Aid Society will receive an additional \$15,000.

#### **Legal Aid Society, HomeSavers Program**

Legal Aid assists tenant litigants with unlawful detainers and related matters to help people stay in their homes. They conduct weekly clinics at community centers and at the County Court House advising and representing applicants as necessary in court proceedings. Their goal is to keep people in their homes and prevent homelessness through their advocacy. They negotiate with landlords on tenant’s behalf regarding other issues that threaten their ability to live in safe, decent, affordable housing. Their goal is to council 480 individuals in 160 households.

#### Discharge Policy

The City does not directly fund any institutions requiring discharge. These institutions are within the jurisdiction of the County of San Mateo. Discharge policies are a component of the County’s HOPE 10-Year Plan to End Homelessness.

## K. HOUSING GOALS, POLICIES, AND PROGRAMS

- GOAL 1:** Maintain the character and physical quality of residential neighborhoods.
- GOAL 2:** Provide a diversity of housing types, responsive to household size, income and age needs.
- GOAL 3:** Ensure that all new housing is developed or remodeled in a sustainable manner.
- GOAL 4:** Encourage conservation improvements and measures to existing housing stock to make them more energy and water efficient.

### POLICIES:

#### 1. Protecting And Conserving Existing Housing

##### H 1.1: Residential Protection.

Protect established single-family and multi-family residential areas by the following actions:

1. Prevent the intrusion of incompatible uses not indicated in the Land Use Element as allowed in residential districts;
2. Avoid the overconcentration on individual blocks of non-residential uses defined by the Land Use Element as being "potentially compatible" in residential areas;
3. Assure that adequate buffers are provided between residential and non-residential uses to provide design compatibility, protect privacy, and protect residences from impacts such as noise and traffic; and
4. Review development proposals for conformance to the City's multi-family design guidelines for sites located in areas that contain substantial numbers of single-family homes to achieve projects more in keeping with the design character of single-family dwellings.

##### Program H 1.1: Residential Protection.

1. Consider policy during the Special Use Permit process with respect to the intrusion of incompatible uses.  
**Lead:** Planning Division  
(Ongoing)
2. Consider policy during the Special Use Permit process with respect to the overconcentration of non-residential uses.  
**Lead:** Planning Division  
(Ongoing)
3. Consider policy during the Site Plan and Architectural Review process with respect to assuring adequate buffers.  
**Lead:** Planning Division



(Ongoing)

4. Consider policy during the design review process with respect to the review of development proposals for conformance with design guidelines.

**Lead:** Planning Division

(Ongoing)

Serious conflict can arise between residential and adjacent non-residential activities. Commercial and industrial developments which abut residential uses should be designed to minimize the potentially noisy and bothersome effects of parking lots, loading docks, air conditioning and heating equipment and refuse containers by locating them away from residences or by buffering them with adequate sound-reducing walls and landscaping.

Some non-residential uses such as churches, day care centers and private schools are defined by the Land Use Element as being potentially compatible with residential uses. These types of facilities generally are located in and serve residential neighborhoods. However, special use permits are required to consider the operational characteristics of such uses and to tailor them, where feasible, to a particular site. Overconcentration of non-residential uses should be avoided in residential neighborhoods so that individual blocks do not lose their residential character.

Due to the need for additional housing and the lack of vacant land, new multi-family development will replace older homes in certain areas of the city zoned for multi-family use. To minimize the changes in neighborhood character created by this redevelopment, new multi-family projects in areas having a predominance of single-family residences should be of a scale and include design features which are compatible with surrounding single-family homes, while maintaining housing affordability as a major goal.

#### **H 1.2: Single-Family Preservation.**

Preserve existing single-family neighborhoods through the following actions:

1. Maintain intact single-family neighborhoods as shown on the Land Use Map; and
2. Require on-site buffering in the design of new multi-family developments that abut single-family districts to assure privacy and reduce noise impacts.

### Program H 1.2: Single-Family Preservation

1. Consider potential impacts on intact single family neighborhoods during the review of land use changes and special use permits for proposed development other than single family dwellings.

**Lead:** Planning Division  
(Ongoing)

2. Consider additional buffering provisions such as landscape buffers, minimum fence heights, location of recreational facilities, underground garage exhausts, etc. during the design review process.

**Lead:** Planning Division  
(Ongoing)

Single-family zoning districts constitute the largest proportion of land in San Mateo. Past policies have designated some predominately single-family areas for redevelopment as multi-family housing. The retention of these intact single-family neighborhoods is a major policy direction of this Plan, to encourage home ownership and improvement of existing dwellings, reduce absentee ownership and land speculation, and create greater social stability. Portions of the Central, North Central, San Mateo Heights and Hayward Park areas were re-designated for single-family and/or duplex uses in 1990.

In many instances throughout the City multi-family zoning districts are directly adjacent to single-family districts. The difference in height and scale between the two uses can be dramatic and detrimental to the character of the single-family neighborhood. For example, the difference in allowable density may be as great as 6 units per acre for single family and up to 50 units per acre for a larger R-5 zoned parcel. The design of new multi-family projects that abut single-family districts should include design features that provide privacy, natural light and protection from noise and traffic impacts for the adjoining single-family homes.

### H 1.3: Housing Rehabilitation.

Provide funding as available for the conservation and rehabilitation of viable deteriorating housing in the City to preserve existing housing stock, neighborhood character and, where possible, to retain low- and moderate-income units.

### Program H 1.3: Housing Rehabilitation.

1. Continue funding for a free minor home repair program as a high priority with CDBG and/or other funds to accomplish the following objectives by 2022.

- 125 Minor Home Repairs (owner occupied low-income households)

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

2. Encourage energy and water efficiency retrofits in existing housing stock as part of the existing Minor Home Repair program and/or with other incentives.

**Lead:** Neighborhood Improvement and Housing Division

(Ongoing)

#### **H 1.4: Code Enforcement.**

Continue and increase code enforcement efforts in residential areas to improve neighborhood appearance and conformance with health and safety standards.

##### **Program H 1.4: Code Enforcement.**

1. Continue code enforcement efforts and provide staff as needed to improve residential areas. Continue use of administrative citations and fees, civil penalties, and civil and criminal litigation to bring about compliance.

**Lead:** Code Enforcement

(Ongoing)

2. Continue to offer rehabilitation loans and repair grants to low-income households as listed in Program H 1.3.

**Lead:** Neighborhood Improvement and Housing Division

(Ongoing)

3. Continue proactive code enforcement program in North Central, North Shoreview and other CDBG-eligible areas.

**Lead:** Code Enforcement

(Ongoing)

4. Continue the Apartment Inspection Program to assure safe and sanitary living conditions for residential tenants.

**Lead:** Fire Department

(Ongoing)

The great majority of homes in San Mateo are well maintained and contribute to neighborhood quality and desirability. However, there are properties that have begun to deteriorate and require attention to preserve the safety of occupants and maintain neighborhood appearance. The City provides code enforcement as a service to residents and as a deterrent to neighborhood deterioration. These efforts should continue and increase to maintain neighborhood standards.

The City also provides financial assistance to low-income households using CDBG and other funds to assist in housing rehabilitation and provide minor repairs.

#### **H 1.5: Building Bulk.**

Limit the sizes of new and expanded single-family dwellings and duplexes, retaining neighborhood scale and character.

##### **Program H 1.5: Building Bulk.**

1. Through plan check review of single-family dwellings and duplex buildings, ensure compliance with both the single family and duplex regulations and design guidelines that control the bulk of and height of buildings.

**Lead:** Planning Division

(Ongoing)

#### **H 1.6: Variances and Lot Divisions.**

Consider existing neighborhood character in terms of dwelling size, height, setbacks and lot size and configuration in reviewing variances and lot division proposals.

##### **Program H 1.6: Variances and Lot Divisions.**

- 1 Consider during variance and subdivision review.

**Lead:** Planning Division

(Ongoing)

The scarcity of vacant land and changing lifestyles has resulted in existing, smaller single-family homes being greatly expanded or, in some instances, demolished and replaced by new dwellings which are developed up to the maximum limits allowed by the zoning code. Another problem has been the expansion of single-family homes or duplexes to include numerous bedrooms and bathrooms in designs that allow for future illegal conversion to boarding homes or multiple units.

To minimize these impacts on single family neighborhoods, the R-1 section of the zoning code was amended in 1992 to reduce the amount of allowable floor area, require increased second story setbacks, and provide a daylight plane for side yard setbacks to reduce building bulk.

In 2001, the City Council adopted the Single-Family Design Guidelines, and required planning applications and public review for substantial removal of existing homes and construction of new single family dwellings, and for second story additions to existing single family dwellings. The Design Guidelines were revised in 2006 to address additional issues that arose during the public review process for single family dwellings. The Guidelines address how a building's size, architectural character, and relationship to the street and nearby structures contribute to successful neighborhoods.

In addition to the Single-Family Dwelling Design Guidelines, the City Council adopted Duplex Design Guidelines in 2004, revised floor area ratio standards, and created a daylight plane for duplex dwellings. Duplex zoned areas are typically located near single family neighborhoods and provide a transition to higher density neighborhoods. Many of the issues and guidelines are similar to those contained in the Single-Family Dwelling Design Guidelines.

Decisions on variances and lot divisions in established residential neighborhoods should take into account the impacts of the proposal on surrounding properties and the overall neighborhood character.

#### **H 1.7: Retention of Existing Lower-Income Units.**

Seek to retain existing subsidized very low-, low- and moderate-income housing units, especially those that will be available for conversion to market rate housing. Retention of such units should have high priority for available funds. Also evaluate impacts of new construction when it involves the loss of non-subsidized private market housing units and other market conditions that impact existing housing affordability.

**Program H 1.7: Retention of Existing Lower-Income Units.**

1. Monitor affordable projects at risk of conversion to market rate. Maintain regular communication with the owners of all subsidized projects in San Mateo to keep up-to-date on their plans to maintain affordability, or assist with outreach to other qualified entities in the event owners consider opting out of their current programs. Assist in outreach and education to tenants as needed..

**Lead:** Neighborhood Improvement and Housing Division

January 2015: Monitor efforts of Lesley Senior Communities as it refinances in order to ensure ongoing affordability since its existing rent requirements expire in 2015 for 200 senior rentals.

January 2020. Coordinate extension of existing City loan terms and affordability requirements with Mateo Lodge for Humboldt House which provides 9 units of supportive housing for mental health clients.

2. Monitor Federal actions and appropriations regarding extension of Section 8 contracts, and actively support additional appropriations.

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

3. Respond to Notices of Intent to Prepay. Give high priority to retaining existing FHA and HUD subsidized low-income units through use of CDBG/HOME funds, Housing Successor funds, and other solutions.

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

4. Continue to support the County Housing Authority housing rental subsidies to lease units in San Mateo for very-low and low-income households and support County efforts to retain and attract landlord participation of Section 8 program.

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

Section 8 existing is the most useful program the City has to subsidize families in rental apartments, and its continuation is important to maintain some subsidized rentals for families.

5. Continue to enforce City tenant relocation provisions in the zoning code that provide for relocation payments and housing resources for tenants displaced due to redevelopment, including tenant relocation plans for large developments.

**Lead:** Planning  
(Ongoing)

6. Support regional and local efforts to examine displacement of affordable housing and lower-income households and consider programs or policies to address identified housing needs. Include in this research any impacts on affordable housing (both new development and retention of existing housing) in Priority Development Areas.

**Lead:** Neighborhood Improvement and Housing Division

**Implementation Goal:** Examine issues for City Council review by 2016 and establish strategies, as warranted, by the end of 2016.

### H 1.8: Condominium Conversion.

Continue the existing policy of protecting existing residents by offering purchase opportunities, long-term leases and relocation assistance.

#### Program H 1.8: Condominium Conversion.

1. Continue to implement tenant notification, purchase opportunities, long-term leases, and relocation assistance provisions of the subdivision code.

**Lead:** Planning Division  
(Ongoing)

Prior to 1980, San Mateo has ranked very high among Bay Area suburbs in permitting apartment units to convert to condominium ownership (3,300 rental units had been converted). In 1981, the City amended its condominium conversion ordinance to provide existing tenants with the first right to purchase, require tenant relocation benefits, and lifetime leases for elderly and disabled tenants.

### H 1.9: Demolitions.

Prohibit demolition of existing residences until a building permit for new construction has been issued, unless health and safety problems exist. Prevent housing stock from becoming health and safety problems through code enforcement efforts.

#### Program H 1.9: Demolitions.

1. Continue implementation of demolition ordinance. Implement code enforcement programs described in Program H 1.4.

**Lead:** Building Inspection Division and Code Enforcement  
(Ongoing)

The demolition of existing housing eliminates needed units and creates an unattractive gap in the pattern of development. Vacant lots may become neighborhood liabilities due to weed growth and illegal dumping. Continued upkeep of older homes, with code enforcement efforts if needed, is a better approach to maintaining habitable housing units. The City presently prohibits demolition of housing until a building permit for new development has been issued, unless health and safety problems demand more drastic actions.

In some cases needed public improvements, such as road widening, may remove housing units. The relative benefits of these public works should be considered against the impact of losing dwellings.

## 2. Encouraging New Housing Construction

### **H 2.1: Fair Share Housing Allocation.**

Attempt to achieve compliance with ABAG Fair Share Housing Allocation for total housing needs and for low- and moderate-income needs.

#### **Program H 2.1: Fair Share Housing Allocation.**

1. Monitor housing production against ABAG Fair Share Allocation, providing annual updates for the Planning Commission and City Council.

**Lead:** Planning Division  
(Annual)

### **H 2.2: Jobs/Housing Balance.**

Maintain an overall balance of housing and employment within the community over the term of the Plan.

#### **Program H 2.2: Jobs/Housing Balance.**

1. Monitor housing production against new job creation, providing annual updates for the Planning Commission and City Council.

**Lead:** Planning Division  
(Annual)

The City of San Mateo is committed to the provision of housing necessary to accommodate an expanding workforce. In response to State law, the Association of Bay Area Governments (ABAG) has determined that there must be enough land available to accommodate 3,100 units of housing need in the City.

### **H 2.3: Public Funding of Low- and Moderate-Income Housing.**

Continue to use available funds to increase the supply of extremely low, very low, low- and moderate-income housing through land purchases, rehabilitation and other financial assistance by partnering with nonprofit sponsors and applying for other subsidized financing from federal and state sources, tax credits, and the like.

#### **Program H 2.3: Public Funding of Low- and Moderate-Income Housing.**

1. Set aside a portion of general fund property tax revenues formerly collected from Redevelopment Areas to be retained for affordable housing (also referred to as “boomerang funds”).

**Lead:** Neighborhood Improvement and Housing Division, Finance Department  
**Implementation Goal:** 20% of incremental increase in property tax revenues associated with former Redevelopment areas on an annual basis.



2. Give funding for new low- and moderate-income housing priority for use of HOME, Housing Successor Agency and other available funds, with the highest priority of public funds for extremely low and very low income family housing. Goals for number of units assisted by 2022 based on estimated City resources are:

- 50 Extremely Low Income Units
- 85 Very Low Income Units
- 10 Low Income Units
- 60 Moderate Income Units

**Lead:** Neighborhood Improvement and Housing Division

**Implementation Goal:**

- Completion of 60 units by July 2015
- Completion of 60 units by July 2017
- Completion of 60 units by July 2019
- Completion of 25 units by July 2022

The following language in *italics* was adopted by voter initiative in 2004 and cannot be modified, revised or updated without voter approval.

***H 2.4: Private Development of Affordable Housing.***

*Encourage the provision of affordable housing by the private sector through:*

1. *Requiring that a percentage of the units, excluding bonus units, in specified residential projects be affordable.*
2. *Requiring construction or subsidy of new affordable housing as a condition for approval of any commercial development which affects the demand for housing in the City.*
3. *Providing density bonuses and priority processing for projects which qualify for density bonuses under State law.*

***Program H 2.4: Private Development of Affordable Housing.***

1. *Maintain an inclusionary housing ordinance to implement Policy H 2.4 The ordinance shall include:*
  - a) *At a minimum, require all projects which include more than 10 residential units, including mixed-use projects, shall be required to include 10% of the residential units for exclusive use as affordable housing units.*
  - b) *The project proponent shall build the unit(s) on site, either in partnership with a public or nonprofit housing agency, or on its own. Off-site building shall be allowed only if the proponent demonstrates that on-site construction is infeasible; and in any event, any off-site units must be built within the City of San Mateo.*

*No in-lieu fees shall be allowed except for:*

    - i. *Projects which include 10 units or less; or*
    - ii. *Fractional affordable housing unit requirements of less than .5.*

- c) *The affordable units shall be as similar in exterior design and appearance as possible to the remaining units in the project.*
- d) *Affordable rental units shall carry deed restrictions which guarantee their affordability.*
- e) *Affordable for sale units shall have deed restrictions which allow for first right of refusal to the local government, upon the sale of the unit. The City local government should only refuse the option of purchase if it has already expended all of its financial resources available for housing, including Community Development Block Grant funds, local housing trust fund monies, and any other federal, state or local funds typically available for affordable housing purposes.*

*Lead: Neighborhood Improvement and Housing Division  
(Ongoing)*

- 2. *Evaluate and study the impacts on development costs to housing by increasing the inclusionary housing production requirements. Areas for consideration include increasing the percentage of units required, lowering the affordability pricing, lowering the project size that triggers the requirement, and including an in lieu payment for small projects.*

*Lead: Neighborhood Improvement and Housing Division*

*Implementation Goal: Ongoing for existing program; bring proposal on new requirements to Council by 2002*

This was completed and the revision to increase the BMR percentage requirements was implemented on January 1, 2010. The current program provides developer options of 10-15% affordability requirements depending on affordability targets and whether the units are for sale or for rent. The program also includes some flexibility in unit design and location and a fractional fee for small projects 5-10 units in size.

- 3. *Develop, hold public hearings on, and if possible, adopt a commercial/housing linkage program, based on empirical data applicable to the City of San Mateo. The program should match the housing constructed and/or subsidized to the demand created by commercial development, in terms of affordability levels, type of tenancy, number of bedrooms, and other relevant factors.*

*Lead: Neighborhood Improvement and Housing Division*

*Implementation Goal: Bring to the Council by 2002*

The City elected to participate in a countywide nexus study to evaluate both affordable housing impacts fees and commercial linkage fees. The study began in 2014 and is expected to be completed by the end of 2014. Review results of nexus study with City Council and get direction on pursuing a commercial linkage fee.

- 4. *Develop a density bonus program consistent with State law.*

*Lead: Planning Division  
(Ongoing)*

A revised Density Bonus Ordinance was adopted by the City Council in January 2009 in conformance with recent legislative changes.

5. *Provide information to developers on density bonus provisions for affordable housing. Give processing priority to applications which include substantial proportions of affordable housing.*

**Lead:** Planning Division  
(Ongoing)

### H 2.5: Distribution of Low- and Moderate-Income Housing.

Attempt to distribute low- and moderate-income housing developments throughout the City. Encourage the mixing of market-rate and low/moderate-income units where feasible.

#### Program H 2.5: Distribution of Low- and Moderate-Income Housing.

1. Consider during review of applications for funding of affordable housing projects.

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

The inclusionary provisions of H2.4 assist in distributing affordable housing units citywide. When the City provides financial assistance for additional affordable housing units, care will be taken to ensure distribution of these units to avoid over-concentration in any given neighborhood.

### H 2.6: Rental Housing.

Encourage development of rental housing for households unable to afford ownership housing.

#### Program H 2.6: Rental Housing

1. Consider during review of applications for multi-family housing.

**Lead:** Planning Division  
(Ongoing)

Rental housing provides opportunities for those who wish to live in San Mateo but cannot afford the down payment and mortgage expenses of ownership housing. Well-designed rental housing, using quality materials and providing a pleasant living environment, can be as great an asset the community as for-sale projects.

### H 2.7: Secondary Units.

Allow creation of secondary units on residentially zoned properties to provide opportunities for affordable rental units or to allow for the housing of extended families. Require that the design of secondary units be compatible with the main residence and neighborhood, provide adequate on-site usable open space and parking, and not infringe upon the privacy of adjoining properties.

**Program H 2.7: Secondary Units.**

1. Through plan check review of secondary unit applications, ensure compliance with regulations, architectural standards, and design guidelines that promote design compatibility with the principle residence and the neighborhood, provide required parking on-site, and minimize privacy impacts on adjoining properties.

**Lead:** Planning Division  
(Ongoing)

Another means of creating more affordable housing is through the building of secondary units, commonly called "granny flats", on single-family properties. Small second units can assist the property owner by generating income, making the home mortgage more affordable, and may also provide lower-priced rental units. The secondary unit can be used to house aged or younger family members at a reasonable cost and in close proximity to the family.

The State requires that local agencies adopt ordinances allowing secondary units in residential districts. In 2003, the City revised the Zoning Code to designate secondary units as permitted uses in residential areas, provide architectural standards, and require compliance to regulations contained in the zoning district where the secondary unit will be constructed, including requirements for design review. San Mateo's ordinances require that the property owner reside on-site, providing the stability of home-ownership. The secondary units are allowed to be a maximum of 640 square feet (typically a studio or one-bedroom unit) and provide one off-street parking space.

**H 2.8: Single Room Occupancy.**

Provide for the development of single room occupancy (SRO) units to provide small affordable units in areas close to transportation services.

**Program H 2.8: Single Room Occupancy.**

1. Adopt a Single Room Occupancy ordinance to allow the development of new SRO projects.

**Lead:** Planning and Building Divisions  
**Implementation Goal:** 2018

Single Room Occupancy projects can provide efficient and affordable units for those who desire minimal housing. Since SRO units may or may not include cooking facilities and are often sized below 400 square feet, they do not meet current planning and building code requirements. Special standards must be developed to take into consideration the unique nature of this type of housing. A cost effective and efficient way of creating SRO standards is to develop standards at the time an applicant submits a planning application to construct an SRO project. The developer should have the experience and available resources to assist the City in the creation of the ordinance.

Often the establishment of single room occupancy units is combined with supportive services and serves extremely low income individuals. The City priority to assist extremely low and very low income residential projects with its available housing funds would apply to SRO projects that serve those income groups.

### **H 2.9: Multi-Family Location.**

Provide for the development of multi-family housing to create a diversity of available housing types as follows:

1. Maintain the identified sites on the Inventory of Sites Available for New Housing Development (Appendix A of the Housing Element).
2. Permit reclassification to multi-family zoning of other properties that meet the following criteria:
  - a. Have adequate size to allow for a self-contained housing development and include adequate on-site parking and usable open space;
  - b. Have good access to arterial streets and transit nodes;
  - c. Maintain a reasonable buffer to single-family districts; and
  - d. Constitute a logical extension of existing multi-family development at compatible and appropriate densities or are zoned for commercial use.

### **Program H 2.9: Multi-Family Location.**

1. Maintain multi-family zoning on specified sites consistent with the Land Use Map or Land Use Element policies.  
**Lead:** Planning Division  
(Ongoing)
2. Consider during review of Reclassification applications for multi-family districts.

**Lead:** Planning Division  
(Ongoing)

### **H 2.10: Housing Densities.**

1. Maintain a density range, with densities at the higher end of the range to be considered based on provision of public benefits such as affordable housing, increased open space, public recreational facilities, or off-site infrastructure improvements, or location adjacent or near (generally within a half-mile walking distance) transit nodes; (Note: Related Land Use Element Policy LU 1.4)
2. Ensure that inappropriate densities are not permitted for lots of less than one-half acre.

### **Program H 2.10: Housing Densities.**

1. Consider policy during the development review process.  
**Lead:** Planning Division  
(Ongoing)

If San Mateo is to meet its housing needs, it will need to encourage multi-family housing on vacant sites and through redevelopment. However, to create high-quality living environments and protect existing neighborhoods, certain standards must be followed in the location of new multi-family developments. Sites must be large enough to provide adequate parking and still leave area available for recreation and open space. Multi-family sites must be close to arterial streets to handle traffic generation and discourage traffic through single-family neighborhoods. Specific commercial sites may be developed for multi-family use.

One means of increasing housing potential is through redesignation of commercially zoned and lower density residential properties to multi-family land use. The redesignations approved in Policy H-2.-9 will increase the potential for construction of new units.

San Mateo's multi-family zoning districts allow relatively high densities in an effort to encourage the production of housing. In 1989, the R-3 District (the lowest density multi-family zoning district) allowed up to 43 units per acre. Prior to the amendments necessary to make them conform to the initiative adopted by the voters in November 1991, the R-4 District allowed up to 58 units per acre and the R-5 District allowed up to 124 units per acre. However, very few projects were built up to the maximum allowable densities. On average, most developments achieved between one-third and one-half the allowable densities in these zoning districts, due to other constraints such as parking, open space requirements and the costs of high-rise building construction or multiple floors of underground parking.

The high range of allowable densities permitted by the zoning districts can result in property owners over-valuing their properties based on unrealistic development expectations. This in turn results in properties remaining undeveloped or reduces the affordability of units constructed with inflated land prices. It can also render density bonuses for affordable housing production useless.

In 1979 the allowable densities of multi-family districts were studied and revised, with the intent of limiting allowable densities on smaller parcels and providing density incentives for lot assemblage. The increase in lot size provided better opportunities for incorporating parking and open space in a more livable project design. The R-3 District, for example, now allows just two units to be constructed on a parcel of 6,000 square feet. If two such parcels are merged, creating a 12,000 square foot lot, a project of eight units is allowed.

#### **H 2.11: Senior Project Location.**

Permit senior housing projects on multi-family or non-residentially zoned properties within walking distance of services and transit routes. Continue to provide allowances for density bonuses for senior projects.

**Program H 2.11 Senior Project Location.**

1. Consider during review of reclassification applications to the Senior Citizen Overlay district and Residential Care Facility Special Use Permits.

**Lead:** Planning Division  
(Ongoing)

The elderly population of San Mateo is increasing. San Mateo's senior citizens should be provided with housing opportunities within the community to avoid the necessity of relocating to other areas and to free up underutilized single-family homes for younger families. Senior housing has different characteristics than typical family-oriented housing. Seniors typically drive less, thereby reducing traffic impacts and the need for extensive parking. Many senior projects also provide on-site communal facilities for dining and recreation, which further reduce the need for driving. Senior housing should be located within three-quarters of a mile of commercial services and transit routes to adequately provide for the needs of elderly residents.

**H 2.12: Mixed Use.**

Continue the policy of encouraging residential uses in existing commercial areas, or in locating adjacent or near transit nodes, where the residences can be buffered from noise and safety concerns and can provide adequate on-site parking and usable open space. Provide floor area and/or height bonuses for residential development in selected areas of the City.

**Program H 2.12: Mixed Use.**

1. Permit the construction of housing or mixed-use projects in commercial areas. Encourage mixed use in specific area plans, the El Camino Real Master Plan, and the San Mateo Rail Corridor Transit-Oriented Development Plan. Consider designation in future plans for 42 Avenue.

**Lead:** Planning Division  
(Ongoing)

2. Publicize the advantages of constructing housing or mixed-use projects in commercial areas. Publicize the ability to locate residences in commercial areas.

**Lead:** Planning Division  
(Ongoing)

The mixing of residential units in commercial developments is not a new idea. The City of San Mateo as well as many older American cities have examples of apartment units over shops. This concept is very applicable to today's needs to provide lower-priced housing and reduce the need for commuting to work. The mixing of housing and commercial uses also would improve the urban design qualities of commercial areas by adding variety and activity to shopping streets.

The City currently allows the mixing of housing and commercial uses in various locations, including properties along El Camino Real (SR 82) south of the



Downtown, office sites along 20th Avenue, the KMART site at Delaware and Concar, the Parkside Shopping Center at Norfolk, and the Fashion Island Shopping Center. In addition, once adopted, the programs called for in Program H 2.4 should encourage the construction of affordable housing in the redevelopment of commercial areas.

The City's El Camino Real Master Plan and Land San Mateo Rail Corridor Transit-Oriented Development Plan both include policies promoting mixed-use development. Future specific plan efforts, including the 42nd Avenue Specific Plan will also consider the designation of these areas for mixed-use development.

#### **H 2.13: Transportation Oriented Development (TOD).**

Encourage well-planned compact development with a range of land uses, including housing, commercial, recreation and open space, in proximity to train stations and other transit nodes. Encourage the maximization of housing density where possible.

##### **Program H 2.13: Transportation Oriented Development (TOD).**

1. Encourage transit-oriented development in locations adjacent or near train stations and other transit nodes.

**Lead:** Planning Division  
(Ongoing)

2. Ensure that development proposals conform to the Transit Oriented Development Ordinance and the San Mateo Rail Corridor Transportation Oriented Development Plan.

**Lead:** Planning Division  
(Ongoing)

As with the concept of mixed-use development, transit-oriented development is not a new idea. The location of housing within proximity to transit stations has been shown to increase the use of transit ridership and reduce the use of single-occupancy vehicles. The concept of transit-oriented development has the potential to positively affect local circulation, jobs/housing balance, and the evolving fabric of the City's transit corridors.

In 2007, the City adopted the Transit Oriented Development Ordinance which implements the San Mateo Rail Corridor Transit Oriented Development Plan (adopted 2005). The Plan encourages and provides guidance for transit oriented development centered on the Hillsdale and Hayward Park Caltrain station areas. Land uses, development densities, and parking and transportation demand management are important components in the Plan. In addition, the Plan includes goals and policies to improve the street system and pedestrian and bicycle friendliness within the planning area. Development within the TOD area will be required to conform to the policies and guidelines contained in the San Mateo Rail Corridor Transit Oriented Development Plan.

#### **H 2.14: The Homeless.**

Continue existing support for organizations that seek to prevent homelessness. Assist Countywide efforts to address homelessness through participation in the HOPE Program. Although the HOPE program focuses efforts on providing permanent supportive housing rather than emergency shelters, the City must also comply with SB 2 which requires ensuring there are appropriate zones where emergency housing is located as a permitted use. Accordingly, transitional housing is currently permitted to be located in residential districts and commercial districts, while emergency shelters may be located in Regional/Community Commercial districts.

### Program H 2.14: The Homeless.

1. Continue existing support, where feasible, for programs and facilities seeking to prevent homelessness.  
**Lead:** Neighborhood Improvement and Housing Division and Community Services Division  
(Ongoing)
2. Allow emergency shelters as a permitted use in Regional/Community Commercial land use categories consistent with the provisions of SB2, which requires emergency shelters as permitted uses without conditional use permits or other discretionary action. Emergency shelters shall be subject to the same development and management standards that apply to other allowed uses in the designated land use and zoning districts.  
**Lead:** Planning Division  
**Implementation Goal:** Ongoing permitted uses. Review 300 buffer zone around parks and schools as adopted by City for compliance with State legislation. Amend code if needed by 2015.
3. Continue existing support, where feasible, for programs to assist and support home sharing as an alternative to homelessness.  
**Lead:** Neighborhood Improvement and Housing Division  
**Implementation Goal:** (Ongoing)

In 2005-2006, a county-wide group of diverse stakeholders undertook an intensive community-based planning process to develop a plan to end homelessness in San Mateo County. The end result – entitled “Housing Our People Effectively (HOPE): Ending Homelessness in San Mateo County (‘the HOPE Plan’)” – lays out concrete strategies designed to end homelessness in our community within 10 years. Completed in March 2006, the report incorporates the experiences and expertise of over 200 stakeholders, including members of the business, nonprofit and government sectors. Many of these stakeholders were elected officials and staff from the 21 jurisdictions that are members of the San Mateo County Countywide Housing Element Update project. The final plan has been formally adopted by several of San Mateo County’s 21 jurisdictions.

The HOPE Plan is the community’s comprehensive policy and planning document relating to homelessness and therefore provides the local policy

framework for developing the strategies and activities required by SB2 relating to emergency shelter, and transitional and supportive housing.

The HOPE Plan is a call to action to prevent and end homelessness in San Mateo County. The Plan is outcome-driven and as such has two overarching desired results:

- Creating 7,900 units of affordable and supportive housing for households which are homeless or at imminent risk of homelessness; and
- Providing 4,300 households with short-term assistance to secure or maintain housing.

The HOPE Plan intentionally made no recommendation to expand the supply of emergency or transitional housing (except for a small pilot motel voucher program to provide assistance to single individuals). Although the HOPE planners recognized that there is a lack of needed resources throughout the housing continuum, including emergency and transitional housing, the greatest need and the most effective use of new and/or redirected resources is for creating and sustaining quality affordable housing (accessible to households with incomes  $\leq 30\%$  AMI) and, where needed, supportive housing. Since the HOPE Plan was adopted by the County, many cities, and other community groups, there have been no plans for new emergency shelter or transitional housing put forth in San Mateo County (with the exception of transitional housing or permanent housing with transitional services for emancipating foster and/or homeless transition-age youth).

Within the specific strategies identified to increase affordable housing opportunities, the Plan recommends removing barriers to and/or creating incentives for the development of extremely low-income affordable and supportive housing by:

- Establishing innovative land use and zoning policies and recommendations;
- Creating clearer, more streamlined building and development processes to shorten the time and decrease the cost of affordable and supportive housing development; and
- Identifying more suitable, appropriately zoned land and multi-unit buildings appropriate for affordable and supportive housing.

#### **H 2.15: Open Choice.**

Continue efforts towards the elimination of discrimination based on race, religion, sex, nationality, age or physical disability that prevent free choice in housing.

**Program H 2.15: Open Choice.**

1. Continue implementation of the Fair Housing Resolution, affirmative marketing of city-subsidized housing projects, and provision of available funding for private nonprofit organizations that monitor and provide assistance to those experiencing discrimination in housing choice.

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

San Mateo's efforts to provide a diversity of housing would be meaningless if that housing were not available in an atmosphere of open and free choice for all prospective residents. The City seeks to eliminate discriminatory rental and sales practices which act as barriers to free choice in housing, and in 1970 passed a Fair Housing Resolution governing all City departments and housing initiatives. The City's Community Relations Commission is responsible for ensuring compliance with the Fair Housing Resolution. City sponsored housing programs and projects built with City subsidies include affirmative marketing plans to reach all segments of the community. The City also contributes funding to fair housing programs that provide counseling services, investigation of alleged abuses, and legal assistance. These programs also include outreach efforts by conducting workshops for landlords and tenants, public service announcements, newspaper columns, and use of social media posted in several languages.

**H 2.16: Special Needs Groups.**

Continue existing support for programs that assist special needs groups (the elderly, large families, female heads of households, and the disabled, including the developmentally disabled).

**Program H 2.16: Special Needs Groups.**

1. Continue to support programs particularly designed to accommodate special needs groups. In the past, typical programs have included rehabilitation loans, minor home repair, purchase of land for new housing, Section 8 rental assistance, shared housing, and first- and last-month's rent program.

**Lead:** Neighborhood Improvement and Housing Division  
(Ongoing)

State law requires that residential care facilities serving six or fewer persons that assist special needs groups be treated the same as single-family dwellings. To avoid overconcentration, the City will continue to request that facilities be separated by 300 feet, as permitted by State law.

2. Consider requests for Reasonable Accommodations to City zoning code to relieve housing constraints in accordance with City Reasonable Accommodation ordinance.

**Lead:** Planning Division/Neighborhood Improvement and Housing Division  
(Ongoing)

On June 16, 2014 the City adopted its Reasonable Accommodation Ordinance which established a process for considering requests for reasonable accommodation in the application of the city's land use and zoning ordinance for residential property used by persons with disabilities. With this ordinance, persons with disability may make a request for reasonable accommodation instead of applying for a formal planning application for a variance that may take several months to process.

### 3. Incorporate Sustainability Into Housing Development

#### **H 3.1: Sustainable Housing Development.**

Incorporate Sustainability into existing and future single family and multifamily housing:

1. Ensure that all existing and future housing, including both single family and multifamily housing, is developed in a sustainable manner.

##### **Program H 3.1: Sustainability Housing Development.**

1. Ensure new residential developments comply with State Energy Building Code

**Lead:** Community Development Department  
(Ongoing)

The City's own mandatory Green Building Ordinance was replaced with the State Green Building Code in January 2014. Staff will continue to encourage that new residential projects assisted with City funds maximize sustainability features beyond the minimum code requirements whenever feasible..

### 4. Increase Energy And Water Efficiency In Existing Residential Units

#### **H 4.1: Energy and Water Efficiency.**

Encourage energy and water efficiency in all existing residential units.

##### **Program H 4.1: Energy and Water Efficiency.**

1. **PACE Financing Program.** Continue to monitor legal status of Property Assessed Clean Energy (PACE) financing and coordinate marketing efforts to San Mateo residents..

**Lead:** Neighborhood Improvement and Housing Division

**Implementation Goal:** Coordinate countywide marketing efforts to promote PACE financing to San Mateo property owners. July 2015.

In January 2010 the City of San Mateo joined a consortium of other California cities called California FIRST in order to issue bonds to finance residential energy and water efficiency improvements. Implementation of the program was delayed due to legal issues with the Federal Housing Finance Agency (FHFA). If the State of California and FHFA work out a solution, the City will participate in marketing the program to prospective property owners.

## L. QUANTIFIED OBJECTIVES

According to the State Department of Housing and Community Development, the sum of the quantified objectives for the programs should ideally be equal to or surpass the community's identified housing needs. However, State law recognizes that the total housing needs identified may exceed available resources and the community's ability to satisfy this need within the content of the general plan. Under these circumstances, the quantified objectives need not match the identified existing housing needs but should establish the maximum number of housing units that can be constructed, rehabilitated, and conserved over a five-year time frame.

With respect to affordable units, the City has estimated the potential subsidies available during the planning period and has calculated the potential number of units that could be assisted with these funds. In addition, staff has compiled a list of known or expected development projects in the next few years, including preservation projects anticipated to come on line between 2014 and 2022.

Based on residential building permits issued in the last year and residential projects that have been initially reviewed by the Planning department that have not been built, the quantified objective for non-subsidized units developed in the market is 2,475 units. The total quantified objectives for the next eight years are as follows:

### Quantified Objectives, 2014-2022

Conservation/Preservation	Total	ELI	VLI	LI	MOD
Lesley Park Towers	200		200		
Humboldt House	9		9		
<b>TOTAL, CONSERVATION/PRESERVATION</b>	<b>209</b>	<b>0</b>	<b>209</b>	<b>0</b>	<b>0</b>
New Construction	Total	ELI	VLI	LI	MOD
2000 S. Delaware	60				60
Bay Meadows Affordable Site	60	20	40		
Bay Meadows BMR	65			25	40
Station Park Green BMR	60		60		
Other BMR	150		45	25	80
Other Affordable TBD	85	30	45	10	
<b>TOTAL, NEW CONSTRUCTION</b>	<b>480</b>	<b>50</b>	<b>190</b>	<b>60</b>	<b>180</b>
<b>TOTAL, AFFORDABLE</b>	<b>689</b>	<b>50</b>	<b>399</b>	<b>60</b>	<b>180</b>
Private Sector/Market Rate					
New Construction (Above-MOD)	2,475				
<b>GRAND TOTAL</b>	<b>3,164</b>				

The following table summarizes these objectives against the RHNA need allocations for the eight-year period:

Income	Quantified Objective	Eight-Year RHNA Figure	% of RHNA to be Produced
ELI/VLI	449	859	52%
LI	60	469	13%
MOD	180	530	34%
Market	2,475	1,242	199%
<b>TOTAL</b>	<b>3,164</b>	<b>3,100</b>	<b>102%</b>



## M. CONSISTENCY WITH OTHER ELEMENTS OF THE GENERAL PLAN

The Housing Element is consistent with all other elements of the current General Plan, and as updates of the General Plan occur, the city will ensure internal consistency with the Housing Element. The City's Land Use Element implements specific policies of the housing element such as encouraging mixed use development and multi-family residential development, and also includes the following overall policy:

**LU 1.6: Residential Development.** Facilitate housing production by carrying out the goals and policies in the Housing Element.

The Circulation Element includes an analysis of future traffic and planned improvements. These traffic projections are based in part on projected housing units consistent with the Housing Element goals.

## N. PUBLIC PARTICIPATION

According to State law, local jurisdictions must "make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort" {65583(c)}. This will make the housing element, and subsequent action on it, serious, effective, politically supported, and truly representative of the widest set of housing needs.

This Housing Element represents the culmination of many months of staff development and community review. The following highlights the public process undertaken to produce this document:

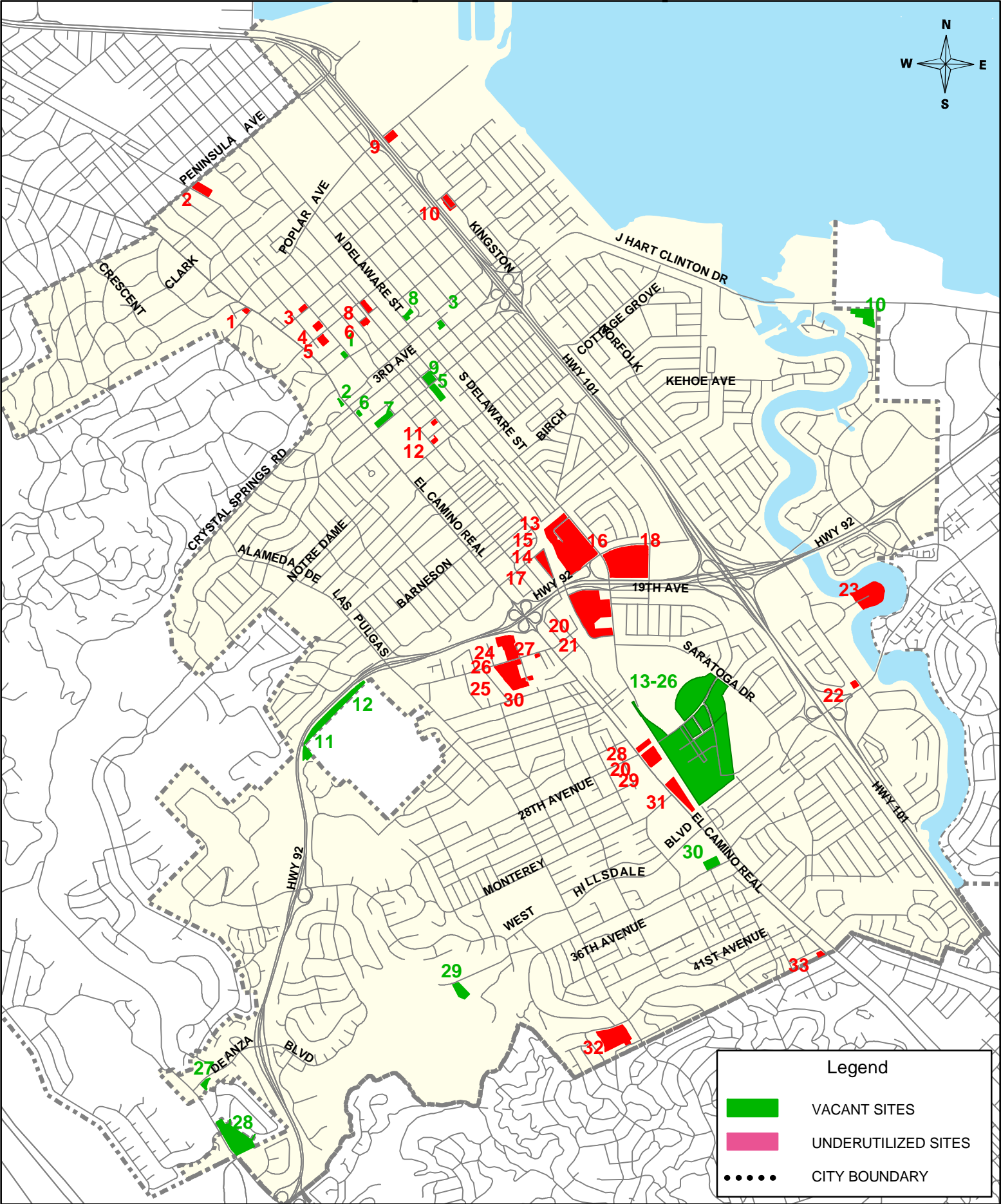
ACTIVITY/MEETING	DESCRIPTION	DATE
21 Elements Meeting	Stakeholder Meeting - Golden Gate Regional Center's info on needs and services for people with developmental disabilities	June 13, 2013
21 Elements Meeting	Developer Panel -- addressed concerns in housing development, such as community politics, growing senior population, and need for more workforce housing	December 5, 2013
21 Elements Meeting	Advocates and Funders Panel -- answering questions about greatest housing needs in the County	February 6, 2014
City Council & Planning Commission	Study session on implementation of previous Housing Element and update process, including draft schedule.	March 3, 2014 (5:30 pm in Conference Room C, City Hall, 330 W. 20th Ave, San Mateo)
Planning Commission	Meeting to review draft zoning code amendments for Reasonable Accommodation Ordinance.	March 11, 2014 (7:30 pm in City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo )
Community Relations Commission & Senior Commission	Study session on Housing Element Update, review draft materials presented to CC/PC, including update schedule and received comments/questions.	March 19, 2014 (7pm in Conference Room C, City Hall, 330 W. 20th Ave, San Mateo)
Community Workshop	Public workshop	March 26, 2014 (6pm, Oak Room, Main Library, 55 W. 3rd Ave, San Mateo)
21 Elements Meeting	Stakeholder Meeting - Special Housing Needs Advocates	April 10, 2014
City Council	Meeting to review zoning code amendments for Reasonable Accommodation Ordinance (Introduction).	May 5, 2014 (7 pm, City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo )
Senior Citizen Commission	Study session to review and provide input on draft Housing Element 2014-2022.	June 5, 2014 (3:00 pm in Oak Room, Main Library, 55 W. 3rd Ave, San Mateo)

## City of San Mateo Housing Element

Community Relations Commission	Study session to review and provide input on draft Housing Element 2014-2022.	June 5, 2014 (7:00 pm in Conference Room C, City Hall, 330 W. 20th Ave, San Mateo)
City Council	Meeting to adopt zoning code amendments for Reasonable Accommodation Ordinance (Adoption).	June 16, 2014 (7 pm, City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo )
Planning Commission	Meeting to review draft Housing Element 2014-2022 and recommend to Council for approval.	June 19, 2014 (7:30 pm in City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo )
City Council	Meeting to approve draft Housing Element 2014-2022 for submittal to HCD.	July 21, 2014 (7:00 pm in City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo )
HCD Review of Draft	Send draft Housing Element 2014-2022 to HCD (60-day review period).	Mid-Aug. – Sept. 2014
	Incorporate HCD comments & public review of revised Housing Element 2014-2022.	September 2014
	Public review of Negative Declaration/Initial Study environmental document	Oct. 17 – Nov. 17, 2014
Planning Commission	Meeting to review revised Housing Element 2014-2022 and make recommendation to City Council.	November 25, 2014 (7:30 pm in City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo)
City Council	Meeting to review and adopt revised Housing Element 2014-2022.	January 5, 2015 (7:00 pm in City Council Chambers, City Hall, 330 W. 20th Ave, San Mateo )
TARGET	DEADLINE to adopt Housing Element for submittal to HCD.	January 31, 2015
HCD Review of Adopted Housing Element	Send adopted Housing Element 2014-2022 to HCD for review and certification (90-day period).	Jan. – Feb. 2015

In addition to these meetings, the City used its online “town hall” forum to elicit comments from the community. These comments – as well as minutes and summaries of meetings noted above – are included in Appendix B.

# Adequate Sites Map



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Miles



UNDERUTILIZED SITES																Potential CEQA Streamlining*		Housing Opps Sites *	Comments	
SITE	APN / Location	Street Address	Zoning District	General Plan Designation	Acres	Max DU/acre	Realistic Capacity						Total Realistic Units	Existing Uses or Proposed Development	Infrastructure Capacity	Possible or Known Environmental Issues	Within a PDA*			Plan EIR*
							Mathematical Capacity without a Density Bonus	Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)									
1	032-075-010 032-075-100	1 Engle Road	R4	Multi-Family High Density	0.23	50	12	0	0	1	8	6	Existing (2) Single Family Dwellings. On August 14, 2006, a 6-unit townhouse development was approved, however a building permit has not been issued yet.	Yes	None	No	No			
2	032-121-210	888 North San Mateo Drive	C3-2.0	Regional/Community Commercial	3.08	50	154	15	0	0	140	155	155 unit residential project approved by the City on october 25, 2011. Project presently under construction. Density bonus project.	Yes	None	No	No			
3	032-197-160 032-197-150 032-197-330	201 N. San Mateo Drive 111 & 113 Monte Diablo	E2 & R5	Executive Office	0.38	50	19	0	0	2	14	16	Existing (2) Single Family Dwelling and small medical office building. A new 16 unit residential building was approved by the City on March 9, 2010. No building permit has yet been submitted	Yes	None	No	No			
4	032-292-070 032-292-080	117 & 121 N. San Mateo Drive	E2	Executive Office	0.59	50	30	0	0	3	30	33	Existing (2) medical office buildings. On August 12, 2008 a 33-unit building was approved by the Planning Commission. No building permit has yet been submitted	Yes	None	No	No			
5	032-311-120 032-311-130	106, 110 & 120 Tilton Avenue	R5	High Density Multi Family	0.77	50	39	0	0	3	27	30	Existing 20-unit building and duplex. A 52 unit condominium was approved by the City on August 12, 2008. While that approval remains valid, a new application is being processed for a 27 unit townhome project.	Yes	None	No	No			
6	032-323-310 032-323-140 032-323-150 032-323-160	80 B Street	C1/R5	Neighborhood Commercial/Medium-High Density Multi-Family	0.54	50	27	0	0	4	17	21	Commercial building on large undeveloped lot next to train station. Vacant for over 15 years. On July 15, 2103 a 12,500 sq.ft. grocery store was approved for this site. No building permit has yet been submitted	Yes	Former laundry and dry cleaning use.	Yes	No		Parcels are considered aggregated because they are under a single ownership.	
7																				
8	032-331-010 032-331-020 032-331-150	20 N. Railroad	R3	Medium Density Multi-Family	0.76 0.13 0.13 0.50	35	27	0	0	3	17	20	Existing industrial building with operating business and (2) single family dwellings.	Yes	None	No	No		These are the only R3 parcels in the immediate area. There are only two owners for 3 parcels, therefore the sites can be easily aggregated by one	
9	033-081-280	480 Bayshore Blvd	R4	High Density Multi-Family	0.93	50	47	12	8	6	10	36	Existing 1956 operating motel.	Yes	None	No	No			
10	033-171-040 033-171-050 033-171-060 033-171-180	155 Kingston Street	R4	High Density Multi-Family	1.24 0.09 0.13 0.13 0.89	50	62	16	10	8	13	48	Existing single story 1952 shopping complex operating at a marginal level with multiple vacancies over the past 5 years.	Yes	None	No	No		Several discussion have occurred with the majority owner about the aggregation of these lots and constructing residential on the site.	
11	034-196-010 034-196-020	234 7th Avenue	C1/R5D	Neighborhood Commercial/Medium-High Density Multi-Family	0.23	50	12	0	0	0	9	9	Existing 6--unit apartment building and vacant lot. A mixed-use building consisting of 11-units over commercial was approved on February 8, 2011 A building permit is under reivew for 9 units.	Yes	None	No	No			
12	034-198 090 034-198-100	807 Laurel Avenue	R6D	High Density Multi-Family	0.24	50	12	0	0	1	8	9	Existing 1962 3-unit building previously reviewed for demolition and reconstruction with a density of 12 units.	Yes	None	No	No		Parcels are considered aggregated because they are under a single ownership.	
13	035-200-070	1620 S. Delaware Street	TOD	Transit Oriented Development	0.30	50	15	0	0	2	10	12	Existing operating outdoor car wash structure.	Yes	None	Yes	No			
14	035-200-120	1650 S. Delaware Street	TOD	Transit Oriented Development	1.07	50	54	14	9	7	12	41	Existing operating commercial building.	Yes	None	Yes	No	Yes		
15	035-200-160 035-200-040	1630 Delaware	TOD	TOD	5.20	50	260	68	42	34	56	200	Existing operating post office and service parking lot.	Yes	None	Yes	No	Yes	Parcels are considered aggregated because they are under a single ownership.	

UNDERUTILIZED SITES																Potential CEQA Streamlining*		Housing Opps Sites *	Comments	
SITE	APN / Location	Street Address	Zoning District	General Plan Designation	Acres	Max DU/acre	Realistic Capacity						Total Realistic Units	Existing Uses or Proposed Development	Infrastructure Capacity	Possible or Known Environmental Issues	Within a PDA*			Plan EIR*
							Mathematical Capacity without a Density Bonus	Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)									
16	035-200-180 035-200-060	1700 S. Delaware Street	TOD	Transit Oriented Development	11.98	50	599	125	106	115	115	599	Existing big box retail operating at a marginal level. A mixed-use project consisting of 599 units and commercial was approved by the City on January 18 2011. Approval included a 10 year development agreement. Design review approval for specific building design has not yet been intitailed.	Yes	Traffic. Mitigated with project.	Yes	No	Yes		
17		Leslie/17th/Railroad	TOD	Transit Oriented Development	1.62 1.02 0.3 0.16 0.14	50	81	21	13	11	17	62	Existing operating industrial buildings with various large parking and/or service lots.	Yes	None	Yes	No	Yes	Parcels are under separate ownership, however development would necessitate parcel aggregation because of the increased density incentives allowed with larger lots.	
18		S. Delaware/Concar/S. Grant/Highway 92	TOD	Transit Oriented Development	14.53 0.24 5.41 0.39 5.06 0.41 0.41 1.86 0.75	50	727	190	117	95	157	559	Existing large multi-tenant shopping complex with multiple vacancies.	Yes	Former Gas Station	Yes	No	Yes	Parcels are under separate ownership, but have consistently been treated as one shopping center development. The shopping center has numerous access easements and shared parking which would limit the development without the aggregation of parcels.	
19	035-320-120	2000 S. Delaware Street	TOD	Transit Oriented Development	2.1	50	105	59	0	61	0	120	Old police station. A 120 unit project was approved by the City on May 16, 2011 and is currently under construction	Yes		Yes	No	Yes		
20	035-320-360	1949 Pacific Blvd	TOD	Transit Oriented Development	5.68	50	284	74	46	37	61	219	Existing City of San Mateo corporation yard.	Yes	Automobile repair use.	Yes	No	Yes		
21	035-320-450	2090 S. Delaware Street	C3	Regional/Community Commercial	2.73	50	137	0	11	0	100	111	111 units approved by the City on July 24, 2102. Project currently under construction	Yes		Yes	No	Yes		
22	035-421-450	2868 S. Norfolk Street	R3	Medium Density Multi-Family	0.41	35	14	0	0	0	10	10	Existing (3) vacant residential buildings. A 10-unit townhome development was approved on July 25, 2006, but a building permit was never issued. This approval has expired	Yes	None	Yes	No			
23	035-431-090	1633 Marina Court	R3	Medium Density Multi-Family	6.78	35	237	0	0	3	27	30	Existing residential apartment complex. On February 12, 2008 a 30-unit apartment building was approved.	Yes	Near Lagoon. Mitigated with project.	No	No			
24	039-030-110 039-030-310	220 W. 20th Avenue	E1/R4	Executive Park/Multi-Family High Density	3.99	50	200	20	0	0	187	197	A mixed-use development with 197 units and commercial was approved by the City on May 20, 2011 and is currently under construction.	Yes	None	No	No	Yes		
25	039-052-350	229 W. 20th Avenue	R3	Medium Density Multi-Family	5.40	35	189	49	31	25	41	146	Existing private member club. Preliminary conversations with the owner to convert to residential have occurred.	Yes	None	No	No	Yes		
26	039-060-010	205 West 20th Avenue	E1/R4	Executive Office/High Density Multi-Family	0.25	50	13	0	0	2	9	10	Existing small commercial building.	Yes	None	No	No			
27	039-060-250	31 West 20th Avenue	R4	High Density Multi-Family	0.14	50	7	0	0	1	4	5	Existing Single Family Dwelling.	Yes	None	Yes	No			
28	039-351-070	2743 El Camino Real	TOD	Transit Oriented Development	0.82	50	41	11	7	5	9	32	Existing operating multi-tenant commercial building.	Yes	None	Yes	No			
29		2817-2841 S. El Camino Real	TOD	Transit Oriented Development	2.11 0.82 0.80 0.27 0.11 0.11	50	106	28	17	14	23	81	Existing fast food restaurant, parking lots and various marginally operating commercial businesses.	Yes	None	Yes	No	Yes	Due to limited access issues and problematic lot configurations, feasible development would require the aggregation of multiple parcels.	



UNDERUTILIZED SITES																Potential CEQA Streamlining*		Housing Opps Sites*	Comments	
SITE	APN / Location	Street Address	Zoning District	General Plan Designation	Acres	Max DU/acre	Realistic Capacity					Total Realistic Units	Existing Uses or Proposed Development	Infrastructure Capacity	Possible or Known Environmental Issues	Within a PDA*	Plan EIR*			
							Mathematical Capacity without a Density Bonus	Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)									
30	039-060-060.070, 090	2700-2790 El Camino Real	C3-1/R4	Mixed Use Regional Community Commercial/High Density Residential	1	50	50	13	8	7	11	50	Former fast food restaurant converted to auto sales and one vacant lot	Yes	Traffic and parking	Yes	No		Study Session held on 68 unit residential project with ground floor retail. Density bonus to increase from 50 to 68 units.	
31	039-360-060 039-360-070	3025 S. El Camino Real	TOD	Transit Oriented Development	3.13	50	157	41	25	20	34	121	Existing vacant restaurant and large parking lot next to train station.	Yes	None	Yes	No	Yes	Parcels are considered aggregated because they are under a single ownership.	
32	042-201-320	514 La casa Avenue	R1C	Public Facility	6.20	9	56	0	0	25	18	43	Existing old public school.	Yes	None	No	No			
33	042-245-120	4300 S. El Camino Real	C1/R4	Neighborhood Commercial/Medium-High Density Multi-Family	0.30	50	15	0	0	0	10	10	Existing 2-story commercial building. A mixed-use 10-units over commercial was approved on May 27, 2008.	Yes	None	Yes	No			
34	279-41-31 279-41-32 249-41-40	SBE Lots @ Highway 92/Pacific Blvd	TOD	Transit Oriented Development	4.00	50	200	52	32	26	43	154	Existing utilities lot with minor storage buildings.	Yes	None	Yes	No		Parcels are considered aggregated because they are under a single ownership.	
							Mathematical Capacity without a Density Bonus	Realistic Capacity				Total Realistic Units								
								Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)									
							Underutilized Sites Subtotal					3,982	809	482	521	1,246	3,194			

VACANT SITES																			
Realistic Capacity															Potential CEQA Streamlining*		Housing Opps Sites *	Comments	
SITE	APN / Location	Street Address	Zoning District	General Plan Designation	Acres	Max DU/acre	Mathematical Capacity without a Density Bonus	Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)	Total Realistic Units	Existing Uses or Proposed Development	Infrastructure Capacity	Possible or Known Environmental Issues	Within a PDA*			Plan EIR*
1	032-312-250	131 Baldwin Avenue	E2/R4	Executive Office/High Density Multi-Family	0.30	50	15	0	0	2	10	12	Parking Lot	Yes	None	Yes	No		
2	032-442-200	El Camino Real @ 2nd Street	E2/R5	Executive Office/High Density Multi-Family	0.17	50	9	0	0	1	6	7	Vacant Site	Yes	Near San Mateo Creek	Yes	No		
3	033-163-010 033-163-020	728 2nd Avenue	R4D	High Density Multi-Family	0.42	50	21	0	0	2	14	16	Vacant Site	Yes	Near San Mateo Creek	No	No		Parcels are considered aggregated because they are under a single ownership.
4	033-163-030 033-163-040	216-222 Fremont Street	R4D	High Density Multi-Family	0.40	50	20	0	0	2	13	15	Vacant Site	Yes	None	No	No		Parcels are considered aggregated because they are under a single ownership.
5	033-281-140	Worker Resource	CBD-S	Central Business Support	1.25	50	63	16	10	8	13	48	Parking Lot	Yes	None	No	No		
6	034-143-010	2 East 3rd Avenue	CBD	Central Business	0.2	50	10	0	0	1	7	8	Vacant Site	Yes	Former Gas Station	Yes	No		Mixed-Use project currently proposed.
7	034-144-240	East 5th Avenue/San Mateo Dr	CBD/R	Downtown Retail Core	1.2	50	60	16	10	8	13	60	Parking Lot	Yes	None	Yes	No		Study Session held on 117 unit residential project. General Plan policy allows up to 75 du/acre based on findings & public benefit, also requesting a density bonus.
8	034-161-090	39 Delaware Street	R2	Low Density Multi-Family	0.54	17	9	0	0	1	6	7	Vacant Site	Yes	None	No	No		
9	034-183-060	480 4th Avenue	CBD-S	Central Business Support	1.16	50	58	15	9	8	13	45	Vacant Site	Yes	None	Yes	No	Yes	
10	035-503-390	400 Mariner's Island Blvd	C2	Regional/Community Commercial	2.87	50	144	0	0	11	65	76	Vacant Site	Conditioned as Part of the Approved Project	Near San Francisco Bay	No	No		Project has received Planning approval.
11	038-282-020	North of Verona Ridge	R3	Medium Density Multi-Family	0.94	35	33	0	0	1	27	28	Vacant Site	Yes	None	No	No		All units occupied, under construction, or have a building permit pending. 6 units occupied by 12/31/13.
12	039-501-110	North of the Peninsula Golf & Country Club	R1B	Single Family	4.45	9	40	0	0	1	12	13	Vacant Site	Yes	None	No	No		
13	040-030-190	BMSP - Residential Block 1	BMSP	TOD	2.16	50	108	0	11	0	97	108	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes		Project has received Planning approval.
14	040-030-190	BMSP - Residential Block 2	BMSP	TOD	3	50	150	0	0	8	72	80	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes		Project has received Planning approval. Presently under construction
15	040-030-190	BMSP - Residential Block 3	BMSP	TOD	6.8	50	340	0	0	10	85	95	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes		Project has received Planning approval. 61 townhouses granted occupancy as of 12/31/13, remainder under construction.
16	040-030-190	BMSP - Residential Block 4	BMSP	TOD	1.65	50	83	0	0	7	64	71	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes		Project has received Planning approval.
17	040-030-190	BMSP - Residential Block 5	BMSP	TOD	4.38	50	219	0	0	8	68	76	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes		Project has received Planning approval. Presently under construction.
18	040-030-190	BMSP - Residential Block 6	BMSP	TOD	1.9	50	95	0	0	5	49	54	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes		Project has received Planning approval.

VACANT SITES															Potential CEQA Streamlining*			Housing Opps Sites*	Comments
SITE	APN / Location	Street Address	Zoning District	General Plan Designation	Acres	Max DU/acre	Mathematical Capacity without a Density Bonus	Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)	Total Realistic Units	Existing Uses or Proposed Development	Infrastructure Capacity	Possible or Known Environmental Issues	Within a PDA*	Plan EIR*		
19	040-030-190	BMSP - Residential Block 7	BMSP	TOD	3.15	50	158	0	16	0	142	158	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
20	040-030-190	BMSP - Residential Block 8	BMSP	TOD	4.2	50	210	0	0	7	67	74	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
21	040-030-190	BMSP - Residential Block 9a	BMSP	TOD	3.07	50	154	0	0	4	20	24	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
22	040-030-190	BMSP - Residential Block 9b	BMSP	TOD	1.6	50	80	0	0	3	28	31	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
23	040-030-190	BMSP - Block Mixed-Use 2a	BMSP	TOD	1.36	50	68	0	7	0	81	88	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
24	040-030-190	BMSP - Block Mixed-Use 3a	BMSP	TOD	1.17	50	59	0	0	8	68	76	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
25	040-030-190	BMSP - Block Mixed-Use 4	BMSP	TOD	0.87	50	44	0	7	0	63	70	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Project has received Planning approval.	
26	040-030-190	BMSP - Affordable Housing Block	BMSP	TOD	1	50	50	63	0	0	0	63	Demolished Bay Meadows Race Track	Upgrades Conditioned as Part of the Approved Project	Mitigated via project	Yes	Yes	Not approved yet.	
27	041-200-500	De Anza/Polhemus	R2	Low Density Multi-Family	0.53	17	9	0	0	1	6	7	Vacant Site	Yes	Steep Slope	No	No		
28	041-212-340	Liaw/Polhemus Road	R1A	Single Family	7.37	9	66	0	0	30	21	51	Vacant Site	Yes	Steep Slope & Heritage Trees	No	No		
29	042-012-020	907 Laurelwood Drive	R1B	Single Family	1.66	9	15	0	0	2	10	12	Vacant Site	Yes	None	No	No		
30	042-121-060	36th Avenue @ Cole Grove	C3/R4	Regional/Community Commercial/High Density Multi-Family	1.43	50	72	19	12	9	15	55	Parking Lot	Yes	None	Yes	No		
							Mathematical Capacity without a Density Bonus	Realistic Capacity				Total Realistic Units							
								Extremely Low/Very Low	Low	Moderate	Above Moderate (Market)								
					Vacant Sites Subtotal		2,458	129	82	148	1,156	1,528							

[illegible]



## **Topic Name: Current Housing Element policies and programs**

### **Idea Title: No More High Density Housing**

Idea Detail: It now appears that the development plan for San Mateo is to turn it into a major urban city with high-rise and high density housing and commercial development. Years ago the citizens of San Mateo supported building height limitations for a reason. We did not want our city to turn into dense urban concrete canyons. Developers have learned to use the terms 'public benefit' and 'affordable housing' to circumvent height and density rules. It is time to say "No thank you" to their money. For the public good we are better off requiring them to build within the set limitations.

Citizens up and down the Peninsula are starting to fight back against high density building. The outcome of Measure D in Palo Alto shows that it is not just one or two neighborhoods calling for a stop to high density building, but the majority of citizens on the Peninsula have had enough and are united against high density building.

Do not turn our city into just another over crowded metropolis

Idea Author: Karen G

Number of Seconds 0

Number of Points 27

Number of Comments 5

Comment 1: I agree, No more High Density Housing. I By David S

Comment 2: Good example of Draper University. Happens all the time. Developers come back to the Council with watered down offers, due to lack of funds, poor economic climate etc. and/or due to poorly written development agreements don't do as promised at all.

I'm waiting to see the world class plaza that was promised by the current Bay Meadows developers, you know the same ones that got the contract to develop Treasure Island in SF. I By L K

Comment 3: Where is the police and fire help coming from to protect these multi units? Isn't water an issue? Please stop any more housing developments. I By Janet A



Comment 4: I agree 100%. Slow down all the approvals until we can measure the specific results of all the already approved developments in San Mateo. It's into the thousands if you add TOD density, Bay Meadows, Kmart, and redevelopment at the Ross store shopping center.

TOD is like a Trojan horse, with the City Council, labor unions and business community acting as the Trojans. I hope the City signed some kind of development agreement with the developers to determine if they are meeting ALL of the stated goals that were made during the entitlement process and that there are some built in, real consequences for them, if they aren't being met.

Thanks for the link. I By L K

Comment 5: Thank you for commenting on development agreements. I understand that the City is having a tough time getting the promised, do called public improvements from developers working in the City, Draper University being one of them. I By David S

**Idea Title: Create accessible public space in public housing projects**

Idea Detail: Having a public accessible space in a large housing project create a sense of community, is inviting and creates a sense of belonging to a neighborhood.

Idea Author: Sandra S

Number of Seconds 0

Number of Points 18

Number of Comments 1

Comment 1: Again, I'm waiting to see the finished product regarding public space in the approved developments. Specifically, what the developers promised and what a possible watered down version, after the recent economic hard times, actually brings San Mateo.

The developers of Bay Meadows promised a 'world class' commons comparing it variously to famous areas world wide, in places such as Paris and other historic sites on the East Coast.

The comparisons and drawings were used in their application for approval. I By L K



**Idea Title: Very little.**

Idea Detail: Added high density housing without adequate parking is a very bad idea.

Idea Author: J F

Number of Seconds 0

Number of Points 15

Number of Comments 1

Comment 1: I agree and we'll see the consequences of adding units w/o the parking shortly. I  
By L K

**Idea Title: Please plant dessert plants only--we live in dessert climate**

Idea Detail: Water is so critical these days. Please make all new housing projects with climate appropriate gardens. Gardens that would not require much irrigation. Even better it would be to use recycled water from washing machines to garden watering!

Idea Author: Sandra S

Number of Seconds 0

Number of Points 9

Number of Comments 0

**Idea Title: I support the availability of low cost housing in the rail cocor**

Idea Detail: keep the high rises in the rail corridor and on El Camino. Do not allow any exceptions to Prop P heights

Idea Author: Michele K

Number of Seconds 0

Number of Points 9

Number of Comments 3





Comment 1: Agree with comments below. How many residents in these TOD developments actually take public transportation?? | By Joanne B

Comment 2: I agree with L K2 comments. No longer support TOD development until we see the out come of the already in progress developments. I think we were sold a bill of goods by the developers. no more trade offs. | By David S

Comment 3: I will no longer blindly support approving TOD development until there is some measure of performance as it's success or not. There are 1000's of units that have been already been approved in the City of San Mateo, based on a TOD formula and I want to see how many people in these developments are actually using Caltrain before more are approved. Otherwise, with all of the development concessions, there is an undue burden imposed on existing homes and neighborhoods around the rail corridor. | By L K

**Idea Title: Transit corridor housing is a good idea**

Idea Detail: Add more green space within and between them.

Idea Author: Joan R

Number of Seconds 0

Number of Points 9

Number of Comments 2

Comment 1: If employer subsidies are given for transit use; otherwise, the car wins. | By nancy M

Comment 2: Wait until the build out of the 1000's of units occurs and then we'll see if it works at advertised and whether it was a good idea. The jury is still out until then. | By L K

**Idea Title: How many Bay Area cities are meeting their fair share of housing**

Idea Detail: As stated. the Housing Element law requires local governments to adequately plan to meet their existing and projected housing needs, including their fair share of the Regional Housing Needs Allocation (RHNA). Sounds good but please look at the facts in terms of which cities are actually meeting their fair share.

Hillsborough or any other affluent city zero? 99% of Bay Area cities come nowhere close to



meeting the last ABAG or RHNA projections or the projections made before that.

Idea Author: L K

Number of Seconds 0

Number of Points 3

Number of Comments 1

Comment 1: I certainly hope the City adds all of the already approved and pending/future redevelopment units (Ross etc.) to the count total for this update. I didn't see them reflected in that the count in the last housing element was prior to the totals for all the recent TOD units approvals and future planned redevelopment units. I By L K



## **Topic Name: Improve and adjust housing policies**

**Idea Title: Make sure all the streets in San Mateo are in good condition**

Idea Detail: especially the North Shoreview area - it seems to be the forgotten sector in San Mateo and any aesthetic improvements made in that area would make it a more appealing part of San Mateo.

Idea Author: Claire O

Number of Seconds 0

Number of Points 47

Number of Comments 2

Comment 1: seems like certain areas of the City get more services than others. I By L K

Comment 2: L K2 - I agree with that statement. Our streets in No. Shoreview have not been paved since the houses were built - yet West side San Mateo streets are in pristine condition. I By Claire O

**Idea Title: Stop High Density building**

Idea Detail: I have never been an anti-development zealot, but maybe now is the time to become one.

I moved to San Mateo over 30 years ago to escape of the urban congestion of San Francisco. San Mateo is a desirable place to live because it is mostly suburban.

It now appears that the development plan for San Mateo is to turn it into a major urban city with high-rise and high density housing and commercial development. Years ago the citizens of San Mateo supported building height limitations for a reason. We did not want our city to turn into dense urban concrete canyons. Developers have learned to use the terms 'public benefit' and 'affordable housing' to circumvent height and density rules. It is time to say "No thank you" to their money. For the public good we are better off requiring them to build with in the set limitations.

Citizens up and down the Peninsula are starting to fight back against high density building. See link to article on Palo Alto Measure D.



Idea Author: Karen G

Number of Seconds 0

Number of Points 41

Number of Comments 9

Comment 1: Housing density is a wise use of space but needs some open space around it. Crowding more and more units into downtown will deprive everyone of parking, views, the sky, pleasant shopping, etc. Locate some multiple housing units (NOT highrises) a few blocks away from downtown. Walking to shop is a good thing. | By nancy M

Comment 2: I totally agree. I moved from San Francisco to San Mateo 15 years ago to get away from the congestion. Now each time I leave work to go home I feel like I am In San Francisco! We need to put a stop to this craziness! | By maria M

Comment 3: I agree with this post | By David S

Comment 4: I agree with the previous posters about TOD. While it may ultimately relieve pressure on the freeways, the fact is all these new residents will own cars and use them to drive around town increasing congestion and further decreasing the livability of our city. | By Todd B

Comment 5: I could not agree more! San Mateo was a peaceful, quiet suburb of The City, and my family moved here because of that in 1968. It now feels very urban and unfriendly. I do not welcome the transient nature of a lot of rental households. Our resources are stretched to the limit, and they talked of adding 10k units by 2015!?! Over 10% population growth!

Additionally, my day-to-day life is tortured because of traffic congestion, wait times at businesses, AND the simple chore of shopping at Safeway is something I must prepare for mentally. | By nan D

Comment 6: City Council and Planning need to take a time out from the approval of more units; until they have in place some measure of performance regarding the thousands of already approved units, especially those approved based on TOD. Lets see the real impacts on our streets and the 92 and S. Delaware corridor, to find out if the approved developments are actually achieving their stated goals or got concessions that weren't based in fact.

I think these developments will actually turn out to be Trojan horses, with little follow up by or



impetus on the developers and little the Council can do to enforce the glowing promises that were made during the approval process.

I By L K

Comment 7: Some high density development may be inevitable, but it needs to be considered along with surrounding neighborhoods and amenities. If higher density housing is built in one area, three more large developments just like it shouldn't be immediately nearby. Remember that nearly all residents enjoy having some visibility from their homes, while driving, etc.

Also any high density developments should include realistic assessments of parking spaces needed. I understand the goal of reducing drivership, but buildings with 1.5 parking spaces per unit don't make sense when a significant # of units will have two drivers (and two cars), and others will have guests visiting. I By Michelle D

Comment 8: I agree also. Some neighborhoods are being unfairly and overly burdened by the City's rush to high density TOD. I By L K

Comment 9: I agree with this point of view I By Karen G

**Idea Title: Need policies that keep existing residents from being pushed out**

Idea Detail: Almost half the city residents are renters. The huge increases in rent over the last few years is making it more and more difficult for long time renters to afford to stay here. Many seniors on fixed income are affected as well.

Idea Author: Joshua H

Number of Seconds 0

Number of Points 40

Number of Comments 2

Comment 1: San Mateo NEEDS to consider a rent stabilization plan. I have seen people affected by exorbitant increases which forced them out of San Mateo when they had been living here for over 20 years. The City should establish parameters around REASONABLE rent increases to protect our long-time residents from being pushed out and younger families from having to leave. Even as a college graduate with a stable job, I would not be to afford rent in today's market. A two-bedroom in Shoreview is going for \$2,970 a month. That is crazy! As a homeowner, I value the diversity of San Mateo and appreciate that local business owners are



also residents of the City and that residents live and play in San Mateo. In order to continue this trend, and continue to have an electrifying downtown, we need to create opportunities for loyal San Mateoans to stay in the community. | By Rosie R

Comment 2: And the new developments are certainly not going to be affordable for many renters of any age. | By L K

**Idea Title: stop approving so many high density projects.**

Idea Detail: Residents voted for Prop P because we didn't want so much height and density. If I wanted to live in a densely populated urban city, I wouldn't be in San Mateo

Idea Author: Michele K

Number of Seconds 0

Number of Points 24

Number of Comments 4

Comment 1: San Mateo has ALREADY become overcrowded. Try parking ANYWHERE downtown at just about any time. Especially, around dinner time. 25th Ave is just as bad. Where do the city officials who are approving all the new high density housing think all these new people are going to eat, park, drive, etc. in San Mateo??? Let's not even mention schools!! It is NOT necessary for a city to constantly keep growing. At some point, growth becomes counter-productive. | By Josephine A

Comment 2: TOD residents will have easy access to Cal Train. However, few will give up their autos.

We live in the suburbs, and one needs a car to go shopping, or to travel to the many attractions offered in the Bay Area. Try taking 3 or 4 friends to the beach, or to Monterey for the day, or even to go wine tasting. Try going to a concert at Stanford or at Berkeley on the bus or on Bart AND the bus. Private car transportation is here to stay.

| By Tom E

Comment 3: When the build out of all the already approved units occurs in San Mateo, it will lead, in my opinion, to traffic levels of service of E and F. Much higher than the Council and the traffic consultants stated during the TOD approval process, at a number of key intersections in the City. | By L K

Comment 4: I totally agree with this post. High density housing projects are ruining the charm



of San Mateo. | By David S

**Idea Title: Require more landscaping and green space around large multi-unii**

Idea Detail: Housing with mini parks separating them.

Idea Author: Joan R

Number of Seconds 0

Number of Points 23

Number of Comments 1

Comment 1: landscaping is good, but less high density housing is desirable | By Michele K

**Idea Title: Promote high density housing**

Idea Detail: Continue to add high density and affordable housing as well as require developers who are given these opportunities to add public parks, baseball fields, dog parks, biking, exercise and public transit centers. Don't get distracted by NIMBYs who are only concerned with themselves and not the better health, livability and economy of San Mateo and the Bay Area as a whole.

Idea Author: Michael H

Number of Seconds 0

Number of Points 19

Number of Comments 13

Comment 1: Don't know exactly what the future will hold for our city. Not sure how livable our city or the Peninsula will be after all the high density housing is built out.

Cramming more and more people into tighter and tighter spaces will only make quality of life go down the drain for ALL who live here. | By Joanne B

Comment 2: I'm waiting for the world class center that was promised by the Bay Meadows developer.





At the time they were lobbying for approval, they used examples and pictures of famous city plaza developments from around the world. | By L K

Comment 3: Michael do you live in the transportation corridor and if you do how long have you lived here?

I am not a NIMBY and please don't revert to using negative labels when people disagree.

I will no longer blindly support approving TOD development until there is some measure of performance as it's success or not. There are 1000's of units that have been already been approved in the City of San Mateo, based on a TOD formula and I want to see how many people in these developments are actually using Caltrain before more are approved.

Otherwise, with all of the development concessions, there is an undue burden imposed on existing homes and neighborhoods around the rail corridor. | By L K

Comment 4: Fear change? Hardly.

Now, if we're talking about parks and public facilities, whether the resources presently available are adequate to serve the current and future needs of the community - and how we will close the gaps, if any - is a valuable discussion to have. But we should recognize that having developers build stuff for us is a trade-off, a means to an end, but far from the only one we could make. And in the case of recent high density construction in and around San Mateo, I think it's questionable whether the amenities that have been provided or agreed to are a net gain or merely barely cover the needs of all the new residents we can expect to have. If it's the latter, our already crowded well-used parks will only get more, our shortage of fields for soccer and baseball will become worse, and our city will become less livable in numerous ways. Your suggestion to continue to add high density housing would be a fine one if there were evidence that it improves the overall livability of a place. But it's really just a grand experiment and only time will tell. If current trends continue, it seems likely that our city will be entirely transformed before we know whether it's a good thing or not. And then it will be too late to go back so I think it's an irresponsible suggestion when many of the new developments around are not even complete or fully sold and I'm not aware of any plans to use metrics (quantitative and qualitative) to determine what impacts these developments are having on our quality of life. | By Todd B

Comment 5: "Don't fear or exclude those that are foreign to you" . Because anyone who doesn't like the ways high density housing developments are impacting and changing the nature of our community must be an ignorant and fearful NIMBY opposed to any change. Is that pretty much it?

Fear change? Hardly.



Now, if we're talking about parks and public facilities, whether the resources presently available are adequate to serve the current and future needs of the community - and how we will close the gaps, if any - is a valuable discussion to have. But we should recognize that having developers build stuff for us is a trade-off, a means to an end, but far from the only one we could make. And in the case of recent high density construction in and around San Mateo, I think it's questionable whether the amenities that have been provided or agreed to are a net gain or merely barely cover the needs of all the new residents we can expect to have. If it's the latter, our already crowded well-used parks will only get more, our shortage of fields for soccer and baseball will become worse, and our city will become less livable in numerous ways. Your suggestion to continue to add high density housing would be a fine one if there were evidence that it improves the overall livability of a place. But it's really just a grand experiment and only time will tell. If current trends continue, it seems likely that our city will be entirely transformed before we know whether it's a good thing or not. And then it will be too late to go back so I think it's an irresponsible suggestion when many of the new developments around are not even complete or fully sold and I'm not aware of any plans to use metrics (quantitative and qualitative) to determine what impacts these developments are having on our quality of life. I By Todd B

Comment 6: "Don't fear or exclude those that are foreign to you" . Because anyone who doesn't like the ways high density housing developments are impacting and changing the nature of our community must be an ignorant and fearful NIMBY opposed to any change. Is that pretty much it?  
I By Todd B

Comment 7: Parks are for the public's benefit, it is not in anyone's best interest to spend money to add a park including government that does not have the resources. Local government should inspire and promote activities that protect and benefit the wider population and environment. Don't fear or exclude those that are foreign to you, embrace and manage the development of the city. Change is inevitable whether you like it or not. I By Michael H

Comment 8: Michael

Quit the personal attacks. This is a discussion. There are already 1000's of approved TOD projects potentially in the pipeline for the City of San Mateo.

Like Todd suggests, lets see what the build-out of these already approved TOD projects, that were given numerous development concessions, actually does in terms of the City's livability, before we go approving 1000's more . I By L K

Comment 9: And, I agree with Nan, there should be a negative rating. Neutral does not cut it. I By Todd B



Comment 10: We should not rely on developers to add public parks, baseball fields, dog parks, biking, exercise and public transit centers or for improving the livability of our communities. Developers, by their very nature, do not have these goals in mind but our local government should. I By Todd B

Comment 11: You said it well Todd. I By Joanne B

Comment 12: I wish there was a category other than neutral so I could express my absolute, total and complete disagreement with this being a great idea for San Mateo. It is a great idea for the contractors and tax collectors, but not good for the City and it's residents. I By nan D

Comment 13: I agree about the limited voting categories, seems obvious that there should be a negative voting category also. I By L K

**Idea Title: Stop using city funds (our tax dollars) to loan developers money**

Idea Detail: In 2013, San Mateo financed a developer's housing project, when the developer couldn't get money from a bank. Sounds like a bad investment of our tax dollars!

Idea Author: J F

Number of Seconds 0

Number of Points 18

Number of Comments 1

Comment 1: I could not agree more. Too much development I By Michele K

**Idea Title: Comply w/ the spirit and the letter of the law. Follow Prop P.**

Idea Detail: You are allowing too many high rises which are destroying the character of our City. If I want to live in a big city I will move to Chicago or New York!

Idea Author: Michele K

Number of Seconds 0

Number of Points 15



Number of Comments 2

Comment 1: Agreed. I By L K

Comment 2: Yes, recall that Measure P passed with almost 69% of the votes supporting it. The voters of San Mateo have consistently supported the notion, expressed in the Arguments for Measure P (there were none submitted against) that we wish to "...maintain the suburban character of our neighborhoods while allowing for the continued growth of our local economy."  
I By Todd B

**Idea Title: Grandfathering In-law Units**

Idea Detail: In-law units can be a high quality housing option but the city's policies are antiquated and inflexible with respect to them. While high-density developers get a favored status, the lower density options such as in-law units are illegal in many cases even where zoning is R-2 or R-4. San Mateo should help the city's middle class property owners by reviewing/amending existing rules and implementing a real process for appeals and exceptions.

Idea Author: Todd B

Number of Seconds 0

Number of Points 14

Number of Comments 2

Comment 1: Do it! I By nancy M

Comment 2: Good idea. I see SF is talking (again) about doing the same thing. I By L K

**Idea Title: Create better traffic mitigation plans in parallel**

Idea Detail: Traffic on city streets is already a nightmare, not to mention the 101 corridor.

Idea Author: Laura P

Number of Seconds 0

Number of Points 14



Number of Comments 1

Comment 1: Wait until the build out of all the already approved units in San Mateo. I By L K

**Idea Title: Overcrowded schools**

Idea Detail: The San Mateo Foster City School District is trying to get the public to approve bond measures to deal with current school overcrowding and increasing annual enrollment, while the city is approving developments adding thousands of new housing units. Why isn't this issue considered along with traffic studies during the planning process for all of the new housing units being added? When I remodeled my house, I had to pay a fee based on sq. footage, to the school district to obtain my building permit. Why are tax payers being asked to pay to alleviate school overcrowding with costly bond measures instead of developers? As it is, tax payers have to pay to operate and maintain school facilities; it doesn't seem right that they should have to provide the additional facilities for added housing units that they are not profiting from. Shouldn't new schools be included when designing large new developments, and shouldn't developers be paying for these capitol improvements?

Idea Author: Scott A

Number of Seconds 0

Number of Points 14

Number of Comments 3

Comment 1: Agree completely. Between the new units on Delaware (3 high density bldgs) , the new units at Bay Meadows, and the new units at the "relocated forrest" next to 92, where do the san Mateo City officials think all the new children who will occupy those units are going to go to school and where are they thinking the funds are going to come from to support educating these additional pupils?? Not to mention the housing that already replaced the newspaper and what has already been built at Bay Meadows. Let's not even think about the additional infrastructure (Police, Fire, etc) that are going to be required. ENOUGH HIGH DENSITY HOUSING ALREADY!!!! I By Josephine A

Comment 2: I've been wondering the same thing. Why haven't more schools been planned into the new developments? I By Crystal M

Comment 3: Thank you for adding this important comment. I am in agreement that our schools are suffering. Developers who want to build high density housing that is intended for rental property must contribute a share towards offsetting the increased enrollment. I By Holly M



**Idea Title: Sounds like a loaded question**

Idea Detail: If you mean the approval of thousands of high density TOD units in San Mateo, then not everyone views the recent housing policies as a success.

They aren't close to full build out of the units yet so it's hard to say if they will be a success for San Mateo.

I think we should wait until we are farther along in that build out to find out if they are working as planned, before approving even more units.

Idea Author: L K

Number of Seconds 0

Number of Points 10

Number of Comments 3

Comment 1: Yes, the question assumes success that is not evident. I By nancy M

Comment 2: I agree, TOD looks good on paper, but where are the real facts. So far traffic has increased in the Bay Meadows area and the project is not fully built out. People still use cars. Hillsdale at Saratoga is a traffic mess during the Morning and afternoon commute. I By David S

Comment 3: Hayward Park was a test case historically for TOD that no one really bothered to look at before approving so called TOD developments, and the fact is that Caltrain in 2011 was going to close the Hayward Park train stop due to lack of ridership. It's still at their budgetary discretion to close it as far as I know.

My point is that normal development standards should still apply because the great majority of transit habits remain the same whether next to a train line or not, 2 car family etc. Most buyers in reality, are just looking for some type of housing, not necessarily TOD, and the high density allows for (somewhat) lower prices. It will also lead in my opinion to traffic levels of service of E and F and much higher than the Council or traffic consultants stated. I By L K

**Idea Title: Improve existing individual housing stock in third/fourth corrid**



Idea Detail: And surrounding neighborhoods To encourage middle income to move into area commingled with multiple housing either through home improvement loans or rehab credits

Idea Author: Joan R

Number of Seconds 0

Number of Points 7

Number of Comments 2

Comment 1: If the city improved the 3rd Street Bridge (East of 101), repaved the streets and made homeowners maintain their houses (by giving affordable loans to do things like getting better fencing). Also, cleaning up the Lindbergh stretch and North Kingston closer to the freeway - it would make that area much more attractive. Also, ensuring people living in that area a guaranteed spot at North Shoreview and then opening it up as lottery to other areas - would also alleviate traffic and make the area much more attractive for families who want their kids to attend North Shoreview. I By Claire O

Comment 2: Use existing, empty, commercial buildings to create affordable apartments/condos, on the edges of downtown I By nancy M

**Idea Title: Bobbi**

Idea Detail: I agree we have too much housing in one area. The Bay Meadow project and the one around the old police station. That one and the gas station at the corner basically close one lane of the street and cause a traffic jam all the time. The City needs to rethink ideas about dense housing and what't around it.

Idea Author: Bobbi B

Number of Seconds 0

Number of Points 6

Number of Comments 2

Comment 1: As you age, you learn to trust/believe less and less. One of the first things you stop simply "believing" at face value is "statistics". Statistics can, AND ARE manipulated to show anything someone wants to "sell". The developers are doing just that with all the TOD rhetoric. Similar to the term "NON PROFIT" that most people associate with "free". Lots of





people make a handsome living at NON PROFIT'S. The developers are currently using these TOD statistics to "sell" their projects, walking away with a very tidy profit, than leaving the municipalities with all the population problems.

Does anyone really think that these many thousands of high density housing units that have already been built or are currently being built are NOT going to result in traffic, school, crime, etc. problems??? I By Josephine A

Comment 2: The burden of TOD is being implemented in the less affluent areas of the city. I By L K

**Idea Title: Beautify the 3rd Street Bridge**

Idea Detail: The 3rd Street Bridge has weeds growing in it and outside of it and some areas have graffiti.

Idea Author: Claire O

Number of Seconds 0

Number of Points 3

Number of Comments 1

Comment 1: It would be great if the City came up with an idea to give visitors a sense of arrival or a sense of entering for the City. It's now vaguely focused or weak at best at 3rd, at Hillsdale and 92 and El Camino but nothing of any note. WE could do better. I By L K

**Idea Title: ABAG growth numbers are never met by it's own member cities.**

Idea Detail: I looked at the Association of Bay Area Government growth projections some years ago, and it turns out that they are always very, very optimistic numbers or projections. I think that some 99% of the member cities never even closely reached the ABAG projections. Some cities were actually zero and they were that way on purpose.

So let's not start somehow thinking that we are mandated to meet some public agency's growth numbers. They are ideals and goals to work toward but historically ABAG hasn't been anywhere close to meeting those goals. Here in the Bay Area, it's been very hard to meet them for a variety of very good reasons.

Idea Author: L K



Number of Seconds 0

Number of Points 3

Number of Comments 0

**Idea Title: Already more housing than San Mateo can support**

Idea Detail: San Mateo has ALREADY become overcrowded. Try parking ANYWHERE downtown at just about any time. Especially, around dinner time. 25th Ave is just as bad. Where do the city officials who are approving all the new high density housing think all these new people are going to eat, park, drive, etc. in San Mateo??? Let's not even mention schools!! It is NOT necessary for a city to constantly keep growing. At some point, growth becomes counter-productive.

Idea Author: Josephine A

Number of Seconds 0

Number of Points 3

Number of Comments 0

\_\_\_\_\_

> From: Tenants Together <[info@tenantstogether.org](mailto:info@tenantstogether.org)>

> where she said she has lived since March 2013. ANDY FURILLO

> [AFURILLO@SACBEE.COM](mailto:AFURILLO@SACBEE.COM))

>

> THEN CALL and say, "Keep Dorothy Morris in her  
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> Market Street, Suite 1202 San Francisco, CA

> 94103

> To subscribe, visit <http://www.tenantstogether.org/subscribe>.

>

> You are subscribed to this list as

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> subject line.

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> Update your preferences or contact information

> here: <http://www.tenantstogether.org/profile>

>

> (Note: The first time you go to update your

> preferences, you must first create a login and

> password.)

>

>

>

>

**Julia Klein**

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**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Thursday, December 18, 2014 12:37 AM  
**To:** Julia Klein  
**Subject:** Case in Sacramento similar to mine, that's happening all over country-Housing Element

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Julia,

If you think this article, which mentions how this sort of thing is happening all over the country would be read and taken seriously by the council members, can you please pass it on to them. The article even mentions how a case can be taken away from a jury by a judge and decided solely by the judge.

[Agencies moving to help evicted 83-year-old woman](#)



**Agencies moving to help evicted 83-year-old woman**

Sacramento Manor terminated lease on Dorothy Morris as part of effort to remove federally-subsidized tenants.

[View on www.sacbee.com](http://www.sacbee.com)

Preview by Yahoo

Thank You,  
Doreen



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## Agencies moving to help evicted 83-year-old woman

BY ANDY FURILLO - [AFURILLO@SACBEE.COM](mailto:AFURILLO@SACBEE.COM)

12/17/2014 10:53 AM | Updated: 12/17/2014 9:38 PM



Dorothy Morris, 83, is in Sacramento Superior Court on Tuesday to fight her eviction from Sacramento Manor, a south area senior-living apartment complex where she said she has lived since March 2013. ANDY FURILLO / [AFURILLO@SACBEE.COM](mailto:AFURILLO@SACBEE.COM)

Representatives from multiple agencies swung into action Wednesday to find a new home for an 83-year-old woman who lost her court case against a senior-living apartment complex that successfully evicted her.

"I'm trying to hold up, but I'm old and it's not easy," Dorothy Morris said, after talking with representatives of the three agencies – the Sacramento Housing and Redevelopment Agency, Resources for Independent Living and Sacramento County Adult Protective Services.

"I can't break down," Morris said. "I'm 84 years old, almost. I could have a heart attack. That's what I'm scared of. I've gotta move and stuff and it's a bit too much for me."

Late Tuesday afternoon, Sacramento Superior Court Judge Christopher E. Krueger took the eviction case away from a jury following a 90-minute trial and issued a directed verdict that will require Morris to move out of Sacramento Manor by Jan. 2.

Krueger's decision came after Sacramento Manor attorney Allison K. Wopschall asked for the directed verdict after the jury had left the courtroom. Krueger found in Sacramento Manor's favor after conducting about 45 minutes of legal research.

According to the Cornell University Law School's Legal Information Institute, a judge can return a directed verdict at any time in a trial if he or she determines "there is no legally sufficient evidentiary basis for a reasonable jury to reach a different conclusion."

Wopschall could not be reached Wednesday. She argued at trial that the case came down to the simple terms of Sacramento Manor's lease agreement with Morris that allowed either party to terminate her tenancy on a 30-day notice.

Sacramento Manor manager Jessica Dawn Gering testified in the trial that the landlord evicted Morris as part of its effort to rid itself of federally subsidized Section 8 tenants. She claimed the program has posed an administrative burden on the 260-unit senior-living complex.

The Sacramento Housing and Redevelopment Agency administers the subsidized housing voucher program locally. SHRA spokesman Angela Jones said Tuesday her agency planned to contact Sacramento Manor as well as officials in Resources for Independent Living and Adult Protective Services about Morris' case.

Morris, who represented herself at trial, said Wednesday she was contacted during the day by representatives from all three agencies.

"I've gotta get out of here and they're going to get me some place at least temporarily," Morris said.

Adult Protective Services offered her a place to stay in a 30-day residential facility, according to Morris, who said that she is scheduled to meet on Thursday with a representative from Resources for Independent Living.

"They want me to come down there so they can show me some places," Morris said.

Officials from the agencies declined to discuss Morris case in specifics due to



confidentiality provisions.

Adult Protective Services program manager Ruth MacKenzie said that in cases like Morris' her agency will search its lists for landlords who take Section 8 residents. MacKenzie said Adult Protective Services also has "myriad senior housing complexes we know and refer clients to," and that it also makes referrals to board and care homes.

Frances Gracechild, the executive director of Resources for Independent Living, said that Morris' "portable voucher" should make it easier for her to find a new place to live.

"They can be used anywhere," Gracechild said.

Gracechild added, however, that landlords from all over the country are choosing like Sacramento Manor to stop taking Section 8 tenants.

"We have many cases like this, quite frankly," Gracechild said. "We're losing our low-income housing stock."

*Call The Bee's Andy Furillo, (916) 321-1141. Follow him on Twitter @andyfurillo (<https://twitter.com/andyfurillo>).*

## Julia Klein

---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Tuesday, December 16, 2014 7:10 PM  
**To:** Maureen Freschet; John "Jack" Matthews; Joe Goethals; David Lim; Robert Ross  
**Cc:** Julia Klein  
**Subject:** Anti-Discrimination Against Source of Income-to include Section 8 vouchers is desperately needed

Hello to all,

Please start doing your own study to see what is truly going on. There's a tragedy going on and a tenant ordinance is urgently needed to help us. Please go on Craigslist and put in, Section 8, you will see how it is written, no pets, smoking or section 8, on almost every listing. Also please go to, apts wanted and see the people in the Peninsula, begging for help from landlords to accept, section 8. Here are some current listings of such:

[Landlords there is no difference](#)

### Landlords there is no difference

To all Landlords of all kinds!! I just wanted to promote the section 8 voucher program we the people whom have housing vouchers are just like any other renter, landlords claim that voucher tenants...

[View on sfbay.craigslist.org](#)

Preview by Yahoo

[Need 1 or 2 Bedroom section 8](#)

### Need 1 or 2 Bedroom section 8

Desperately seeking 1 or 2 bedroom or even possibly a studio that will accept a section 8 voucher I am a hard working white woman who works two jobs and keeps her house clean. Looking for long term...

[View on sfbay.craigslist.org](#)

Preview by Yahoo

[Family of 4 looking for home for the holidays](#)

### Family of 4 looking for home for the holidays

We are a quiet family of 4 looking for a 2 or 3 bedroom apartment, duplex or house. We hold a Section 8 voucher for the county of San Mateo. If you have a property that may fit our criteria please...

[View on sfbay.craigslist.org](#)

Preview by Yahoo

I can send you things like this every day. When will the 5, of you realize, there are many in need of an ordinance to help people with section 8 housing choice vouchers, and affordable housing is not going to fix the problem now or in the future. Stop passing the buck to Congress, or anyone else to help. You have the ability and power to make a difference. Having such a voucher in this city has made me feel like the city just wants us all, OUT!

Sincerely,  
Doreen

## Julia Klein

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**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Sunday, December 07, 2014 10:13 PM  
**To:** Maureen Freschet; John "Jack" Matthews; Joe Goethals; David Lim; Robert Ross  
**Cc:** Julia Klein; Sandra Council; Joshua Hugg  
**Subject:** Fw: Is this normal to any of you?  
**Attachments:** Rental increase 2014.JPG

Sorry when I'm pissed off I mess up. That was suppose to be...90-day notice of termination expiring. It is important to me to be correct, something I am not finding the county to be that I grew up in and graduated from many schools' in.

On Sunday, December 7, 2014 10:04 PM, Doreen Joiner <[doreenjoiner@yahoo.com](mailto:doreenjoiner@yahoo.com)> wrote:

Hello City Council Members,

I want to ask, since what year has it been considered normal to receive a, \$997.00, dollar rental increase in, San Mateo? For my family, that is just above a 50 percent increase. Instead of my landlord filing an unlawful detainer against me due to my 90-day notice of termination expiring, he has decided to ask for this astronomical rental increase instead.

A family shouldn't have to move, there shouldn't have to be affordable housing built or any no-fault evictions. What there should be is a cut off at some point of the rental increase amount allowed and value of that rental altogether. If you believe a rental should always be at market rate, then what you are really saying is....landlords charge as much as you want and if that means only two-party, high-wage earners can live in, San Mateo, then so be it. The rest...police, firefighters, Starbuck workers, Cheesecake Factory workers, San Mateo city workers, the disabled, single-parent's, certain elderly, will all have to live in affordable housing units to live in, San Mateo. That's ridiculous, unrealistic and allowing, GREED, by large complex owners.

We need tenant ordinance protections, not more buildings and population. I'm just told, oh sorry, our process may not help your family.

An enraged and disgusted, San Mateo, resident,  
Doreen



**SIXTY DAY NOTICE OF CHANGE OF MONTHLY RENTAL/LEASE TERM**  
**PLEASE READ CAREFULLY**

Date: 12/02/2014  
From: Roxana Matos, Community Manager / Asst. for Owner  
Villa Serena  
2110 Casa De Campo  
San Mateo, CA 94403-4100  
(650) 572-7189

To:



Ap# 211104

Dear Dozen Jones and all other occupants:

At Villa Serena, we are continually striving to offer the best in apartment living. We appreciate your business and sincerely hope that your residency has been a pleasant one.

The lease on your apartment 6311104 will expire on 06/30/2012. We are currently offering the lease renewal term and rate shown below:

**You may sign a 12 month lease at a monthly rate of \$2949.00\* effective 2/1/2015.**

\* If you currently have additional other monthly charges, the amount will be reflected in the above rate.

If you would like to accept the above offer, or if you alternate options, please contact our office at (650) 572-7180.

This offer will expire on 1/15/2015. If you do not sign a new lease agreement by 01/15/2015, your lease will continue on a month to month basis at a monthly rate of \$3300.00. If you choose to move, we require a 30-day notice to vacate.

Please bring proof of current renter's insurance with you during your lease renewal signing. As a reminder the renter's insurance must have liability coverage of at least \$100,000. We will not be able to accept any lease renewals without proof of insurance.

Please contact your renewal specialist to arrange a signing date. Your file is being personally handled by Roxana Matos.

We know that you have a lot of choices when selecting your home, we appreciate that you have chosen to stay with us. We look forward to hearing from you. If, for some reason you decide not to continue your stay with us, please remember that a written Thirty Day Notice of your intent to vacate must be given.

Sincerely,

Roxana Matos, Community Manager

**Julia Klein**

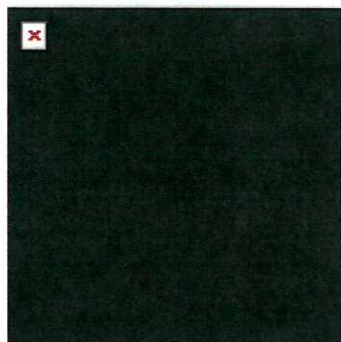
---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Wednesday, August 27, 2014 1:17 PM  
**To:** Julia Klein; Sandra Council  
**Subject:** Housing Element

Hello to both,

I don't know whether or not it makes sense to send anything in regards to the housing element or not but I would like my petition, which I have shared the link to below given to the City Council members, please. I think anyone who sees the number of signatures it has received to this point and if you read the comments left by people who have signed, it will again show, we need tenant protection ordinances. Please look seriously into adopting any or all tenant ordinances mentioned in, HLC's document, thank you.

[Villa Serena Apartments, San Mateo, CA: Continue to accept my Section 8 voucher, as a reasonable accommodation, due to my disability](#)



**Villa Serena Apartments, San Mateo, CA: Continue to accept...**

Please accept my reasonable accommodation due to my disability, in order for my family to remain in what's been our home for 5 years, to avoid...

[View on www.change.org](http://www.change.org)

Preview by Yahoo

Sincerely,  
Doreen



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Petitioning **Attorney** Villa Serena Apartments, San Mateo, CA and 1 other

This petition will be delivered to:

**Attorney**

Villa Serena Apartments, San Mateo, CA

**Sares Regis**

Darrin Ketter

**Continue to accept my Section 8 voucher, as a reasonable accommodation, due to my disability**



**[Doreen Brown](#)**

[San Mateo, CA](#)

837

Supporters

Please accept my reasonable accommodation due to my disability, in order for my family to remain in what's been our home for 5 years, to avoid homelessness. Landlords, who are evicting tenants due to not wanting to participate in the program anymore are making families like mine at high risk of homelessness in this county altogether. The other landlords in the county aren't wanting to accept the program either and the rents out there have skyrocketed, leaving no options for families like mine to keep a roof over our heads.

I started this petition because my family was given a 90-day notice, to move on June 30, 2014, due to having a Section 8 voucher, that they no longer want to accept. Since that time and due to the housing crisis occurring in the Bay Area, we have a high likelihood of becoming homeless if our current landlord won't continue to accept my voucher. My adult daughter and I are trying very hard to further our education through our community college in order to obtain careers so we can stand on our own feet and not have to continue on the Section 8 program. However, if we are forced into homelessness, this will put us at a great disadvantage of completing our goals. I also have a 17 month old granddaughter living with me who doesn't deserve to spend her first years of life homeless due to a landlord who just wants to rid of families for their way of paying their rent. My landlord is not forcing out other families who pay less than new move-ins and increasing their rents little by little and I don't understand why they can't do the same for my family. 12 families here out of the over 100 townhouse/apartments, have been asked to leave for the same reason but I don't know if any of them are disabled like me. With no tenant protections in San Mateo, asking for a reasonable accommodation is the only way to get help and so far my landlord has denied my request. Please help my family keep a roof over our heads and I hope the best for the other families as well.

---

Letter to

**Attorney** Villa Serena Apartments, San Mateo, CA

**Sares Regis** Darrin Ketter

Continue to accept my Section 8 voucher, as a reasonable accommodation, due to my disability

---

Continue to accept my Section 8 voucher, as a reasonable accommodation, due to my disability

## Sign this petition

with 837 supporters

163 needed

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because... (optional) ▲▼

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English (United States) ▼

## Julia Klein

---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Thursday, July 24, 2014 5:42 PM  
**To:** Sandra Council  
**Cc:** Julia Klein  
**Subject:** Re: Housing Element

Hello Sandra,

I hope it's not a problem that I did my own research but I like finding things out for myself. I just wanted to share the results of what I have found out about the property at, 1642 S. Grant, in hopes it helps you out. I called the county recorder's office and got the names of the owners of the place, Thomas and Pamela Shaughnessy. I then did a Google search of their names and came across the number, . I'm not sure but I think Thomas, passed away last year, (due to what I saw on the Internet), so I asked for Pamela, when I called the number just in case. I got to speak with her and she told me it is contingent on the sell of the property, per the request by the new owner to have the tenants out. She believes that's due to the new owner wanting to rehab the place. I have the actual owner living at, 70 Downey Way, in Hillsborough. I did speak to her about perhaps having a choice for the current tenants to re-locate until the rehab was done so they could then return to their homes which seemed to resonate with her. She seemed like a very nice lady and we both wished each other luck. Hope this helps.

Sincerely,  
Doreen

On Wednesday, July 23, 2014 11:02 AM, Sandra Council <[scouncil@cityofsanmateo.org](mailto:scouncil@cityofsanmateo.org)> wrote:

I talked to Doreen. I will also attempt to research the situation at her building as well as 1642 S Grant in order to provide background /market info for the Council.

Sandy

---

**From:** Julia Klein  
**Sent:** Wednesday, July 23, 2014 10:50 AM  
**To:** Doreen Joiner ([doreenjoiner@yahoo.com](mailto:doreenjoiner@yahoo.com)); Patrice Olds; Joan Diskin  
**Cc:** Sandra Council; Ronald "Ron" MuneKawa; Diana Elrod ([dianaelrod@att.net](mailto:dianaelrod@att.net))  
**Subject:** FW: Housing Element

Hi Patrice,

Please read Doreen's request below.

Thanks,

*Julia Klein*  
Senior Planner  
City of San Mateo  
330 W. 20<sup>th</sup> Ave  
San Mateo, CA 94403  
Tel: 650-522-7216  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

---

**From:** Doreen Joiner [<mailto:doreenjoiner@yahoo.com>]

**Sent:** Tuesday, July 22, 2014 11:44 PM

**To:** Julia Klein

**Subject:** Housing Element

Julia,

Can you please forward this email to all council members? Mr. Lim, spoke of making the property on S. Grant St., a case study, considering the few families that were present last night getting evicted from it. I want to make a reminder that it's happening to 12 families here. Supposedly 3 are now gone to some unknown location, leaving 9 other families to re-locate.

Thanks,  
Doreen

**PRIVILEGE AND CONFIDENTIALITY NOTICE:** This message, together with any attachments, is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this message or any attachment is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments from your computer. Thank you.

**From:** Patrice Olds  
**To:** Joan Diskin  
**Subject:** FW: Comments on Draft Housing Element, San Mateo  
**Date:** Monday, July 21, 2014 12:44:56 PM  
**Attachments:** NPH\_Housing Element Draft\_Final\_20140721.pdf

---

I've sent to Council.

Patrice M. Olds, MMC  
City Clerk  
City of San Mateo  
330 W. 20<sup>th</sup> Avenue  
San Mateo, CA 94403  
(650) 522-7042  
[polds@cityofsanmateo.org](mailto:polds@cityofsanmateo.org)

**From:** Pilar Lorenzana-Campo [mailto:pilar@nonprofithousing.org]  
**Sent:** Monday, July 21, 2014 12:41 PM  
**To:** Julia Klein; Patrice Olds  
**Subject:** Comments on Draft Housing Element, San Mateo

Good afternoon, Ms. Klein.

I write to you on behalf of the Non-Profit Housing Association of Northern California (NPH).

For the past 35 years, NPH has served as the collective voice for affordable housing developers and providers in the region. At present, NPH is working to ensure that all 16 cities carrying the bulk of anticipated growth for the coming decades include the necessary policies and programs to allow the region to grow equitably. To that end, please see the attached comment letter on the draft housing element made available at the end of May 2014.

I've cc'ed the City Clerk on this email to ensure that City Council members receive a copy of our comment letter.

Thank you for the opportunity to provide feedback. If you have any questions, please do not hesitate to call or email. I look forward to meeting you at this evening's City Council meeting on the draft housing element.

Best,  
Pilar Lorenzana-Campo  
Regional Policy Manager  
Non-Profit Housing Association of Northern California

369 Pine Street, Suite 350  
San Francisco, CA 94104  
408.215.8925  
[pilar@nonprofithousing.org](mailto:pilar@nonprofithousing.org)  
[www.nonprofithousing.org](http://www.nonprofithousing.org)

HONOR THE PAST; LOOK TO THE FUTURE

Executive Director  
Dianne J. Spaulding

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BRIDGE Housing

Dan Sawislak  
Resources for  
Community Development

Dan Wu  
Charities Housing

Malcolm Yeung  
Chinatown Community  
Development Center

July 21, 2014

Sent via email: [jklein@cityofsanmateo.org](mailto:jklein@cityofsanmateo.org)

Julia Klein  
Senior Planner  
City of San Mateo  
330 West 20<sup>th</sup> Avenue  
San Mateo, CA 94403

**Re: Comments on the Draft City of San Mateo Housing Element**

---

Dear Ms. Klein:

For the past 35 years, the Non-Profit Housing Association of Northern California (NPH) has served as the collective voice for affordable housing developers and providers in the region. At present, NPH is working to ensure that all 16 cities carrying the bulk of anticipated growth for the coming decades include the necessary policies and programs to allow the region to grow equitably.

On behalf of NPH and our 700 member organizations, I respectfully submit the following comments on the draft housing element (HE) submitted by the City of San Mateo for your consideration.

**A. Housing Needs Assessment**

Between 2000 and 2010, the population of the city grew by 5.1% (an additional 11,417 residents). The draft housing element does not include employment growth data for the same period making it difficult to analyze how the city has balanced its employment and population growth.

The draft housing element highlights the city's balanced employment ratio, calculated at 1.03 jobs per employed resident. However, an in-depth comparison of *low wage jobs and housing affordable to this cohort* conducted the UC Davis Center for Regional Change paints a very different picture. In fact, a significant imbalance exists in the city with *5.64 low wage jobs for every affordable home*.



The Voice of  
Affordable Housing

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Of the 38,863 total homes currently available *only 2,027 or 5.2% are affordable to low wage earners*. In contrast, *20.5% or 8,435 of the total 41,104 jobs are low wage jobs*.<sup>1</sup>

NPH strongly suggests the city include the following programs in future iterations of the draft housing element:

- *Include employment growth, by income or wage level, for the same period used to track population growth.*
- *Revise existing H.2.2. Jobs/Housing Balance Program to address ratio for different wage types.*
- *Adopt a program to track, monitor, and improve low wage jobs and affordable housing fit.*

## **B. RHNA Progress**

NPH was unable to secure copies of the City's 2013 Annual Progress Report (APR)<sup>2</sup> and as such we are unable to separately verify city's progress on RHNA 4 housing goals for all levels of affordability. However, figures cited in the draft Housing Element (page 57) demonstrate that the City's performance during the 2007-2014 planning period fell short of meeting the City's housing need, especially with respect to low-income households. Performance values shown as % of total RHNA 4 for each affordability level:

- Very low income (0-50% AMI) – 189 out of 695 or 27.1%
- Low income (51-80% AMI) – 25 out of 500 or less than 1%
- Moderate (81-120% AMI) – 116 out of 589 or 19.7%
- Above moderate income (120% AMI+) – 910 out of 1,267 or 71.8%

The City's share of housing growth for the period between 2014 and 2022 is as follows:

- Very low income (0-50% AMI) – 859 homes
- Low income (51-80% AMI) – 469 homes
- Moderate (81-120% AMI) – 530 homes
- Above moderate income (120% AMI+) – 1,242 homes

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<sup>1</sup> Figures available at <http://bit.ly/lp40cws>

<sup>2</sup> Government Code §65400 requires that every jurisdiction submit the progress report on April 1<sup>st</sup> of each year.

Because of the *existing* deficit of homes available to those earning less than 80% of the area median income, the shortage of available land, and the continued employment growth in the coming decades<sup>3</sup>, the City must incentivize and prioritize the preservation and production of housing affordable to all income segments, especially within the established Priority Development Area (PDA), specific or station area plans, and key transportation nodes identified in the Grand Boulevard Initiative.

Continuing to grow the number of jobs in the City through commercial development without addressing the accompanying housing growth for those new employees exacerbates housing problems for adjacent or nearby cities and runs counter to the regional effort to reduce driving.

NPH strongly suggests the city include the following programs in future iterations of the draft housing element:

- *Include a program to complete a yearly Annual Progress Report (APR) and a public meeting to discuss progress to date prior to submitting report to the California Department of Housing and Community Development.*
- *A program to prioritize housing for very-low and low-income workers especially in key transportation corridors and as part of the Transit Oriented Development (TOD) Policy.*

### C. Housing Resources

#### *Low Income Housing Tax Credits (LIHTC) Scoring*

Prior to their dissolution in 2011, cities relied on Redevelopment Agencies (RDA) to provide funds for affordable housing production. Since the dissolution of RDA, non-profit housing developers have had to rely on very competitive federal tax credits, namely the Low Income Housing Tax Credit (LIHTC), to finance a housing project affordable to those making less than 80% AMI. In order to qualify to apply for LIHTC, projects must be consistent with site and amenity criteria for public transportation and services/amenities. The city has a very low and low-income allocation totaling 1,328 homes.

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<sup>3</sup> Plan Bay Area projects that the number of jobs in the City will grow by as much as 33% between 2010 and 2040.



NPH strongly suggests the city include the following programs in future iterations of the draft housing element:

- *Include an analysis of how opportunity sites score against site inventory criteria for LIHTC.*

#### ***Housing Opportunity Sites***

The draft housing element does not include a comprehensive description of the proposed land inventory. Instead, it lists a summary of the inventory (page 61) that does not include information on current uses, current zoning, or other key information related to the selected parcels. By the city's estimation, the realistic capacity of the selected parcels will provide a surplus of housing across all affordability levels.

NPH strongly suggests the city include the following programs in future iterations of the draft housing element:

- *Include a detailed list and comprehensive information about the opportunity sites included in inventory analysis.*

#### ***Financing Tools***

Given the high costs of land and the overall market strength in the city not-for-profit developers cannot against market rate developers to acquire land for development. To further the city's goal of maintain a diversity of housing options, NPH strongly suggests the city include the following programs in future iterations of the draft housing element:

- *A program to adopt a commercial linkage fee.*
- *A program to adopt a housing impact fee.*
- *A program to develop a site acquisition program.*

#### ***Land Use Tools***

Given the high need, affordable housing should be the first and highest priority when any kind of incentive (e.g. increased FAR or density) is provided in any development occurring within the City boundaries. This policy should not be limited to specific plan or precise plan areas.

Additionally, the city should identify publicly owned parcels and additional brownfield sites that may be suitable for redevelopment and prioritize these for housing affordable to those earning 80% AMI or less.

NPH strongly suggests the city include the following programs in future iterations of the draft housing element:

- *Adopt an affordable overlay zone for all identified opportunity sites.*
- *Analyze feasibility of additional land use tools such as affordable housing overlay zones and community benefit agreements, land value recapture etc. (i.e. requiring community benefits in exchange for up zoning of entire areas to a higher density since this can trigger speculation and put more upward pressure on already high land values).*
- *A program to identify all publicly owned parcels and brownfield sites.*
- *A program to develop a policy to prioritize, require, or incentivize housing affordable to those making 80% AMI or less on public land.*

Thank you for the opportunity to provide comments on the city's housing element. Please feel free to contact me regarding any questions.

Sincerely,



Pilar Lorenzana-Campo  
Regional Policy Manager  
Non-Profit Housing Association of Northern California  
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408.215.8925

cc

Paul McDougall, [Paul.McDougall@hcd.ca.gov](mailto:Paul.McDougall@hcd.ca.gov)  
City Council via City Clerk, [polds@cityofsanmateo.org](mailto:polds@cityofsanmateo.org)

**From:** Paul Stewart [<mailto:paul@samcar.org>]

**Sent:** Wednesday, July 16, 2014 4:40 PM

**To:** David Lim; Robert Ross; Joe Goethals; Maureen Freschet; John "Jack" Matthews; Larry Patterson; Julia Klein

**Subject:** San Mateo Housing Element Update

**Importance:** High

**Good Afternoon,**

**On Monday, July 21, the City Council will consider the update to San Mateo's Housing Element. Following are the comments and recommendations from the San Mateo County Association of REALTORS® (SAMCAR). I will be in attendance on the 21<sup>st</sup> as well. If you should have any questions regarding our recommendations, please do not hesitate to contact us. Thank you.**

**Paul Stewart**

GOVERNMENT AFFAIRS DIRECTOR

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**SAN MATEO COUNTY**  
**ASSOCIATION of REALTORS®**

**"Do or Do Not. There is no Try." – Yodam**

As an advocate for affordable housing, the protection of private property rights and representing the interests of home owners and over 2,700 REALTORS® and real estate professionals in San Mateo County, the San Mateo County Association of REALTORS® (SAMCAR) would like to submit the following comments and recommendations regarding the City of San Mateo's Housing Element update. According to the California Association of REALTORS® (C.A.R.) Housing Affordability Index (HAI), only 12 per cent of households that can afford to purchase the median priced home in San Mateo County (\$1,126,500). Yet when home prices are weighted by eliminating such high cost areas as Atherton, where the median home price is \$5,045,000; Hillsborough-\$4,209,344; Woodside-\$3,102,562; Portola Valley-\$2,690,625; and, Menlo Park-\$2,316,068, the median home price for San Mateo County drops to \$818,193 and the HAI index rises to 23 percent (compared to a statewide HAI of 33 percent).

Nonetheless, this still points to a need to provide more affordable housing opportunities. There are two primary methods to achieving this goal: **incentive programs** or punitive mandates.

**SAMCAR urges you to research and implement the former as part of deliberations during the Housing Element update.**

For example, the cities and the county have identified a list of informational goals such as the maximum and recommended fees permitted on new residential development; allowable inclusionary zoning levels (once the legal permutations of getting around the Palmer decision are solved); and, the maximum and recommended fees for new commercial development.

Jurisdictions are turning to fees for affordable housing more and more since the dissolution of Redevelopment Agencies and the dwindling availability of state bonds. In cities where the fees exist, developers must pay if they don't provide a certain number or percentage of below-market rate units in their projects. The funds are supposedly meant to give the cities the means to build/procure affordable housing although, with land at a premium in San Mateo County, that can be its own challenge unless or until local governments begin opening/zoning/rezoning more land for housing. **As noted the more successful approach to providing affordable housing is by use of incentive programs.** Based on locale, budgetary and staffing constraints and applicability, these should include:

**>Allow fee waivers for affordable rehabilitation:** Consider amendment to the Master Fee Schedule to allow for waiver of permit fees for rehabilitation of affordable housing.

**>Implementing a Homeownership Goal:** The City of Hayward amended its Housing Element a decade ago to increase the percentage of households who become homeowners from 51% to 70%. In the intervening years, the City Council has adopted amendments that included new policies and programs to help increase the City's homeownership rate while simultaneously reducing regulation and cost, thereby assisting median income households become homebuyers since, without such assistance, these families would be excluded from ownership. Creating a larger pool of potential homebuyers to purchase moderately priced homes also helps open up additional housing opportunities.

**>Re-Evaluation of Vacant and Underutilized Property:** While local government typically analyzes the property within its jurisdiction as part of a Housing Element update, we would emphasize the goal of creating more affordable housing. To maintain the fiscal viability of any given jurisdiction means having a sufficient supply of land available for economic development and job growth. Vacant parcels, long zoned for other uses, may no longer be viable for said use given growth and development patterns. For example, when done in conjunction with a re-evaluation of underutilized property, it allows a city to, for example, look at land next to freeways for mini-storage facilities, thereby freeing up land elsewhere zoned for that same purpose but which can now be made available for affordable housing.

**>True Density Bonus Programs:** Density bonuses are a zoning tool that that permits developers to build more housing units, taller buildings, or more floor space than normally allowed, in exchange for provision of a defined public benefit, such as a specified number or percentage of affordable units included in the development. However, the density bonus program must be structured to provide a true density bonus and not just to offset the provision of affordable units, thereby making the project economically feasible.

Density bonus programs encourage developers to create affordable dwelling units in areas where a need has been identified for affordable, low- and moderate-income housing. Density bonuses can also be used to entice development to specific neighborhoods or zones. Two areas of caution: A.) It will take a commitment on the part of local government to approve said density bonuses as such incentives often provoke residents to protest the bonus and/or the project itself. B.) Relying on projects that are transit-oriented (the current popular planning maxim) often leads to exactions such as including open space (or park in-lieu fees) or other costs which negate the effects of the density bonus. The affordable housing density bonus will apply to and supersede any regulation on any property located within the boundaries of a Certified Local Coastal Plan.

**>Density Bonus Set Aside Provisions:** If a project can work financially, targeting specific 'set asides' further refines the provision of affordable housing. Downside is that, for example, a project can qualify for a 20% density bonus, if they provide the following tenant set-asides for a period of at least 30 years, as established by state Law:

- 5% of the dwelling units for Very Low Income households, earning no more than 50% of the AMI and paying no more in rent than the amount established for households earning up to 50% of the median income, OR
- 10% of the dwelling units for Lower Income households, earning no more than 80% of the AMI and paying no more in rent than the amount established for households earning up to 80% of the median income, OR
- 10% of the dwelling units for Moderate Income households, earning no more than 120% of the AMI and paying no more in rent than the amount established for households earning up to 120% of the median income.

Projects may qualify for an additional density bonus to a maximum of 35% provided the number of set-aside units are increased as follows:

- For each 1% increase in the percentage of Very Low Income affordable units, projects will receive an additional 2.5% density bonus up to a maximum of 35%.
- For each 1% increase in the percentage of Lower Income affordable units, projects will receive an additional 2% density bonus up to a maximum of 35%.

Projects qualify for an additional 10% density bonus up to a maximum of 35% if they are located on or near a transit corridor or major employment center (see By-Right Incentives, below).

#### **>Senior Housing Projects**

State law provides an automatic 20% density bonus for housing projects where units are set-aside 100% of the housing for senior citizens. There are no income or rent restrictions for this bonus. As an incentive to provide affordable housing for seniors, senior housing projects that set aside at least 10% of the units for Lower Income seniors or 5% of the units for Very Low Income seniors will qualify for an additional 15% density bonus, for a total density bonus of 35%. All senior housing projects are required to sign a covenant with the Housing Department assuring that the units are restricted to seniors for a period of 30 years.

#### **>For-Sale Condominium Developments**

Condominium developments that set-aside 10% of the dwelling units for buyers who meet the criteria of Moderate Income households will qualify for a density bonus of 20%. For each additional 1% set-aside, the developer may receive an additional 1% density bonus up to a maximum of 35%. It is the intent of this program that these units will be owner-occupied.

The owner of the set-aside unit can sell that unit any time at an unrestricted price. The County can recoup affordable housing funds by receiving 25% of difference between the initial sale price and the fair market value of the home at the time of the initial sale. These funds are to be used within three years for the construction, rehabilitation, or preservation of affordable housing by the County or they revert to the Moderate Income seller.

**>Broad Distribution of Affordable Housing Funding Sources:** The costs for 'affordable housing' are **not** broadly distributed. By comparison, an increase in baseline property tax rates would spread the costs of affordable units across all households, current and new. The nexus though is that affordable housing is a *community-wide need* and should therefore, be spread on a *community-wide basis*... not placed on the backs of individuals who happen to be able to sell their home or purchase a new home.

**>Streamlined Review Processes:** Most jurisdictions have utilized some form of 'fast track' processing when it comes to affordable housing projects. Setting up a true "One Stop Shop" will assist. Coordinating the departments responsible for reviewing housing projects (for example, planning, public works, parks, police, and fire) such that they ALL meet with the project proponents for review sessions, thereby avoiding the A-to-B-to-C review scenario as often occurs, will expedite that process. In addition, establish specific time frames for review and approval of projects that include affordable housing components and/or give staff the authority to do so.

**>Land banking:** Vacant, abandoned or underutilized properties are a challenging problem for any community. By viewing these properties as potential housing assets, rather than barriers to revitalization, affordable housing advocates (such as SAMCAR) can foresee this as a new way to reinvest in once-neglected neighborhoods.

Land banks are public authorities created to acquire, hold, manage and develop vacant properties. The concept behind a land banks is to convert vacant/underutilized properties that have been bypassed by the open market (or by local government in its review of housing inventory needs) into additional and for housing.

A land bank acquires title to vacant, underutilized and abandoned properties via the fair market; eliminates barriers to redevelopment; and, transfers property to a new owner in a way that supports affordable housing needs and priorities. As such, land banks often provide marketable title to properties previously impossible to develop.

One of the most well-known land banks is the Genesee County Land Bank in Flint, MI. The Genesee County Land Bank has raised surrounding property values by \$109 million and has spurred \$60 million in new private investment, all during a major recession and foreclosure crisis.

#### **>Affordable Housing Along Transit Corridors/Near Major Employment Centers**

Projects that meet the following criteria will be granted an additional 10% density bonus, up to a maximum of 35%:

- At or within a 1,500 foot radius of an existing or fully funded major bus center, bus stop along a major bus route, or mass transit station; or,
- At or within a 1,500 foot radius of an intersection of transit priority arterials; or,
- In or within a 1,500 foot radius of the boundaries of a major employment center; or,
- In or within a 1,500 foot radius of boundaries of a major economic activity area (such as a regional or sub-regional shopping center); and,
- Within 1,500 feet of the boundaries of a college or university.

**>Project-Specific Incentives:** Projects may request one or more of the following incentives, depending upon the income level of the targeted households, the percentage of set-aside units, and the location of the project/property orientation, in order to provide the affordable units:

- Up to 20% deviation from yard/setback requirements, or
- Up to 20% deviation from lot coverage requirements, or
- Up to 20% deviation from lot width requirements, or
- Up to 20% deviation from floor area requirements, or
- Up to 20% deviation from open space requirements, or
- Up to 20% additional building height, except as limited by local statute, or
- Include area of street and alley dedication for purposes of calculating density
- A reduction or waiver in parking to include:

>A reduction in parking requirements to 1 parking space per restricted dwelling unit irrespective of the number of habitable rooms.

>A reduction in parking requirements to not less than ½ parking space per dwelling unit for dwelling units restricted to Very Low or Low Income senior citizens.

**>Priority Development Areas (PDAs):** Local government will ultimately have to comply with the One Bay Area Plan via MTC and ABAG (particularly if they have received the ‘strings attached’ funds from either entity as part of street/transit/other community services revisions). The One Bay Area Plan calls for placing all growth to the year 2040 in the nine county Bay Area counties on four percent of the land. That will severely impact the cost of land (for all uses) and mandates all future development will be a minimum of four to seven stories. By designating specific of these PDAs, local government can assist in meeting its affordable housing goals despite the constraints of the One Bay Area Plan.

Conversely, in updating the city’s General Plan, **anathemas to affordable housing need to be avoided**. Proposals such as rent control (or rent ‘stabilization’ – which is the same thing), a so-called “just cause” ordinance, tenant relocation assistance ordinances and Draconian inclusionary exactions have, in actuality, proven to be counterproductive to the provision of affordable housing. These concepts are not worthy of further study. SAMCAR’s recommendations in combination with the city’s current Housing Element update is sufficient.

## References

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- >"Rent Control: Myths and Realities" Walter Block, Milton Friedman, et al.; 1981
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- >"Affordable housing crunch: Silicon Valley cities weigh new developer fees"  
By Lauren Helper, Silicon Valley Business Journal, January 31, 2014

**Julia Klein**

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**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Wednesday, July 16, 2014 2:13 AM  
**To:** Julia Klein  
**Cc:** Joshua S. Hugg  
**Subject:** Housing Element

Hi Julia,

Now after telling you all is there, I ran across these, this morning. Now this is what Oregon is doing but I thought the city council members can get ideas from it hopefully:

Section 8 Bill – the Housing Choice Act of 2013 « ORHA – Oregon Rental Housing Association

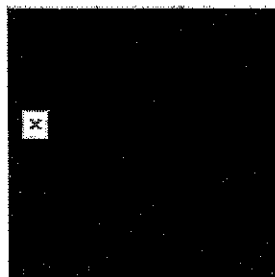
Section 8 Bill – the Housing Choice Act of 2013 « ORH  
A – Oregon Rental Housing Association

THE HOUSING CHOICE ACT OF 2013 - A SUMMARY AND COMMENTARY FOR OREGON LANDLORDS By Sybil Hebb, Oregon Law Center, with Comments and Commentary By Jim Straub, ORHA Legislative Director

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Housing Choice Act offers the right solution for tenants, landlords: Guest opinion



Housing Choice Act offers the right solution for tenants...

Chris Bonner and Marc Jolin write: Quality housing is about much more than a roof over one's head. It is a foundation for opportunity.

[View on www.oregonlive.com](http://www.oregonlive.com)

Preview by Yahoo

If you find it not relevant though, please just let me know.

Thanks,  
Doreen





## Housing Choice Act offers the right solution for tenants, landlords: Guest opinion

Guest Columnist By Guest Columnist

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on April 05, 2013 at 5:00 AM, updated April 05, 2013 at 5:09 AM

By Chris Bonner and Marc Jolin

Oregon's low-income families with **Section 8 rental vouchers** struggle to find homes where their vouchers will be accepted as a form of payment, especially in areas with the amenities they need to prosper. The Oregonian's March 28 editorial agreed that this is a serious problem for our communities and that it needs to be addressed ("**Bias in Section 8 proposal**").

Yet the editorial inexplicably then opposed the bill in the Oregon Legislature carefully designed as the solution to that problem. **House Bill 2639** -- the Housing Choice Act of 2013, championed by **House Speaker Tina Kotek** -- is a balanced approach designed to ensure access to housing while making the Section 8 program work better for all stakeholders, including landlords.

As leaders of an agency that works with hundreds of private market landlords each year to create housing opportunities for homeless people, we are keenly aware of the urgency of the need to expand housing choices for Section 8 voucher holders and we also appreciate the real financial risks that landlords face.

Without stable housing, families struggle to stay healthy, hold down a job and keep their children in school. Quality housing is about much more than a roof over one's head. It is a foundation for opportunity. The Section 8 housing-choice voucher program is one of the most important tools we have to create quality affordable housing options for low-income families in our communities.

The program does not work, however, if qualified tenants can be turned away from units for no reason other than that they would pay a portion of their rent with a voucher. This is one of the primary barriers that HB2639 seeks to remove.

The bill gives no special protection or priority to Section 8 tenants. On the contrary, it affirms that landlords may apply all of their usual screening criteria to Section 8 applicants.

And while participation in the Section 8 program could potentially involve certain costs for landlords, HB2639 puts important measures in place to avoid and offset these potential costs with real benefits.

Housing authorities are required to streamline the program for landlords, a flexible fund for tenants would act as a backstop against late or missed rent payments, and a guarantee fund would compensate landlords for losses or damage by a voucher holder.

Given the importance of fostering quality housing choice for low-income Oregonians and the numerous protections created to ensure that landlords don't face an increased risk of adverse financial consequences when renting to families with vouchers, HB2639 is an opportunity to make real progress on a critical community issue.

HB2369, the Housing Choice Act, will help vulnerable Oregonians access secure housing that gives them the opportunity to prosper. It is a carefully balanced approach to meeting the needs of tenants as well as landlords and housing authorities. This is the right solution and it deserves our support.

*Chris Bonner is a Realtor in Portland and the board president of JOIN, a nonprofit that supports the transition of homeless individuals and families into permanent housing. Marc Jolin is the executive director of JOIN.*

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## Section 8 Bill – the Housing Choice Act of 2013

### THE HOUSING CHOICE ACT OF 2013 - A SUMMARY AND COMMENTARY FOR OREGON LANDLORDS

By Sybil Hebb, Oregon Law Center,  
with Comments and Commentary By Jim Straub, ORHA Legislative Director

From Jim Straub, ORHA Legislative Director:

The Housing Choice Act of 2013, otherwise known as the “Section 8 Bill,” will go into effect on July 1, 2014. This law includes federal rent subsidies and other local, state, and federal assistance under the state’s source of income protections. No landlord will be forced to accept Section 8 under this law, but no landlord will be able to refuse to rent to someone solely because their income is a Section 8 voucher.

As I began writing this article, I received a copy of Sybil Hebb’s article on the Housing Choice Act. It became rapidly clear to me that I couldn’t improve on Ms. Hebb’s summary, which is provided below. Ms. Hebb and I together served on the Oregon Landlord-Tenant Law Coalition, which developed the Landlord-Tenant Omnibus Bill (Senate Bill 91). Ms. Hebb is the Director of Legislative Advocacy at the Oregon Law Center and is an attorney who is deeply knowledgeable about landlord tenant law in Oregon. We greatly appreciate her permission to share her summary with our ORHA members.

Once you’ve completed Ms. Hebb’s article, please keep reading for my analysis of the ways in which this law may impact ORHA members and Oregon landlords.

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#### Summary 2013’s HB 2639 Provisions Related to the Housing Choice Voucher Program Oregon Laws Chapter 740 (2013)

*Effective date: July 1, 2014*

*By Sybil Hebb, Oregon Law Center*

**Background:** The Section 8 Housing Choice Voucher program is a federally funded program administered through housing authorities statewide. These vouchers are intended to help people with low incomes find housing in the private market that will maximize their opportunities for success. Currently, the program is not achieving its goals: too many tenants struggle to find places where their vouchers will be accepted, and fear of administrative issues causes landlord reluctance to participate. As a result, families have fewer choices and face barriers to success. When vouchers are not accepted, the important public purpose of the housing assistance program is undermined, and the stability of low-income families is threatened. HB 2639 is intended to balance and meet the needs of vulnerable tenants and communities, landlords, and housing authorities.

**Procedural Overview:** The language of 2013's HB 2639, sponsored by House Speaker Representative Tina Kotek (D, Portland), was negotiated by stakeholders over months of regular meetings, beginning in September of 2012.

**Stakeholders:** Landlords and representatives of the state's three landlord associations; Tenant representatives; Housing authorities and their representatives; the Oregon Housing Alliance, representing broad community interests; and the Oregon Department of Housing and Community Services (OHCS).

### **Key Features of the Bill**

#### **Source of Income Protection: (Section 1)**

**A landlord may not refuse to rent to an applicant or tenant, or treat an applicant or tenant differently from others, because their source of income is a Section 8 voucher or other form of housing assistance.**

- Amends ORS 659A.421(1)(d) to include federal rent subsidy payments under 42 U.S.C 1437f, and any other local, state, or federal housing assistance, in the definition of the term "source of income."
  - Under Oregon's current fair housing law, a landlord cannot discriminate against an applicant or a tenant based on the tenant/applicant's source of income. However, current law exempts housing assistance from the definition of the term "source of income."
  - HB 2639 removes this exemption, effective July 1, 2014, and provides that Oregon's "source of income" fair housing protections apply to applicants and tenants who are voucher holders or recipients of federal, state, or local housing assistance.
  - Under the new law, a landlord may not refuse to rent to a person or treat a person differently from other applicants or tenants because their source of income is a Section 8 voucher or other form of housing assistance.
- Amends ORS 659A.421(2)(a) to specifically clarify that this new protection does NOT prohibit a landlord from refusing to rent to an applicant with a voucher based upon the applicant's past conduct or inability to pay rent, so long as the screening or denial is otherwise consistent with local, state, or federal law.
  - The value of the applicant's housing assistance must be considered when assessing an applicant's ability or inability to pay rent.

#### **Housing Choice Landlord Guarantee Program: (Sections 2, 3, 4, and 5)**

**Improves upon a revolving fund currently managed by OHCS to provide financial assistance to landlords to mitigate unreimbursed damages caused by tenants as a result of occupancy under the Section 8 voucher program. Tenants must reimburse the Program for amounts paid to qualifying landlords.**

**Definitions: (Section 2)**

**Defines terms for the purposes of the Housing Choice Landlord Guarantee Program**

- “Housing Choice Voucher Program” means the Section 8 voucher program
- “Landlord” means a landlord who has entered an agreement with a local housing authority to receive section 8 vouchers as full or partial payment for rent, and who has entered a rental agreement with a tenant who is a voucher recipient.
- “Local housing authority” is a housing authority with a contract with HUD to make payments to landlords under the section 8 voucher program.
- “Tenant” is a person/family eligible for a Section 8 voucher in a rental agreement with a landlord.

**Program Administration and Landlord Eligibility: (Section 3)**

**In order to be eligible for assistance, a landlord must obtain a judgment against a tenant in either the small claims department of the circuit court, or the circuit court for the county in which the property is located.**

- Reimbursement is allowed only for amounts related to property damage, unpaid rent, or other damages:
  - Caused as a result of the voucher-holder tenant’s occupancy;
  - That exceed normal wear and tear on the property; and
  - That are in excess of \$500 but not more than \$5,000 per tenancy.
  - A claim for assistance must be submitted within one year of obtaining a judgment against a tenant.
- OHCS must adopt rules to implement the program, and may prescribe additional qualifications and requirements for participation and application.
- OHCS may contract with a public or private provider for administration of the program, and shall adopt rules for the purposes of inviting proposals and awarding contracts.

**Tenant Repayment Required: (Section 4)**

- Tenant must repay the full or partial amount of the mitigation payment made by the Program to the qualifying landlord.
- The Program must provide the tenant an opportunity to enter a reasonable repayment agreement for the full or partial amount. Upon request, the Program shall waive repayment requirements, for good cause.
- The Program may pursue remedies for collection of unpaid amounts due from a tenant.
- A tenant may contest the Program’s determination that the tenant has failed to comply with, or failed to make good faith efforts to comply with, the repayment plan.

- The Program shall make information about a tenant's compliance, including records of repayment, available to landlords and housing authorities upon request and in a timely manner.
- After the Program pays a claim for assistance to an eligible landlord, the Program shall serve notice on the responsible tenant of the above requirements.
- OHCS shall promulgate rules to implement these provisions.

**Creation of the Fund: (Sections 5, 9, and 10)**

- The Housing Choice Landlord Guarantee Fund is created in the State Treasury. Interest earned from the fund remains with the fund. Funded by approximately \$475,000 from the current Rent Guarantee Fund.
- The fund may be used by OHCS to carry out the purposes of the Housing Choice Guarantee Program and the reporting requirements of Section 6 of the bill (see below).
- The legislature appropriated \$74,855 to OHCS for purposes of implementing the program, beginning July 1, 2013. Another \$74,855 was appropriated to the Emergency Board for the same purposes. If the E-Board funds are not allocated to OHCS before December 1, 2014, they may be reallocated. These amounts are in addition to the \$475, 000 described above for the Landlord Guarantee Fund.

**State and Federal Strategies: (Sections 6 and 7)**

**Stakeholders will collaborate to use a variety of strategies to track progress and implementation of the new law, and to improve the Housing Choice Voucher Program for all participants.**

**State Strategies: (Section 6)**

- Local housing authorities will:
  - Annually provide OHCS with the information they already track for HUD regarding participation in the Housing Choice Voucher Program.
  - Annually review internal procedures to coordinate the length of rental terms with market standards, to achieve the maximum use and benefit of the Housing Choice Voucher Program in the best interests of landlords and tenants.
  - Consistent with federal law, facilitate landlord participation in the Housing Choice Voucher Program by:
    - Ensuring timely inspections and prompt processing of applications and payments;
    - Establishing leases with terms that match market standards;
    - Assisting with service referrals;
    - Establishing a process that allows landlords to provide regular input to local housing authorities.
- The Director of OHCS will appoint a Statewide Housing Choice Advisory Committee. Membership numbers and duration of membership are at the discretion of the Director.
  - Membership shall be geographically representative of the state, and shall include equal numbers of representatives of local housing authorities, landlords, and tenants.
  - The committee shall advise OHCS regarding the Housing Choice Voucher Program, discuss and share best practices for maximizing landlord and tenant participation, and develop strategies and outcome measures for gauging effectiveness of the program.

- The committee shall report back to the legislature at the beginning of each regular session regarding participation and effectiveness of the program.

**Federal Strategies: (Section 7)**

- OHCS and the State Housing Council will cooperate with housing authorities to obtain approval of a waiver of federal requirements, and to renew existing waivers, to increase flexibility and streamline processes, and to make the use and distribution of the Housing Choice Voucher Program as efficient and beneficial as possible.
- The goal is to increase the supply of decent, safe, sanitary, and affordable housing for low and very low income families in this state.

**Codification in Statute of Housing Choice Landlord Guarantee Fund and State and Federal Strategies: (Section 8)**

- The provisions of sections 2-7 of the bill, comprising the Housing Choice Landlord Guarantee Fund and the state and federal strategies, will be codified in statute as part of ORS Chapter 456.

**Effective date:**

- Section 11 of the bill provides that the Source of Income Protection, Housing Choice Voucher Program, and the State Strategies (Sections 1-6 of the bill) take effect as of July 1, 2014.
- The rest of the bill takes effect as of January 1, 2014, as is the rule with all legislation unless otherwise provided by the terms of the bill. This effective date applies to:
  - The funding of the Guarantee Fund and Agency Implementation
  - The requirement to cooperate regarding federal strategies re: HUD waivers (Section 7).

---

**Jim Straub, ORHA Legislative Director:**

Thanks again to Ms. Hebb for such an informative summary of the Housing Choice Act. With that information in hand, I'd like to take a look at the ways in which this law may impact Oregon landlords.

First, let me say again: this law does not force anyone to accept Section 8. It does, however, require Oregon landlords to treat Section 8 vouchers and some other forms of assistance as income under the state's protected sources of income requirement. What this means to Oregon landlords is that you do not have to change who you rent to. You are not required to change your screening criteria, including your income threshold required to rent your properties. If you would not have rented to someone who did not meet your screening criteria before this law goes into effect, chances are you will not have to rent to them now. How you view their Section 8 voucher as income is the real difference here.

And there are benefits to this bill for landlords, too. I'll remind you that when screening your applicants, you may contact the local Section 8 office for a rental reference for those applicants with a Section 8 voucher. I personally consider the Section 8 program to be one of the single best sources of tenant references. Section 8 references are complete, detailed, and tend to be much more candid than most landlord references. Most landlords these days simply answer 'yes' and 'no' questions when giving references and, based on liability concerns, are hesitant to answer additional questions. Not so with the Section 8 program. They consistently give high quality answers to open-ended questions that



you rarely see from other landlords. While the references aren't entirely unbiased, they are independent references from a program that has a vested interest in placing good tenants (and giving you honest feedback about previously problematic tenants). Poor tenants give the Section 8 program a bad reputation, and so the program gives objective information to landlords about the tenants who participate in their program. I'd recommend never missing an opportunity to get a reference from the Section 8 program if you have a Section 8 applicant. (Check your local Section 8 office to confirm that they provide references. Some housing authorities do not.)

Now, as with any new law, there are some unanswered questions about how the law will be applied. There are a few questions in particular that currently remain unanswered:

*1) Say you have a Section 8 applicant who meets your screening criteria and you have moved on to the Section 8 inspection. What happens if Section 8 requires repairs that you do not want or cannot make?*

Do you have the right to refuse to make repairs without running afoul of the new law? Clearly we are not talking about minor repairs here. If Section 8 requires you to change a broken light bulb or replace a broken switch cover, no reasonable person would see that as a reason to refuse to move forward with the tenancy. Likewise, this isn't your opportunity to object to the entire law and simply decide ahead of time you aren't going to make any repairs, then refuse to rent to the otherwise-qualified applicant after the Section 8 inspection. If you did that, the applicant could sue you under the law and, frankly, most any judge will see that as a transparent attempt to use your refusal as a tool for non-participation in the Section 8 process.

I'm thinking more of a landlord who, based on Section 8's exterior paint standards, is asked to repaint their entire property prior to renting to the Section 8 applicant. For some landlords on a budget, especially if we're talking about pre-1978 paint that requires lead-based paint remediation methods, this Section 8 requirement could be entirely cost prohibitive. What happens then? That's a good question, and no one really knows the answer right now. What I will say is that if you have an otherwise-qualified Section 8 applicant who you decide NOT to rent to based on a refusal to comply with Section 8's inspection requirements, be sure you have valid reasons for not making the repairs and moving forward with the tenancy. If you are sued, you will stand in front of a judge and have to justify your decision. If you choose this route, make sure you can defend your reasons for refusing to make the repairs. "I didn't think I should have to" is probably not going to be good enough.

Probably the biggest thing you want to look for when Section 8 makes inspection repair requirements is whether the recommendation is a habitability issue. You, of course, don't ever want to refuse to repair a problem that is a habitability concern. Worse, however, would be to have a habitability problem "on the record" for your property that you refuse to repair and then proceed to rent the property to someone else. If injury or damage is caused to those new tenants by the habitability problem, they will be able to make the case that you knew of the problem and rented the property anyway. I can't think of a faster way to lose a lawsuit than this.

I do want to point out that there are benefits to having a Section 8 inspection, too. I welcome having an experienced objective third-party review my rental on a yearly basis for potential problems that I may have overlooked. These inspections alert landlords to possible maintenance issues, too, such as caulking around the tub or even tenant-caused damages. You should consider any repair recommendations made by the Section 8 program carefully and consider the ways making such repairs could benefit you and reduce your liability against future harm or damage.

Let me give you a personal example. I had recently purchased a rental property and had a Section 8 inspection after receiving an application from a Section 8 applicant. The Section 8 inspector discovered that my entire kitchen, every single electrical outlet, had the black and white wires crossed, reversing the polarity of the electrical current. This is not something I discovered myself, and I was grateful their inspection caught the problem so that I could make the necessary repairs before damage to persons or property occurred.

*2) The Section 8 program is supposed to coordinate the length of rental terms with market standards. What if I want a month-to-month rental agreement and Section 8 will only allow a fixed-term lease? Or vice-versa? Do I have the right to refuse to enter into the tenancy with the otherwise-qualified Section 8 applicant?*

Again, this remains to be seen. Part of the negotiations between landlord and tenant advocates surrounding the passage of this bill dealt with ensuring the Section 8 program could be responsive to the business needs of landlords. What if a landlord plans to sell their rental when market conditions improve and so need to retain the flexibility of a month-to-month rental agreement and don't want to require a fixed-term lease? What if Section 8 only offers you the option of a one-year lease and your rental is renting in November? That means you know you've got the potential for another vacancy the next November, when rentals are notoriously difficult to fill. Our hope is that local Section 8 offices will be sensitive to issues like these. But what happens if they're not? Honestly, we're not sure. At this point, the best recommendation I can make is, again, a reasonableness standard. If you chose not to move forward with the tenancy because you believe Section 8 is not reasonably responding to your needs, remember you may have to justify those actions before a judge if the applicant sues you. If you take this course of action, be sure you have a strong, reasonable justification for refusing to rent to the applicant.

The other option I can offer you is, if you don't want to offer a fixed-term lease to any applicant, state that in your ads. Say "month-to-month only" or "no fixed-term lease". Then, ideally, anyone who wants a fixed-term lease will choose not to apply for your rental, Section 8 recipient or not. This takes the decision about what kind of rental agreement to offer out of the hands of the Section 8 program.

*3) What if the Section 8 inspections aren't timely, and I'm losing money every day I sit and wait for Section 8 to finish their inspection. At what point can I cut the Section 8 applicant loose and move on to the next applicant? How long do I have to wait?*

Again, I wish I had a good answer for you. This is a reasonableness question and will depend in large part on what is considered a reasonable inspection wait in your geographical area. In my experience, waits for Section 8 inspections around the state of Oregon vary from 24 hours to upwards of 5 days. If you know you can reasonably expect to wait for 5 days for a Section 8 inspection in your area and you decided after one day that you just couldn't wait any longer and moved on to the next applicant in line, a judge is probably not going to find those actions to be reasonable. However, if 24 hours is the norm in your area and you've already waited 4 days with no good reason or explanation from Section 8, maybe it is time to move on. There is no right answer. The right answer will be whatever a judge believes is reasonable in your particular situation if the denied applicant were to sue you. We recommend erring on the side of caution in terms of your wait time, and we hope that this law will start to pressure Section 8 agencies to standardize their wait times in the future.

While I wish I could provide you with more specific answers to these questions, we do expect that many of these issues will be addressed in the coming months by the Housing Choice

Advisory Committee provided for in the law. It will be the job of the committee to make recommendations for specific rules which will guide how the law is applied in real-life situations.

In conclusion, I want to say that I have participated in the Section 8 program as an independent landlord for over 18 years. Some of my best and longest-term tenants are Section 8 tenants. Section 8 tenants are often highly stable tenants, as they are generally not looking around for other rentals. They are happy to be living in your rental with a landlord who treats them fairly. I know this program can be done well. And to what do I attribute my success with the Section 8 program all these years? Screening, pure and simple. I screen Section 8 applicants the same way I screen all my applicants. Further, I love that since I provide Section 8 with copies of all my documentation, notices, and correspondence with my tenants, the Section 8 program has a complete record of my tenancy should I ever need to rely on it. I also value the references provided by the Section 8 program. They are happy to assist landlords with assessing the risk of a Section 8 applicant, and they are a great source of information (such as cross-referencing prior landlords' name and numbers, where sometimes applicants will intentionally leave off one or the other, or provide the correct landlord name but a cell phone for a different person). The Section 8 program can be a great boon during a down rental market or a difficult time of the year to rent. Many times, I find my only strong applicants during those times are Section 8 applicants. So, while there may be occasional bumps with the Section 8 program, I've found that they can be worked out and the benefits are worth it to many landlords.

Finally, I want to comment on one of the best things about this law – the mitigation fund. One of the more difficult things about participating in the Section 8 program can be collecting the cost of damages from low-income tenants. This challenge alone has kept many landlords from participating in the Section 8 program in the past. One of the components of the Housing Choice Act that the ORHA fought for most vociferously is the new mitigation fund. As you read in Ms. Hebb's summary, this is a fund for landlords who sustained damages to their rental properties by Section 8 tenants. Landlords may make a claim to be reimbursed for the cost of damages from this fund as long as the damages exceeded normal wear and tear, and the cost of damages was more than \$500 and less than \$5,000. The Housing Choice Advisory Committee will help ensure that the fund is being managed as intended. And best of all, the tenants who caused the damage must repay the fund for the amounts paid for their landlords' claims. Those tenants are held accountable for their actions, and their Section 8 vouchers are at risk if they don't comply with their repayment plan as agreed. I believe this mitigation fund will go a long way towards mitigating a major risk to renting to Section 8 tenants. This fund is like increasing your security deposit by \$5,000. I love this. Where else can you get this kind of a business guarantee? If this works as expected, my ads might read "Section 8 only."

Stay tuned for more information on the implementation of the Housing Choice Act after July 1st. We'll keep our members up-to-date about the actions of the Housing Choice Advisory Committee and the ways their recommendations impact Oregon landlords. As always, contact your local Rental Owners Association with questions.

On October 19, 2013 / [Landlord/Tenant Law](#) / Comments Off

Comments are closed.

## Calendar

**<< Jul 2014 >>**  
S M T W T F S

<u>&lt;&lt;</u> <b>Jul 2014</b> <u>&gt;&gt;</u>						
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1462 Commercial St. NE, Salem, OR 97301  
Phone: 503-364-5468 | Fax: 503-585-8119

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## Julia Klein

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**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Tuesday, July 08, 2014 10:53 AM  
**To:** Julia Klein  
**Subject:** Fw: Tenancy of Doreen Joiner | Our file no. 3275.509      Housing Element

Hello Julia,

This is the email I was referring to in my voice mail. Excuse the spelling errors. I haven't received a reply of any kind from any of the council members either. All I know is, they have left a loophole for landlords to hurt people like myself, severely. This is not just about finding a new home. It is all the emotions and feelings I go through to getting kicked out. The work to look for a new rental, dealing with all the rejection, (gives me a ptsd reaction), the principle of the matter, all the past history with my landlord, dealing with all their blatant lies and being treated differently than the tenants who use whatever money fund to pay their rent. I just wish saving even one life, mattered to these men and one woman sitting as our city council. I have reached out to the ones in charge in past years and it shouldn't have to take a planning commissioner or a HLC, worker giving them a document on the subject matter to make them seriously look at the idea of tenant protections in the form of ordinances.

Best Regards,  
Doreen

On Thursday, June 26, 2014 10:46 PM, Doreen Joiner <doreenjoiner@yahoo.com> wrote:

Here is what's really going on in your city. If you need a professional to educate all on the true issues of what's going on in your city, then members of the city council and the people sitting as commissioners seemed educated on at the study sessions I've attended, please refer to, Joshua Hugg, of the Housing Leadership Council of San Mateo County, or speak to Mr. Carducci, the attorney from Legal Aid Society of San Mateo County, who is helping many tenants of the whole county, who are up against the landlords ruining families lives. My landlords are literally turning me crazy. Most landlords in this city DO NOT, take Section 8, housing vouchers. I have emailed Mr. Ross, Mr. Lim, and Mr. Gotte, (who is now gone), in past years in regards to having ordinances as mentioned in Joshua's, current document, so this isn't new news and there has been NO tenant protections even spoken of, looked into, studied by this city at all to my knowledge. What is everyone waiting for?

Doreen

On Thursday, June 26, 2014 1:15 PM, Servando R. Sandoval <ssandoval@pahl-mccay.com> wrote:

David:

Ms. Joiner is welcome to remain as a tenant at the property, but not as a voucher holder. If she could otherwise afford the market rent on her own, she can sign a new lease directly without the HAP Contract. You know very well that participation in the Section 8 program by a landlord is absolutely voluntary. Your request that the owner continue to participate in the Section 8 program, which completely voluntary, as a reasonable accommodation is not within the realms a reasonable accommodation. This argument has been tested and tried many times and has failed. Accordingly, to the extent that you or your client intend to file an affirmative claim against the landlord for failure to grant the instant request for accommodation would constitute malicious prosecution.

Villa Serena is not hiding anything. We have repeatedly told you and your client that the reason for the notices is due to the owner's decision to terminate its participation in the program. The fact that you and your client wish to not believe that reason does not equate to hiding.

In any event, you may proceed as you wish. The notice to terminate will be issued given that Ms. Joiner has rejected the proposal set forth in my letter.

**Servando R. Sandoval**

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**From:** David Carducci [mailto:DCarducci@legalaidsmc.org]  
**Sent:** Thursday, June 26, 2014 12:11 PM  
**To:** Servando R. Sandoval  
**Cc:** 'Doreen Joiner'  
**Subject:** RE: Tenancy of Doreen Joiner | Our file no. 3275.509

Servando,

I have returned to the office and reviewed the correspondence from my time away. In case it is not clear from your communications with Ms. Joiner, she has not accepted Villa Serena's offer as proposed in your letter of June 13<sup>th</sup>.

I want to clarify a reference in your June 13<sup>th</sup> letter. In the fourth paragraph on the second page, you write: "Your claim that you would be entitled to this documentation through litigation does not change circumstances. We believe that any such litigation would be in bad faith ..." We are in agreement with your statement, as my reference to "litigation" was a reference to the litigation that Villa Serena is threatening to bring against Doreen Joiner.

We will not only be entitled to the information through Villa Serena's litigation, if filed, we are entitled to the information in Villa Serena's response to Ms. Joiner's request that she be permitted to remain a tenant at Villa Serena as an accommodation of her disability, if the request is denied. We understand why Villa Serena is hiding the reason for the termination at this stage.

I look forward to further engagement in this case.

*David*

David Carducci  
Legal Aid Society of San Mateo County  
650-517-8922

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**From:** Servando R. Sandoval [mailto:ssandoval@pahl-mccay.com]  
**Sent:** Thursday, June 19, 2014 2:33 PM  
**To:** Doreen Joiner  
**Cc:** David Carducci  
**Subject:** RE: Tenancy of Doreen Joiner | Our file no. 3275.509

Ms. Joiner:

Ultimately, the decision for a landlord to participate in the Section 8 Program is completely voluntary and this particular landlord has made the decision to stop participating in the Section 8 Program. I have tried to explain

to each of you why landlords in general are choosing to opt out of the program. In the end, if you choose not to accept the offer that has been proposed, we will proceed with issuing a 90-Day Notice to terminate. The landlord certainly understands that the decision to terminate its participation in this program has an impact on the lives of the residents. This is the reason that the landlord is willing to grant you, and others who request it, additional time. As stated in my letter, three section 8 tenants have already vacated following issuance of 90-Day Notices. Presumably, those tenants were able to find another place to live with their section 8 vouchers. Other tenants are also scheduled to vacate in the near future and we have not had any other tenants indicate that they have not been able to find another place. While we don't know for sure what the situation is, we are assuming that the other tenants who have received notice to vacate have been able to find somewhere else to move to.

In any event, we will wait to hear from you or Mr. Carducci as to whether the offer presented in the letter is acceptable. Please keep in mind that if we don't hear that you have accepted the offer soon, a 90-Day Notice to Terminate will be issued.

Sincerely,

**Servando R. Sandoval**

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**From:** Doreen Joiner [<mailto:doreenjoiner@yahoo.com>]  
**Sent:** Wednesday, June 18, 2014 11:46 AM  
**To:** Servando R. Sandoval  
**Cc:** David Carducci  
**Subject:** Re: Tenancy of Doreen Joiner | Our file no. 3275.509

Mr. Sandoval,

Here is what I have to say in regards to what Mr. Carducci, told me you had told him over the phone, what you put in this letter and what you told me over the phone this week, in regards to Section 8. I have no idea why you would speak in general terms over the phone to Mr. Carducci, about housing not dealing with rental increases in a timely fashion. I actually question this and think perhaps you are just trying to cover yourself now. You spoke to me over the phone about a lot of things going on in counties in regards to Section 8, that are not, San Mateo County, as well. We are all trying to negotiate a settlement here and it makes no sense to me, why you would speak in general terms about anything. We are dealing with San Mateo County only. I don't know where or who you are getting your information from but I have come to find everything you have said incorrect in my situation. San Mateo County, is not taking longer then usual to deal with increasing rent requests and they are also honoring them. You also told me landlords have to do a yearly report. Well I found out today, that is also not true. Here is what is true: A landlord is involved at the initial inspection before a Section 8, tenant can get approved to move in just as they would be involved with a tenant at move in, if the tenant wasn't on Section 8. The landlord receives the rent by either a check from the housing authority or it can be directly deposited into the landlords account and the tenant also has to pay their share. There is either an annual or a bi-annual inspection done but the landlord does not have to be present for this. Mine takes place every two years due to the fact that I'm disabled. Other then that, there does not have to any other landlord involvement in person or paperwork done in order to have a Section 8 tenant.

I'd appreciate if you'd only speak to either myself or my attorney in regards to what the, San Mateo County Housing Authority, does and just what it is they actually have landlords do. I have educated myself on all by asking each question to their manager, Cindy Chan. I think getting the actual facts are a much better way to handle my case, then by merely speaking in general terms that do not apply to my situation. I do not know if this is just you trying to strategize or not but I



really don't appreciate it one bit. It has had me spending time making phone calls, probably bothering people with things they could better use their time on, as could I.

Sincerely,  
Doreen

On Tuesday, June 17, 2014 2:10 PM, Servando R. Sandoval <[ssandoval@pahl-mccay.com](mailto:ssandoval@pahl-mccay.com)> wrote:

Ms. Joiner:

Here is a copy of the letter we sent to Mr. Carducci last Friday. I am forwarding to you given your comment that Mr. Carducci is out of the office.

Please review and let me know of your decision.

**Servando R. Sandoval**

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**From:** Mary Anne Anaya  
**Sent:** Friday, June 13, 2014 12:19 PM  
**To:** 'David Carducci'  
**Cc:** Servando R. Sandoval ([ssandoval@pahl-mccay.com](mailto:ssandoval@pahl-mccay.com))  
**Subject:** Tenancy of Doreen Joiner | Our file no. 3275.509

Dear Mr. Carducci:

Attached please find our letter to you this date in the referenced matter. If you have any questions, please contact Mr. Sandoval directly. Original will follow by mail. Thanks so much.



**PAHL & McCAY**  
A Professional Law Corporation

**Mary Anne Anaya**

Pahl & McCay, a Professional Law Corporation  
225 West Santa Clara, Suite 1500, San Jose, California 95113

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July 7, 2014

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
330 West 20th Ave.  
San Mateo, CA 94403

Reg: Housing Element

Dear City Council Members and Planning Department,

I emailed all of you the circumstances of my situation which should go to show, just how urgent tenant ordinances are needed regardless of how much they are despised by some. The city has to show how they are handling the supply and demand for everyone concerned and not just the citizens in the high income bracket.

I am now attaching the letters my attorney gave my landlord's attorney and the letter my email to the city council members was referencing - the settlement agreement my landlord wants to make with me. I'm also including my, NINETY DAY NOTICE OF TERMINATION OF TENANCY, that I received due to not accepting their offer.

If you put two and two together you will conclude that the reasons my landlord is claiming for ridding of tenants on Section 8, aren't true. The facts of how housing really works and the document I've also included are proof of that fact. A Trina Bell, otherwise known as Trina Bellmarkham, has previously lived at the same complex I'm currently in. Trina, was on Section 8, and was paying the, "Rental Rate", they claim they can't get from a Section 8 tenant. Her rent was, \$2,766.00, and this was from 2012 to 2013.

I want everyone to see how nasty it gets as a Section 8 tenant in this city and county. A landlord's attorney will lie about the reasons for an eviction while discriminating against a person's way of paying their rent. In my case it has also exacerbated my disability and installed an extreme fear of homelessness. It will only be through litigation that the truth will be found. My neighbor pays less now than Trina did back then, and my landlord's attorney told me they are increasing my neighbor's rent by increments. What is wrong with doing such for me I wonder. I am being treated as if I have a disease and I need to be rid of. To some being forced out of their home may not be a big deal due to having the ability to relocate

RECEIVED  
2014 JUL -7 P 4: 25  
OFFICE OF CITY CLERK  
CITY HALL  
SAN MATEO, CA

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
Reg: Housing Element  
Page 2

but when you live in a city that allows for landlords to reject you based on how you pay your rent, it's a devastating thing to go through and has a high likelihood of making families homeless. It is rare to find a rental on places such as Craigslist that notes, Section 8 accepted. You more then not find ads stating, no Section 8. In sharing my personal story I am hoping it gives the city council some insight of what so many are going through in this city alone. Of course they aren't all as vocal as I, show up as I or even know the process to do anything about their desperate situation but trust me I've done my homework and they are out there and we are all counting on the five people, (city council), for our salvation.

Sincerely,

A handwritten signature in cursive script that reads "Doreen Brown". The signature is written in dark ink and is positioned below the word "Sincerely,".

Doreen Brown

LEGAL AID SOCIETY  
OF SAN MATEO COUNTY

May 1, 2014

Via Fax # (408) 282-2029  
And Regular U.S. Mail

Servando R. Sandoval, Esq.  
Pahl & McCay  
225 West Santa Clara, Suite 1500  
San Jose, California 95113

Re: Tenancy of Doreen Joiner; 3111 La Selva Street, #4, San Mateo, CA 94403

Dear Mr. Sandoval,

Doreen Joiner has returned to our office for advice on the most recent effort to evict her from Villa Serena. She received the January 24<sup>th</sup> letter advising her that her tenancy would be terminated in 2014. As she fears she will be unable to secure new housing and move as requested, and the prospect of homelessness for her, her daughter and the baby terrifies her, Ms. Joiner asked if it was possible to avoid being evicted. While her request may have sounded like a simple request for more time to move, the fact is that Ms. Joiner does not want to move and is requesting that all efforts to evict her cease.

Villa Serena's purported reason for eviction is that it has made the business decision to no longer participate in the Section 8 program. Naturally, given the history between the parties, we are skeptical of this stated motive. Ms. Joiner asked for clarification about the reason why Villa Serena was getting out of the Section 8 business, and she received a vague and evasive response about "market conditions," "administrative and staff time" for the "compliance component," and other unnamed factors. Our suspicion is that all of that was code for not wanting to continue to accommodate Ms. Joiner's medical condition.

If Villa Serena's owners would like to provide any pertinent facts and copies of any internal documents that support the sincerity of its purported desire to leave the Section 8 program, we would consider those in these negotiations. For example, are the owners getting out of Section 8 tenancies for all of their properties, or just Villa Serena? What are the actual market conditions that lead to this decision? Can the administrative and staff time for the program truly justify the decision to displace these families?

With respect to the "Mutual Termination of Tenancy and Release Agreement," Ms. Joiner did not request such a document, she requested that the eviction not take place for as long as possible because she is not sure what will happen to her if she is forced from her home. If she was going to negotiate such an agreement, she would demand the following terms:

1. Ms. Joiner cannot agree to a specific hard move-out date because she does not know if and when she will have another home to move to. That is, she cannot agree to put herself into a position where she could become homeless. What Ms. Joiner can agree to is that she will move out as soon as she has secured another home to move to. Ms. Joiner is currently at the top of a waiting list for a home in a nearby community. As soon as she is accepted to live there, she agrees that she will move to that new home. She has also applied for other housing; if she is accepted at another property at which she has applied, she will move.
2. As drafted, the agreement includes a 1542 waiver of all claims. This is overbroad for these circumstances. If Villa Serena's owners accept Ms. Joiner's proposal in #1 above, we would advise her to agree to waive any claims that arise out of this attempt to evict her.
3. In my experience, a party never agrees to a 1542 waiver unless there is compensation given for such a waiver. Such a waiver always arises out of a dispute between the parties and waives even those claims of which the party waiving has no knowledge. There are usually underlying and unrevealed facts that stay buried in those situations which justify the payment of compensation. If Villa Serena's owners are interested in a 1542 waiver of all claims that could possibly exist, they are welcome to try to negotiate a compensatory amount that would convince Ms. Joiner to forever move on and let this situation go.
4. As drafted, the agreement asks Ms. Joiner to agree to a gag order. Given Ms. Joiner's personality traits that stem from her conditions, it is not feasible for her to agree to a gag order. She cannot agree to a term that she cannot physically perform.
5. Though the Recitals do not require any action by the parties, Ms. Joiner objects to C. as it makes a statement that she cannot endorse.

We look forward to continuing discussions to work towards a resolution of this matter. I can be reached at my direct line: 650-517-8922, or by e-mail: [dcarducci@legalaidsmc.org](mailto:dcarducci@legalaidsmc.org).

Sincerely,

David Carducci

LEGAL AID SOCIETY  
OF SAN MATEO COUNTY

May 12, 2014

Via E-Mail: [ssandoval@pahl-mccay.com](mailto:ssandoval@pahl-mccay.com)  
And Regular U.S. Mail

Servando R. Sandoval, Esq.  
Pahl & McCay  
225 West Santa Clara, Suite 1500  
San Jose, California 95113

Re: Tenancy of Doreen Joiner; 3111 La Selva Street, #4, San Mateo, CA 94403

Dear Mr. Sandoval,

I have had a chance to discuss terms of a settlement with Ms. Joiner. While she has a position with respect to settlement, there are also many questions that remain for us.

As we discussed, Ms. Joiner remains skeptical that the decision to evict her is based on a larger business decision and continues to believe it is more likely this is personal as to her. We have not seen any actual evidence that any other tenants are being terminated despite the January letter stating such. Even if it is true that all Section 8 tenants are being evicted, that does not eliminate the belief that such action is still personal to Doreen Joiner. While the history between the parties related to Ms. Joiner's medical conditions is well known, and it is true that Ms. Joiner has not been "cured" since the resolution of the past legal battles, Villa Serena still has an obligation to approach Ms. Joiner within the bounds of the state and federal fair housing laws. Circumventing the law by citing a business decision is an oft-used tactic by landlords. We still need convincing that that is not what is going on here.

If the owners of Villa Serena truly want to get out of the Section 8 business to make more money on their investment, a few issues still need to be aired. First, while it is true rents have gone up in San Mateo County, it is also true that the Housing Authority of the County of San Mateo has approved landlords' request for rent increases. We are not aware that Villa Serena's owners ever attempted to secure a rent increase through the Housing Authority. If there is any documentation of this, we would be interested in seeing it. You cited the reason that no rent increase has been requested is because it takes many months for the Housing Authority to respond to such a request. This simply has not been my observation; I see tenants regularly now with rent increases related to their Section 8 tenancies and landlords are being granted these requests without the extraordinary delays you described. Ms. Joiner posed this question to an employee of the Housing Authority and reports that person denied there is any substantial delay in processing the requests. Thus, the fact no rent increase was requested when the purported reason for the action is to gain increased rents fuels our suspicions.

If this is truly a bottom-line business decision, there must be spreadsheets, memos and/or communications illustrating the additional amount of profits that can be gained by this action. A

**The Natalie Lanam Justice Center @ the Sobrato Center for Nonprofits – Redwood Shores**  
330 Twin Dolphin Drive, # 123 • Redwood City, CA 94065 • 650.558.0915 • 800.381.8898 • Fax 650.517-8973

significant business decision among the investor owners could not have been made without a paper trail. Sharing some of those "papers" to demonstrate that this was a calculated money-making decision, rather than a decision to address the "Doreen Joiner problem," would go a long way to tamping down our suspicions. We know there may be no law requiring disclosure now; but, these are certainly documents we would obtain through discovery--which is what we are trying to avoid. We requested in our correspondence dated May 1, 2014 that Villa Serena share such documents, and we make that request for a second time here.

It is also important to Ms. Joiner that the owners of Villa Serena know that, even if this is purely a decision to increase their profits on their investment, it still has real life consequences for the families that are being forced to move. Moving is rarely an easy experience, but it is particularly difficult for families with Section 8 vouchers in high-rent counties like San Mateo. There are always limited options for Section 8 tenants, but more than ever I am hearing stories of families leaving the county where they have family and ties to the community to use their Section 8 vouchers. Even worse, a Section 8 voucher is a use-it-or-lose-it opportunity; if the tenant cannot find a home in ninety days, they risk losing the voucher permanently. Ms. Joiner certainly has fears that she may be at risk of losing her voucher if she is forced to move. **Ms. Joiner is requesting to have a face-to-face meeting with an owner or owners of Villa Serena** so she can hear first-hand about the need to raise the rents beyond what can be sown through a Section 8 tenancy and so she can express how this decision personally affects her and her family.

We understand that Villa Serena, despite Ms. Joiner's efforts to convince them otherwise, could serve a ninety day notice terminating her tenancy at any time. Thus, we want to keep the negotiations open despite the fact Ms. Joiner is interested in keeping her home, not in agreeing to move out under any terms. She offers the following terms for a settlement:

- Ms. Joiner will vacate the home no later than August 31, 2015;
- Ms. Joiner will waive and release any and all claims in exchange for \$50,000;
- Ms. Joiner will agree to keep the amount of any settlement she receives confidential.

We look forward to continuing discussions to work towards a resolution of this matter. I can be reached at my direct line: 650-517-8922, or by e-mail: [dcarducci@legalaidsmc.org](mailto:dcarducci@legalaidsmc.org).

Sincerely,

David Carducci



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Letter to D Carducci re Mutual Termination Agreement (00358646).pdf... 1 of 3

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Julia A. Lee  
Andreas P. Noyan  
Sarahann Stapira  
Special Counsel

222 West Santa Clara, Suite 1500, San Jose, California 95113-1752 • Tel: 408-286-5100 • Fax: 408-286-5702  
6300 Wilshire Blvd., Suite 1700, Los Angeles, California 90048-4920 • Tel: 313-276-3800 • Fax: 313-651-2377

Reply to: San Jose Office  
Sender's Direct Dial No: 408-286-5100  
Sender's Email Address: ssamokov@pahl-mccay.com

June 13, 2014

VIA EMAIL AND U.S. MAIL  
(DCarducci@legalaidsmc.org)

David Carducci  
Legal Aid Society of San Mateo County  
330 Twin Dolphin Drive, Ste. 123  
Redwood City, CA 94065

Re: Tenancy of Doreen Joiner

Dear Mr. Carducci:

This letter is in response to your communication of May 13, 2014 regarding the tenancy of Ms. Joiner at the Villa Serena Apartments in San Mateo. As I have previously advised you on more than one occasion, the decision to terminate Ms. Joiner's tenancy is not intended to retaliate against her in any way. The owner of the property made the decision to terminate its participation in the Section 8 program. I have advised you that all other tenants who are currently living at the property and who are voucher holders are being notified of the decision, and their tenancies are being terminated when their lease ends. Ms. Joiner was the only tenant who was offered to stay beyond her lease term. This is why we provided her with the Mutual Termination Agreement.

While we understand Ms. Joiner feels the owner's decision to terminate its participation in the section 8 program is personal to her, the true facts does not support her contention. Every tenant holding a section voucher has been, or will be issued, a 90-Day Notice Terminate. Currently, there are nine tenants remaining who are section 8 voucher holders: three previously vacated their units. Of the remaining nine tenants, three have already received notices of termination and are scheduled to vacate in the near future. The remaining six tenants are currently on lease terms and they will receive appropriate notices to terminate before their lease term expires. Mr. Joiner is the only section 8 voucher holder who is not on a lease term and who has not received a notice to terminate because the client desired to work with her and grant her additional time to vacate. This is the reason why the Mutual Termination Agreement was provided to her. We hope that this break down facilitates our ongoing discussions in trying to resolve this matter.

David Carducci  
To Me, Shirley Gibson

Doreen, I'm sorry about the timing of this letter from Villa Serena's attorney. I will be back next w  
you. It is not likely there is a real deadline on accepting it; there is always a chance for negotiator

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A Professional Law Corporation

David Carducci

June 13, 2014

Page 2

You state in your letter that Ms. Joiner remains skeptical of the owner's decision to terminate its participation of this program and that you still need convincing. Quite frankly, we don't believe that there is any explanation that will satisfy Ms. Joiner. What you and Ms. Joiner need to understand is that the section 8 program is a completely voluntary program meant to encourage private landlords to participate in the federal government's efforts to expand the available housing stock for low-income residents. Part of the encouragement was to allow a participating landlord to exit the program at its desire for business or economic reasons. The actual reasons why a particular landlord chooses to exit the program vary from one landlord to another. The reasons that I expressed to you in our prior telephone conversation were not specific to this landlord, but rather were intended as a general explanation as to why landlords make that decision. Your very own letter confirms that there are a limited number of landlords who accept section 8 vouchers. The number has certainly decreased in the last few years, and I am sure you are well aware this is a fact.

Here, while not divulging private and confidential information regarding Villa Serena's business, there are multiple economic and business reasons for exiting the program. The earlier mention of raising rents was provided as an example of one extra burden placed on a landlord by the Section 8 Program; however, there are many administrative burdens that a landlord must bear when participating. These burdens range from extra paperwork for every transaction to the constant oversight of operations.

In your letter, you have requested that the owners disclose financial documents proving that the reason for exiting the voluntary Section 8 program is to earn more money. First, let me make it very clear that I never told you that the reason for terminating participation in the program was to "make more money." Second, we don't believe that it is necessary for the owner to disclose the confidential and sensitive information you are requesting to justify their decision to leave a voluntary program. Accordingly, your request for information is hereby rejected.

While the owner has been amenable to working with Ms. Joiner, by allowing her to stay through the end of the year, they are only willing to do so if she signs the Mutual Termination Agreement that we previously proposed. If she is not willing to sign the Mutual Termination Agreement, the next step would be to issue a 90-Day Notice to Terminate to Ms. Joiner, as has been done with all other section 8 voucher holders. Her demand for payment of \$50,000 and that she be allowed to remain at the property through August 2015 is simply not acceptable. Your claim that you would be entitled to this documentation through litigation does not change circumstances. We believe that any such litigation would be in bad faith and would subject you and your client to malicious prosecution claims for filing a complaint that lacks any merit.

Please understand that the owner is aware of the difficulties that section 8 voucher holders may have, which is why it has attempted to exit the program in a fashion that provides the most notice to residents to assure that future housing arrangements can be made, be it with

David Carducci Doreen, I'm sorry about the timing of this let

Today at 8:10 AM

Me

To Servando R. Sandoval, David Carducci

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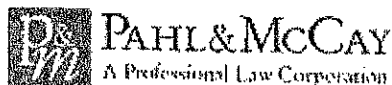
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David Carducci

June 13, 2014

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Villa Serena or elsewhere. If a resident has noted a hardship, like Ms. Joiner has, it will be addressed and a reasonable extension granted if possible. Ms. Joiner's request for a face to face meeting with the owner will not be honored.

Notwithstanding the above, our client is amenable to making the following offer in exchange for Ms. Joiner to executing the Mutual Termination Agreement previously provided to Ms. Joiner:

- (1) Pay Ms. Joiner \$400.00 to be used for rent at her new apartment;
- (2) Pay Ms. Joiner \$500.00 to be used for security deposit for her new apartment;
- (3) Pay Ms. Joiner \$500.00 for moving expenses;
- (4) Refund Ms. Joiner's security deposit in the amount of \$1,000, without any deductions, except for any actual damage to her apartment and deduction of any final utility charges.

Please discuss this offer with Ms. Joiner and advise whether she is amenable to accepting this offer. This offer is good through Wednesday, June 19, 2014 at 5:00 p.m. If we do not hear from you or Ms. Joiner that she is amenable to accepting this offer and signing the Mutual Termination Agreement, our client will proceed with issuing a 90-Day Notice to Terminate.

If you have any questions or would like to discuss this matter further, please feel free to contact the undersigned.

Sincerely,

PAHL & McCAY  
 A Professional Law Corporation

Servando R. Sandoval

SRS:JAL:1  
 cc: Client

\*3275/309-00354993.DOCX.1

David Carducci Doreen, I'm sorry about the timing of this let

Today at 8:10 AM

Me

To Servando R. Sandoval, David Carducci

## NINETY DAY NOTICE OF TERMINATION OF TENANCY

TO: *Doreen Joiner, Michael Myers* and to all tenants in possession:

PLEASE TAKE NOTICE that your tenancy of the below described premises is terminated effective ninety (90) days from the date of service of this NOTICE upon you, or on September 30, 2014, whichever is later and you are required to quit and deliver up possession of said premises within said period.

YOUR TENANCY IS BEING TERMINATED for business and economic reasons. It is your landlord's intention to terminate its participation in the Section 8 program to increase the amount of monthly rent realistically chargeable for the unit in today's marketplace. Your landlord wishes to have the option of renting the unit as a conventional rental at a higher rental rate. Because of the limitations on funding of the Section 8 program, the landlord does not believe that these objectives can be attained with a Section 8 tenancy.

SHOULD YOU FAIL to deliver up possession of the premises within said period, your landlord will institute legal proceedings to evict you from said premises, and to recover damages, attorney's fees, and court costs.

SAID PREMISES ARE DESCRIBED AS FOLLOWS:

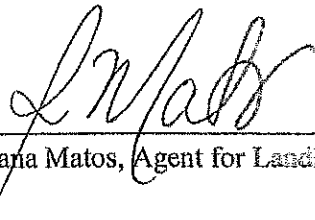
3111 La Selva Street, Unit #4  
San Mateo, California 94403

YOU MAY DISCUSS THIS NOTICE and your proposed eviction with the landlord within ten (10) days of the date of service of this NOTICE upon you.

YOU MAY DEFEND ANY EVICTION based upon this NOTICE in Court.

DATED: June 30, 2014

By:

  
Roxana Matos, Agent for Landlord

**HOUSING AUTHORITY OF THE COUNTY OF SAN MATEO**

264 HARBOR BLVD. BLDG. A, BELMONT, CA 94002, FAX (650) 592-3187

**NOTICE OF CHANGE TO LEASE AND CONTRACT**

TRINA BELL  
3170 CASA DE CAMPO # 6  
SAN MATEO, CA 94403

02/21/2013  
10005062  
you oth

WESCO PROPERTIES, INC.  
DBA VILLA SERENA  
3110 CASA DE CAMPO  
SAN MATEO, CA 94403

The Housing Assistance Payments Contract dated 11/1/2012, entered into between the Owner, WESCO PROPERTIES, II, and the Housing Authority of the County of San Mateo and the Lessee ("FAMILY", "TENANT"), TRINA BELL, for the unit, 3170 CASA DE CAMPO # 6, SAN MATEO, CA 94403, is amended as follows:

The reason for this change is due to:

- ☐ REEXAMINATION (Annual/Biennial review of family income and/or composition)
- ☒ INTERIM ADJUSTMENT (Interim change in family income and/or composition)
- ☒ Add household member(s)
- ☐ Delete household member(s)

- ☐ CHANGE IN CONTRACT RENT
- ☐ CHANGE IN UTILITIES AND OTHER SERVICES

- ☐ This Notice supersedes Notice dated
- ☐ OTHER:

EFFECTIVE DATE  
3/1/2013

TENANT RENT  
\$ 1614

HAP AMOUNT  
\$ 1152

CONTRACT RENT  
\$ 2766

This change is in accordance with the terms and conditions of the Housing Assistance Payments Contract and/or Lease Agreement and shall be attached to and made a part of your Housing Assistance Payments Contract and/or Lease Agreement. All other covenants, terms and conditions of the original Housing Assistance Payments Contract and/or Lease Agreement remain the same.

For Participant (Tenant) only:

If you do not agree with this decision, you may request an informal hearing. If a hearing is desired, you must submit a written request to this office, at the above address or fax number, within 10 working days of this notice or your right to a hearing will be waived.

Thank you,

Danielle Sanderson



Homeownership Coordinator

(650) 508-6774

**EXHIBIT A****RESIDENTIAL LEASE/RENTAL AGREEMENT**

DATED 10/23/2012

**VARIABLE LEASE TERMS:**

<b>RESIDENCE DESCRIPTION:</b> <input type="checkbox"/> (If checked) A single family residence <input checked="" type="checkbox"/> (If checked) Part of a multi-family residential complex known as Villa Serena Apartments			
<b>UNIT NUMBER:</b> 317006		<b>UNIT TYPE:</b> Plan P	
<b>UNIT ADDRESS:</b> 3170 Casa De Campo #6			
<b>COUNTY:</b> San Mateo		<b>CITY:</b> San Mateo	
		<b>California</b>	
<b>ZIP:</b> 94403			
<b>TERM:</b>			
<b>COMMENCEMENT DATE:</b> 11/01/2012		<b>EARLY POSSESSION DATE:</b> N/A	
<b>TERMINATION DATE:</b> 10/31/2013		<input checked="" type="checkbox"/> (If checked) Resident has been granted an <b>EARLY TERMINATION OPTION</b> . To exercise this option, Resident must pay an Early Termination Option Fee of \$2766.00 and give notice of Resident's election to exercise the option at least 30 days before the Early Termination Date.	
<input checked="" type="checkbox"/> (If checked) After the Termination Date, this Agreement will continue on a month-to-month basis until terminated as specified elsewhere in this Agreement.			
<b>RESIDENT(S):</b>			
<b>NAME (First, Middle Initial, Last):</b> Trina Bellmarkham		<b>NAME (First, Middle Initial, Last):</b>	
<b>NAME (First, Middle Initial, Last):</b>		<b>NAME (First, Middle Initial, Last):</b>	
<b>LIST OF ALL OCCUPANTS (Do not list any Residents from above):</b>			
<b>NAME (First, Middle Initial, Last):</b> Temoni Michael		<b>DATE OF BIRTH:</b> 12/13/1994	
<b>NAME (First, Middle Initial, Last):</b> Shlyen Dukes		<b>DATE OF BIRTH:</b> 6/9/1998	
<b>NAME (First, Middle Initial, Last):</b>		<b>DATE OF BIRTH:</b>	
<b>GUARANTOR(S) Name (First, Middle Initial, Last):</b>			
<b>LANDLORD NAME:</b> Wesco Properties, Inc.			
<b>PROPERTY MANAGER:</b> SARES-REGIS Management Company.			
<b>NAME:</b> Sares-Regis Group		<b>ADDRESS:</b> 18802 Bardcen Ave., Irvine, CA 92612	
		<b>TELEPHONE NUMBER:</b> (650) 572-7180	
<b>MONTHLY RENT</b>			
<b>Monthly Base Rent Amount:</b> \$2766.00		<input checked="" type="checkbox"/> (If checked) <b>CARPOR/PARKING</b> SPACE NO.: 271 & 272 <input type="checkbox"/> (If checked) Additional monthly charge: \$	
		<input type="checkbox"/> (If checked) Other monthly charge: Pet Fee Monthly Amount: \$	
		<input type="checkbox"/> (If checked) Other monthly charge: Monthly Amount: \$	
<b>LATE CHARGE</b> (Applied if payments have not been received within 5 days of their due date): \$50.00		<b>SECURITY DEPOSIT:</b> \$1300.00	
<b>PAYMENT INSTRUCTIONS:</b>			
<input checked="" type="checkbox"/> All amounts due Landlord are payable to Villa Serena Apartments, 3110 Casa de Campo, #1, San Mateo, CA 94403. Payment must be made by: <input checked="" type="checkbox"/> Money Order <input checked="" type="checkbox"/> Cashiers Check <input type="checkbox"/> Visa, MasterCard, Discover <input checked="" type="checkbox"/> Personal Check - No personal checks will be accepted after the 5 <sup>th</sup> day of the month or in response to a notice to pay rent or quit or a notice to perform covenant or quit requiring payment. The normal hours available to make payments in person on all non-holiday Mon - Sat 9:00 a.m. to 6:00 p.m., Sunday 10:00 a.m. - 5:00 p.m.. For your convenience, a twenty-four hour, seven days a week rent payment drop box is available at the leasing office which is located at the address above.		Landlord's Initials  Resident's Initials 	

Kimball, Tirney &amp; St. John California Residential Lease/Rental Agreement (auto-generated)

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This lease may not be duplicated in any way without the express written consent of Kimball, Tirney &amp; St. John.

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## Housing Leadership Council of San Mateo County

139 Mitchell Avenue, Suite 108  
South San Francisco, CA 94080  
(650) 872-4444 / F: (650) 872-4411  
[www.hlcsmc.org](http://www.hlcsmc.org)

June 25, 2014

Julia Klein  
Senior Planner  
City of San Mateo  
330 West 20<sup>th</sup> Avenue  
San Mateo, CA 94403

### RE: Preliminary Comments on the City of San Mateo Draft Housing Element

Dear Julia,

Thank you for the opportunity to comment on the Draft Housing Element for 2015-2023<sup>1</sup>. I am writing on behalf of the **Housing Leadership Council of San Mateo County (HLC)**. HLC represents those in San Mateo County who support, build, and finance the creation of affordable housing. San Mateo County has been consistently listed as one of the least affordable counties in which to rent in the United States according to the National Low Income Housing Coalition (NLIHC)<sup>2</sup>. We seek to promote policies and plans that enable equitable growth in our communities and a viable quality of life. Recent California Association of Realtors data also shows that San Mateo County is the least affordable county in California for buyers as well<sup>3</sup>.

We support San Mateo's efforts to encourage higher density and mixed-use development close to Caltrain and other transportation hubs. However, we want to ensure that development in these high opportunity areas takes place in an equitable manner – avoiding displacement of existing lower income communities and providing housing for a range of economic levels. As a premise, we also recognize that displacement is not simply be a function of direct redevelopment of a parcel or neighborhood, but also of a general lack of housing supply to meet the intensifying demands of our growing and diverse community. San Mateo County - and the City of San Mateo in particular - is a major international job center that has a traditional community supporting it. When coupled with its constrained geography, the result is an inordinate and sustained strain that affects everyone who lives or works there. For this

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<sup>1</sup> Draft Housing Element refers to the copy available at <http://www.cityofsanmateo.org/index.aspx?NID=1675> as of June 20, 2014

<sup>2</sup> NLIHC, *Out of Reach 2014 Report*, <http://nlihc.org/orr/2014>

<sup>3</sup> CAR, *May 2014 home sales and price report*, <http://www.car.org/newsstand/newsreleases/2014releases/may2014sales>



reason it is important for the city to recognize that new construction, though important, cannot be the only means considered to preserve the diverse income base of its residents. The Housing Element can be an important tool for achieving these objectives. The following are preliminary comments regarding the first draft of the City's Housing Element issued on May 29, 2014.

## **PUBLIC PARTICIPATION (SECTION 65583(c)(8))**

- HLC lauds the City of San Mateo's efforts to engage the public in the draft formulation process and the several meetings held to elicit feedback; however gaps exist in their outreach efforts. This includes a general lack of accessible, layman language on their website, meeting advertisement material, and during presentations<sup>4</sup>. Non-English and limited-English speakers have had a difficult time engaging in this process. No material was published in Spanish or Chinese even though a large portion of the community falls into these demographics. Meetings were only held at either the Main Library or City Hall and not in San Mateo's CDBG-eligible neighborhoods, which can make it difficult to ensure broad participation from affected segments of the community.

## **REVIEW AND REVISE (SECTION 65588)**

- On page 2 under Housing Element Definitions, the 2008 median income is cited. Please use 2014 data (\$97,100)<sup>5</sup>.
- On page 57 please verify that the 61 MOD units for the Police Station site claimed under the "Accomplishments, 2007-2014" table are eligible as they are not built yet.
- Although RHNA designations are not a mandate to build, it would be useful for the city to highlight not only how well its quantified objectives were met, but to compare it to the overall need for housing growth compared to RHNA 4 numbers. This helps to highlight the growing gap between projected need and actual production and serve to educate the public. In San Mateo's case this appears to be:

	<b>ELI</b>	<b>VLI</b>	<b>LI</b>	<b>MOD</b>	<b>ABOVE MOD</b>	<b>TOTAL</b>
RHNA 4	695	500	589	1267	1267	3051
# Prod	31	116	25	116	910	1198
% Prod	4%	23%	4%	9%	72%	39%

- The values listed on the 2013 Annual Progress Report and the amounts listed on the Accomplishments table on page 57 appear not to match.
- On page 57 under the "Ongoing Programs" section specifies:

*"A number of housing programs and policies have been ongoing to further the main goals of preserving the character and qualify of residential neighborhoods, to provide a range of*

<sup>4</sup> <http://www.cityofsanmateo.org/index.aspx?NID=1675>, June 20, 2014

<sup>5</sup> San Mateo County Department of Housing, Quarterly Housing Statistics  
<http://housing.smcgov.org/sites/housing.smcgov.org/files/March%202014%20Indicators.pdf>

*housing types to accommodate a diverse population, and to meet the demands created by new job growth.”*

Unfortunately there are few, if any, programs that adequately address the issue of preservation income diversity, especially among non-deed restricted properties, which is a key part of what comprises neighborhood character. This has contributed to the high displacement rates particularly among low-income renters that are in direct competition with higher salaried workers that cannot afford to buy homes or compete themselves with chronically escalating rental prices.

### **HOUSING NEEDS ASSESSMENT (SECTION 65583(a)(1 and 2)**

- According to jobs and housing fit research recently conducted by the UC Davis Center for Regional Change, the City of San Mateo has a ratio of 5.64 low-wage jobs for every affordable housing unit.<sup>6</sup> This ratio shows that low-wage workers in San Mateo face incredible challenges in finding affordable housing near work. In contrast, the Jobs-Housing Balance number of 1.06 represents the aggregate ratio of all jobs and all housing. The City should pursue policies and strategies to achieve a better fit between existing jobs and homes produces.
- The City acknowledges that fast rising home prices are making it more difficult for individuals and families with below moderate incomes to rent or own a home in San Mateo. Residents of lower-incomes are disproportionately impacted. The draft should include a more substantive discussion regarding the potential for displacement of these vulnerable residents and the exclusion of lower-income workers. The April 10, 2014 meeting of the 21 Elements TAC Meeting summary includes a quote by Brian Greenberg from Inn Vision Shelter Network:

*“Most of people who come into homeless shelters are taxpayers who can get jobs. Innvision/Shelter Network helps people find jobs, but usually these jobs are located outside the county because they could not afford to live here. Many of the Innvision/Shelter Network staff also can’t afford to live in the county.”*

The draft should include discussions around additional policies and program responses that the City can more closely study for those at risk of displacement, such as tenant protections, as a response to this chronic and growing problem. This is consistent with CA Government Code Section 65583(c)(4).

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<sup>6</sup> Figures available at <http://mappingregionalchange.ucdavis.edu/jobshousingfit2011>

### **PERSONS WITH SPECIAL NEEDS (SECTION 65583(a)(7))**

- Comments made in the previous section apply to special needs populations as well. These individuals and families have little or no prospect of finding permanent housing solutions once they have utilized existing emergency shelter and transitional housing resources.

### **AT-RISK UNITS (SECTION 65583(a)(9))**

- No immediate comments.

### **POTENTIAL GOVERNMENTAL AND NON-GOVERNMENTAL CONSTRAINTS**

- HLC lauds the City of San Mateo for its participation in the countywide impact fee nexus study, aka the “Grand Nexus Study,” which will among other things justify an impact fee on all new commercial development and its commitment to pursue a Commercial Linkage Fee. Fees and new sources of funds like this are particularly important in light of the loss of Redevelopment Agencies in 2012.
- There is discussion of Priority Development Areas (PDA) in the Sustainability Component section of San Mateo’s RHNA allocation discussed on page 45. There is no discussion of this strategy as a governmental constraint as well as land costs in and around PDAs will command higher prices and thus add to the difficulty of construction of affordable housing there and added cost pressures to renters as prices increases in transit accessible areas push out lower-income residents.
- No mention was made regarding Measure P and its restrictions on building heights and density.

### **SITES INVENTORY AND ANALYSIS**

- We are happy to see that there are a number of sites which may be candidates for further density consideration and the City’s commitment to encouraging and monitoring the construction of second units. However, in identifying opportunity sites for very low- and low-income housing, the City should take into consideration their competitiveness for Low Income Housing Tax Credits (LIHTC), which are used to fund the vast majority of affordable housing given the shortage of other funding sources. Specifically, opportunity sites are competitive when they are in proximity to transit, grocery stores, schools, libraries, senior centers and other key services and amenities. MidPen Housing recently has performed a preliminary scoring of sites the city had

designated for RHNA 4, which are again being used in RHNA 5. Several of the sites that were scored are located in areas that will be problematic for LIHTC eligibility (see attached scoring sheet) should an affordable housing developer pursue development of the sites. Please reflect these considerations in the sites inventory, given that affordable housing development will most likely not be feasible without being tax credit competitive. The City could work with nonprofit affordable housing developers, who have considerable technical expertise in this area, to do further analysis on these opportunities sites.

- With regards to the use of C2 and C3 zones for Emergency Shelter locations cited on page 62, the Commercial 2008 vacancy rate of 15%-21% is cited. This was during the economic downturn and does not reflect current or projected vacancy rates. Countywide vacancy rates have been cited to be as low as 11.4%<sup>7</sup>. San Mateo is a major job center and would likely have lower rates. Please update and analyze its implications for shelter establishment within these highly sought after locations.

### **QUANTIFIED OBJECTIVES AND HOUSING PROGRAMS**

- The values for Quantified Objectives on page 117 and 118 do not match.
- It would be useful to have more explanation regarding its quantified objective estimates – particularly the units designated in the “Other” category - and potential Governmental and Non-Governmental constraint areas that would allow them to increase these estimates.
- The draft identifies HUD’s Section 8 Housing Choice Voucher Program as an important component of meeting the housing needs of very-low income renters. However, the advantages of vouchers depend on the ability of voucher holders to locate a landlord who will accept the voucher. Especially after the cuts to the Section 8 program prompted by the federal budget sequester, finding landlords who will accept Section 8 vouchers creates a significant barrier for these members of the community. State law does not explicitly prohibit landlords from discriminating against Section 8 voucher holders, and the outright refusal of private landlords to accept Section 8 vouchers is a widespread problem affecting housing choice throughout California.<sup>8</sup> The City should consider local ways to create viable housing choices for Section 8 voucher holders. For

---

<sup>7</sup> Silicon Valley Business Journal, January 8, 2014, <http://www.bizjournals.com/sanjose/news/2014/01/07/san-mateo-county-office-market.html?page=all>

<sup>8</sup> HCD, *Analysis of Impediments to Fair Housing* (2012), p. 13- 2  
[http://www.hcd.ca.gov/hpd/hrc/rep/fed/state\\_of\\_ca\\_analysis\\_of\\_impediments\\_full%20report0912.pdf](http://www.hcd.ca.gov/hpd/hrc/rep/fed/state_of_ca_analysis_of_impediments_full%20report0912.pdf)

example, the draft could include a program for considering an ordinance to prohibit discrimination against Section 8 voucher holders.

- The draft mentions the increasing difficulty of housing opportunities for people with moderate or less incomes. While the draft includes programs to encourage and facilitate the construction of housing, the City should consider including programs that will also protect households, especially renters, who are at-risk of being displaced due to high housing costs. The City should include a program to, at a minimum, study the issues of displacement and develop appropriate policy responses. This is consistent with Government Code Section 65583(c)(4).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Choi', with a stylized, flowing script.

Tracy Choi  
Community Builder  
Housing Leadership Council of San Mateo County





## San Mateo

Address	Acres	Projected Units	Total Score		Transit
			Family	Senior	
1025 4th Avenue	1.01	39	17	15	7
480 4th Avenue	1.16	45	25	22	7
400 Mariner's Island Blvd	2.87	76	7	7	4
907 Laurelwood Drive	1.66	12	8	5	0
155 Kingston Street	1.24	48	12	9	4
1650 S. Delaware Street	1.07	41	20	17	7
1630 Delaware Street	5.2	200	20	17	7
1700 S. Delaware Street	11.98	461	20	17	7
1701, 1731, 1737 & 1751 Leslie St	1.62	62	19	17	7
640, 666, 678 & 690 Concar Dr; 1855 S. Delaware St; 1820 &1880 S. Grant St	14.53	559	17	17	7
200 S. Delaware Street	2.1	81	25	22	7
1949 Pacific Blvd	5.68	219	17	17	7
2090 S. Delaware Street	2.73	111	17	17	7
1633 Marina Court	6.78	30	14	14	7
220 W. 20th Avenue	3.99	154	16	14	7
229 W. 20th Avenue	5.4	146	16	14	7
2817-2841 S. El Camino Real	2.57	99	20	17	7
2901-2905 S. El Camino Real	0.99	68	20	17	7
3025 S. El Camino Real	3.13	121	20	17	7
514 La casa Avenue	6.2	43	14	11	4

RHNA (Very low and low):	608
Total Projected units of projects that scored:	2406
<b>Number of units still needed:</b>	<b>0</b>

<u>Tax Credit Score Break Down</u>						
School	Park	Pharmacy	Library	Senior	Grocery	Hospital
2	2	0	0	0	4	2
3	3	2	2	0	5	3
0	3	0	0	0	0	0
3	3	0	0	0	0	2
3	2	0	0	0	3	0
3	3	2	0	0	5	0
3	3	2	0	0	5	0
3	3	2	0	0	5	0
2	3	2	0	0	5	0
0	3	2	0	0	5	0
3	3	2	2	0	5	3
0	3	2	0	0	5	0
0	3	2	0	0	5	0
0	3	0	0	0	4	0
2	3	0	0	0	4	0
2	3	0	0	0	4	0
3	3	0	0	0	4	3
3	3	0	0	0	4	3
3	3	0	0	0	4	3
3	2	0	0	0	3	2

Ethel & Jeffery Batiste  
371 N. Eldorado Street  
San Mateo, CA. 94401-1756

June 13, 2014

San Mateo City Council  
330 W. 20<sup>th</sup>. Ave.  
San Mateo, CA. 94403

City Council Members:

*We have been homeowners in the city of San Mateo for approximately 50 years. Yet, if we did not own a home here we could not afford to live here. We are deeply concerned about the lack of affordable housing for rent in San Mateo. Recently, I knew of two families that had to move out of San Mateo, because they were priced out of the market. As leases expire and rent continues to spiral up, we can expect there will be more of an exodus of minority families leaving the city. They were both families of color.*

*While they were not paupers and made above average wages, they still could not afford the rate property in San Mateo was renting for. For once, I would like an honest answer to this question. Do you envision San Mateo to be a diverse mixture of all colors and ethnicities? Or are you planning and hopeful that the city becomes an elitist city that only the wealthy or well to do can afford to reside in? It seems to us that is what you envision. Nothing has been done that we are aware of, neither to address the shortage of affordable housing nor to address rent control.*

*Attached you will find a letter we wrote to you in 2006, addressing this same issue. Apparently, we had a better vision of the future than those supposedly leading the city. Now that we are at this point, what is your solution for our dilemma? We would appreciate a response to our letter.*

Respectfully,  
Ethel & Jeffery Batiste

RECEIVED

2014 JUN 17 A H: 43

OFFICE OF CITY CLERK  
CITY HALL  
SAN MATEO, CA

Ethel & Jeffery Batiste  
371 N. Eldorado St.  
San Mateo, Ca. 94401-1756

San Mateo City Council  
330 W. 20<sup>th</sup>. Ave.  
San Mateo, Ca. 94403

August 28, 2006

Re: Affordable/Density Housing

We have lived in North Central San Mateo for over 40 years, and watched as the quality of life has deteriorated in San Mateo. I attended two other meetings where I asked the specific question what does the leadership in our city have as a vision for our future? I have never received an answer. I am asking the same question again, what is the vision of our leaders concerning the growth in San Mateo, is it 1%, 2% or is it no limit? There comes a time when we have to realize as other cities have, it's impossible for the city to house everyone who wants to live here. We should ask our citizens if they want to sacrifice our quality of life, for unrestricted growth.

If you had a new Mercedes Benz and it holds five (5) people, would you continue to put seven or eight people into the car? At that point it not only becomes dangerous, but also unhealthy. That is the same scenario with overcrowding. Drive through San Mateo, especially North Central and see the amount of traffic in our streets. You expect people moving into San Mateo to use mass transit you will say. Of course they will, when they take their children to school, when they go grocery shopping, when they go to restaurants, beauty shops etc. If you believe that then I'd like to talk to you about you purchasing the Golden Gate Bridge from me.

I realize that without change there can be no growth, life itself requires that we change if we are to grow. However, we need to establish responsible controlled growth; not see \$\$\$ signs only each time you're approached by a contractor with a "supposedly" good plan for the city.

We would encourage you to put your citizens first and preserve what is left of our quality of life. Thank you!

Sincerely,  
Mr. & Mrs. Jeffery Batiste

## Julia Klein

---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Tuesday, June 10, 2014 9:36 AM  
**To:** Julia Klein  
**Subject:** Fw: Source of Income Anti-Discrimination Ordinance  
**Attachments:** Ord 581-Source Income.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Julia,

Here is the ordinance already in place in, Foster City. Hope our city council finds it just as important in our city to have. I'm sure it's over 50% of voucher holders in our city that aren't finding landlords to accept it.

Best Regards,  
Doreen

On Tuesday, June 10, 2014 9:20 AM, Leslie Carmichael <[lcarmichael@fostercity.org](mailto:lcarmichael@fostercity.org)> wrote:

Here's a copy of the ordinance you requested.

Leslie Carmichael  
Consulting Planner  
650-286-3236

ORDINANCE NO. 581

AN ORDINANCE OF THE CITY OF FOSTER CITY ADDING CHAPTER 5.72, TENANT ANTI-DISCRIMINATION, OF TITLE 5, BUSINESS LICENSE AND REGULATION, TO THE FOSTER CITY MUNICIPAL CODE – MC-13-001

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN as follows:

Section 1: The City Council of the City of Foster City, California, hereby finds and determines:

WHEREAS, the City of Foster City desires to eliminate any discrimination in the provision of housing based on a person's race, color, religion, sex, national origin, familial status, disability or source of funds for rental payments; and

WHEREAS, the San Mateo County Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, and that approximately 50% who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords; and

WHEREAS, cities are required to identify constraints to providing affordable housing and develop strategies for removing those constraints; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to ensure provision of housing opportunities for all people:

**Policy H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.

*Implementation Measure H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local non-profit organizations, as appropriate, to provide public*

*information and education services. Target: Ongoing. Responsible Agency: Community Development Department.*

*Implementation Measure H-F-1-b   **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.*

WHEREAS, Government Code Section 65583 requires that the Housing Element address and, where appropriate and legally possible, remove governmental constraints to making adequate provision for the existing and projected housing needs of all economic segments of the community; and

WHEREAS, the Planning Commission by adoption of Resolution P-25-13 on August 15, 2013, recommended approval of the proposed amendment; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, ORDAINS THAT:

Section 2. A new Chapter 5.72 shall be added to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code as follows:

Chapter 5.72  
Tenant Anti-Discrimination

Sections:

- 5.72.010 Purpose and Findings.
- 5.72.020 Right to Protection.
- 5.72.030 Exceptions
- 5.72.040 Redress
- 5.72.050 Liability.

**5.72.010 Purpose and Findings.**

A. Housing is an essential requirement for all residents of an urban area. Housing Element Policy H-F-1 of the Foster City General Plan states, "The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any



individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.”

B. The City from time to time receives complaints that tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords.

C. The purpose of this ordinance is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.

#### **5.72.020 Right to Protection.**

It shall be unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 or any other rent subsidy. It shall be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 or any other rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 or any other rent subsidy Program for which an existing tenant has qualified.

#### **5.72.030 Exceptions.**

Nothing in this Chapter shall be construed to apply to rental or leasing of any housing unit located in a structure on the same property containing ten or fewer units.

#### **5.72.040 Redress**

- A. A person whose rights have been violated under this Chapter may not commence a civil action to enforce those rights unless he or she has first offered to mediate the controversy. The complainant's obligations under this section shall be met if the complainant:
  - a. Offers to mediate the controversy under the auspices of the Peninsula Conflict Resolution Center, or any free mediation service that the City may establish for this purpose in the future;
  - b. Mediates in good faith. The complainant's obligations under this section shall be deemed satisfied if the opposing party does not agree to mediation within 14 days after being requested to mediate, or if no mediated resolution is reached within 30 days after being requested to mediate, despite the complainant's good faith efforts.
- B. If a complaint of discrimination under this ordinance is not resolved through mediation, and the complainant has complied with his or her responsibilities under the foregoing subdivision, the complainant has the right to initiate a civil action for damages and injunctive relief. The litigating complainant shall file a courtesy copy of the lawsuit with the City Attorney.

#### **5.72.050 Liability.**

- A. The City shall not be liable for any damages, costs, or expenses which are the result of any act or omission of or any decision made by any person (e.g., mediator, arbitrator, or court) concerning an anti-discrimination right claim or a complainant's assertions pertaining to rights granted or conferred by this Chapter.

- B. Under no circumstances shall the City have any responsibility or liability to enforce this Chapter or to seek any legal redress, civil or criminal, for any decision it or any other person makes concerning an anti-discrimination claim.
- C. Violations of this ordinance shall not constitute a crime.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 4<sup>th</sup> day of November, 2013, and passed and adopted on the 18th day of November, 2013, by the following vote:

AYES: Councilmembers Bronitsky, Kiesel, Okamoto, Perez and Mayor Frisella

NOES: None

ABSENT: None

ABSTAIN: None

  
PAM FRISELLA, MAYOR

ATTEST:

  
DORIS L. PALMER, CITY CLERK

## CERTIFICATE OF POSTING

I, Doris L. Palmer, hereby certify as follows:

That I am, and at all time herein mentioned, was the duly acting and qualified City Clerk/District Secretary of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California.

I further certify to the proper posting of:

Ordinance No. 581, "Adding Chapter 5.72, Tenant Anti-Discrimination, of Title 5, Business License and Regulation, to the Foster City Municipal Code - MC-13-001 [First Reading November 4, 2013]"

in the following four public places of the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California:

1. Federal Post Office, Charter Square  
1050 Shell Boulevard
2. Recreation Center Lobby  
650 Shell Boulevard
3. Council Chambers (not a mandatory posting site)  
620 Foster City Boulevard
4. Foster City Public Library  
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City/Estero Municipal Improvement District**, Foster City, San Mateo County, California this 20<sup>th</sup> day of November, 2013.



Doris L. Palmer  
City Clerk/District Secretary

June 6, 2014

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
330 West 20th Ave.  
San Mateo, CA 94403

Reg: Housing Element

Dear City Council Members and Planning Department,

RECEIVED  
2014 JUN -9 P 4:47  
OFFICE OF CITY CLERK  
CITY HALL  
SAN MATEO, CA

I have attached copies of emails sent to me through the website, [www.nextdoor.com](http://www.nextdoor.com). They are from a few neighbors of mine that live in, San Mateo, as well. Please note how having, **rent stabilization**, would help these neighbors with their personal lives.

I too, am still fighting to remain in this city at my current rental. As I noted in my last letter dated, April 26, 2014, my landlord is supposedly trying to evict all tenants on Section 8. Attached is the email between my landlord and I, which shows their supposed reasoning for ridding of all the families on, Section 8, from the complex I live at. I have been attending different community colleges in this county, to include the, College of San Mateo, have acquired a degree and am currently in the process of obtaining a paralegal certificate. I have also been networking and meeting people in our community that might possibly allow me employment in my field of interest. With this said, an ordinance preventing discrimination against, **source of income**, or an ordinance against, **the non-acceptance of a housing voucher**, would help me, the 716 other voucher holders in this city and the over 3,500 other voucher holders in this county, keep a roof over our families heads.

Like so many I have come across, am I too going to end up working in the city I can not afford to live in due to its high rental rates, discrimination of source of income and its high rental increases? This is causing so many families to be priced out of the city. These are people that have possibly grown up here, have family here, have received their education here and are employed here.

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
Reg: Housing Element  
Page 2

Please adopt the ordinances I have mentioned above, along with a, **just cause for eviction ordinance**, to save all the families in need. Without your help, we will be forced out, and this will become a city only for the ones wealthy enough to afford to live here.

Sincerely,

A handwritten signature in cursive script that reads "Doreen Brown". The signature is written in dark ink and has a fluid, connected style.

Doreen Brown

doreenjoiner@yahoo.com

## (/news\_feed/)

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Invite

Doreen

Nextdoor Los Prados works best when all your neighbors are members. Help out by [inviting your neighbors to join](#) (/invitation\_email/?is=schp)

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Inbox (/message\_inbox/inbox) / Housing

Conversation between you and Wendy Walker.

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(/profile/655654)

8 May

Wendy Walker (/profile/655654)

Hi Doreen, I saw your post. I am going through a divorce and my ex plans to buy me out. I need an apartment for the next 2 years (cannot afford to buy on the peninsula even with getting a large sum in the buyout) to keep my daughter who is a sophomore at Aragon in that high school. Sticker shock on rents, 2 bed one bath for \$2800 per month. Last time I rented an apartment water, and garbage were included in the rent. Now they want \$135 per month extra for water/garbage. When living in my current home my water and garbage are under \$100. This area is being out priced for the common worker. I work at a preschool and will be moving out of the area when my daughter graduates. I was born and raised here. So disappointing.. Wendy Walker

(/profile/459414)

9 May

Doreen Brown

Hello Wendy,

Thank you for sharing your story with me. My family, along with approximately 11 others, at the complex where I live are being forced out because the owner no longer wants to participate in the Section 8 program. The high rental rates, high rental increases, forced evictions and discrimination of ones source of income in San Mateo, are the reasons why I have taken the time to educate myself on how can change occur here. Would you be willing to come with me to speak for the two plus minutes allowed at one of the housing element meetings to share your story, which are always held at night? If not, can I print and give your email to me to the, San Mateo City Council members and the, Planning Department? They need to know just how many families are truly being affected in their city in order to wake-up! and adopt some ordinances that will give tenants some protection. I am sorry to hear of your situation and I know what you mean about the utilities. I didn't have a voucher before 2009, and was not living in San Mateo, and anywhere else in California I have lived, I did not have to pay for those either, unless I was living in a rented home or duplex. That also seems to be the norm here in San Mateo, unfortunately. We pay for water, garbage and sewer, and it fluctuates monthly to over \$100, as well. Due to this, I went and found out there are no regulations state, county or city wise on shared utilities, which means your landlord can charge you however much they want with periodic increases of however much they want as well. I wish you luck and if you want to just talk or organize, please call me on my cell, [REDACTED].

Regards,

Doreen

(/profile/655654)

11 May

Wendy Walker (/profile/655654)

Hi Doreen, yes I would be willing to come with you or I do give you permission to share my experience. Let me know either way. It's hard for me to call you unless you don't mind talking to me around dinner time while I walk my dog every evening. My cell is [REDACTED]. Let me know when a good time to call you.

(/profile/459414)

12 May

Doreen Brown

Hi Wendy, I am so happy to hear this, thank you.. You can try and reach me anytime that works for you. I am not sure how much you already know, in regards to the, Housing Element, that is occurring in, San Mateo, at the moment so I won't write it all out here and will just wait until we can talk on the phone about it instead. Talk soon.

## (/news\_feed/)

Search

Invite

Doreen

Nextdoor Los Prados works best when all your neighbors are members. Help out by [inviting your neighbors to join](#) (/invitation\_email/?is=schp)

Search

Inbox (/message\_inbox/inbox) / rent increases

Home (/news\_feed/)

Conversation between you and Tamara Diamond.

Inbox (/message\_inbox/)

Neighbors (/directory/)

(/profile/2182804)

8 May

Map (/map/)

Tamara Diamond (/profile/2182804)

Events (/events/)

Hello Doreen,

Invite (/invitation\_email/)

I am new on here and was at first overwhelmed with all the posts. Also, I invited my landlords to join the community as it is their neighborhood too - the house they live in is between 101 and El Camino off Hillsdale. They just raised the rent here (Marina Lagoon - the blue buildings) last year, so I was surprised to get a rent raise notice last week for July 1. They are saying its because its still better than the going rate at the building across the street. Ugh!

LOCAL

Los Prados (/neighborhood/)

Nearby Neighborhoods (/nearby/)

City of San Mateo (/local/)

I am ill right now with some bronchial thing and can't carry a conversation without coughing. Awaiting doctor's advice.

CATEGORIES

Classifieds (/classifieds/)

Tamara

Crime &amp; Safety (/crime\_and\_safety/)

Documents (/documents/)

Free items (/free/)

(/profile/459414)

9 May

General (/general/)

Doreen Brown

Lost &amp; Found (/lost\_and\_found/)

Hi Tamara,

Recommendations (/recommendations/)

GROUPS

+ Add a group... (/groups/)

Sorry it took me so long to get back to you. I moved back to San Mateo, in 2009, and unfortunately it appears that any complex that is ran by a management company and not private owners, will get rental increases at every new lease period. I can only suggest that you try and negotiate with the landlord but good luck because it also seems to me, it is all about making money for them, while it is about keeping a roof over our families heads for us. Things like this are exactly why I have self-educated myself on what needs to be done, to at least try and have our city officials give us some protection. Would you be willing to come speak with me for the two plus minutes allowed at one of the housing element meetings to tell your story? The meetings are always held at night. If not, will you allow me to print your email to me and give it to the, City Council members and the, Planning Department? They both need to see just how many families here are truly suffering and maybe then will they think to adopt some ordinances that will give tenants some protection. My family, along with approximately 11 others, where I live are being forced out of our complex because the owners no longer want to participate in the Section 8 program. Not only are there not that many rentals in this county but the rental rates are outrageous and very few landlords want to accept the housing voucher. Please feel free to contact me on my cell [REDACTED] whether to just talk or to organize the best we can to get as many people educated on what is going on in this city /county altogether, so we can come together in numbers. It is the only way to get our officials to wake-up! I wish your family the best, take care.

Regards,  
Doreen

(/profile/459414)  
Write a reply

REPLY

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Invite

Doreen

## (/news\_feed/)

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Inbox (/message\_inbox/inbox) / housing

Home (/news\_feed/)

Conversation between you and Gretchen Grant.

Inbox (/message\_inbox/)

Neighbors (/directory/)

(/profile/168613)

8 May

Map (/map/)

Gretchen Grant (/profile/168613)

Events (/events/)

Hi Doreen,

Invite (/invitation\_email/)

I got your plea but have been busy trying to find a new place after being priced out of my apartment - Even with two jobs I can't stomach a \$245 a month increase.

LOCAL

I can't understand why this fiat market still exists. It is difficult to trust anything I see posted. And the landlord/owners are asking too much just to look at a place (credit checks, background checks, charging fees, etc). For one promising craigslisting, I sent what was requested, I haven't heard back at all. Now I'm worried they're going to use my dossier for nefarious purposes (ID theft comes to mind...).

Los Prados (/neighborhood/)

The rapid open house viewings, with limited hours, make it impossible for me to get to see anything because I work 13 hour days, seven days a week. I've missed some great possibilities because landlords choose first come.

Nearby Neighborhoods (/nearby/)

I am on a list of affordable housing and first time buyers programs for San Mateo, but there's nothing available.

City of San Mateo (/local/)

Pretty glum right now, and feeling very vulnerable.

CATEGORIES

Thanks for posting all the information. I'm trying to get through it all.

Classifieds (/classifieds/)

Gretchen

Crime &amp; Safety (/crime\_and\_safety/)

Documents (/documents/)

Free items (/free/)

General (/general/)

Lost &amp; Found (/lost\_and\_found/)

Recommendations (/recommendations/)

GROUPS

(/profile/459414)

9 May

+ Add a group... (/groups/)

Doreen Brown

Hello Gretchen,

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Thanks for sharing your story with me and I am sorry your situation is as tough as it is as well. My family, and approximately 11 other ones, where I live are getting forced out because the owner doesn't want to participate in the Section 8 program anymore. It is discrimination of ones source of income, forced evictions, high rental increases and rental rates, that made me self-educate myself on how to bring change. I see your busy schedule so if you are totally unable to attend one of the housing element meetings at night, would you mind me printing your email to me to give it to the, San Mateo City Council Members and the Planning Department? They need to see just how many families are being affected by these problems to see how desperately we need some ordinances adopted that would give tenants some protection. If you would like to just talk or organize, please call me on my cell, [REDACTED] Best of luck to you.

Regards,  
Doreen

(/profile/459414)  
Write a reply



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Roxana

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Doreen



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## Termination of Section 8 Tenants(4)

Roxana Matos

Jan 30

To: Me

Dear Doreen:

I apologize for the delayed response. Villa Serena has decided not to participate in the Section 8 Program after leases expire in 2014. Our decision to terminate participation in the program is impacted by market conditions but also includes other factors including the administrative and staff time to maintain the compliance component of the Section 8 program. Our effort is to reduce the impact that this decision will have on the residents who participate in the Section 8 program as much as possible. We welcome you and all residents who participate in the program to apply for their same unit or any other units under conventional terms outlined by the management company. If you choose to do this, all application fees will be waived and no additional deposit will be required as a gesture of customer service.

Please email me for more details if you would like to discuss this option.  
Thank you!

Roxana Matos/Property Manager

P. 650.572.7180 | F. 650.572.7941 | [rmatos@vsnres-regis.com](mailto:rmatos@vsnres-regis.com)  
Villa Serena Apartments 3110 Case De Campo San Mateo, CA 94403

From: Doreen Joiner [doreenjoiner@yahoo.com]

Sent: Tuesday, January 28, 2014 1:59 PM

To: Roxana Matos

Subject: Termination of Section 8 Tenants

Hello Roxana,

I received a letter on 1-25-14, dated 1-24-14, informing me that there's been a business decision to terminate your company's participation in the Section 8 Program. I would like to know why this business decision was made, can you please inform me of the reason or reasons? If it's for a financial reason, more rental money can be received from the tenants on Section 8. The program is set up to cover a portion of rent based on a family's income and then the family is to pay the remainder of the rent that the voucher doesn't cover. If this is beyond what they can afford or choose to pay then they can move. At this time there is no cap on what rental amount housing will approve due to the new tiered subsidy table they use and not the old standard table they use to use. Thank you and I look forward to hearing back from you.

Sincerely,  
Doreen

Reply, Reply All or Forward | More

Me Hi David, Ok, here's the supposed reasons. I

Jan 30

Me Thanks for the information, Doreen

Jan 31

Me Hello Samantha, Below is the email my man.

Feb 6

Click to reply all

Send



Dental Implants: What You Should Know

Thinking of getting dental implants? There are critical things you should know before going under the knife for

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**Julia Klein**

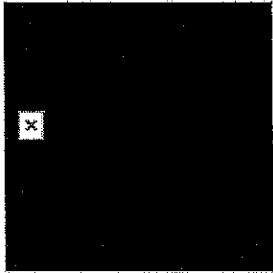
---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Saturday, June 07, 2014 4:18 PM  
**To:** Julia Klein  
**Subject:** Housing Element

Hello Julia,

This article shows how , Section 8 housing vouchers, are not considered, a source of income. Meaning, the city of, San Mateo, needs an , Anti-Discrimination Ordinance to accept the voucher, as it does not fall under, a source of income. Can you please include this in the, Housing Element documents please?

CAA Prevails: Appellate Court Rules Rental Property Owners Do not Have to Participate in Section 8 Voucher Program



**CAA Prevails: Appellate Court Rules Rental Property Owne...**

In the case of Sabi v. Sterling, the California Court of Appeal for the Second District confirmed what CAA has known all along – California law does not requi...

[View on www.naylornetwork...](#)

Preview  
by  
Yahoo

Thank You,  
Doreen Brown



# CAA News

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## CAA Prevails: Appellate Court Rules Rental Property Owners Do not Have to Participate in Section 8 Voucher Program

In the case of *Sabi v. Sterling*, the California Court of Appeal for the Second District confirmed what CAA has known all along – California law does not require rental property owners to participate in the Federal Section 8 program, and an owner's refusal to participate in the program is not grounds for a discrimination action.

The California Apartment Association (CAA) filed an Amicus Brief in this case in June of 2009, arguing that Section 8 should remain voluntary (as dictated by the U.S. Congress) and that property owners should not be compelled by state and local governments to enter into these contracts. Furthermore, property owners should continue to have the right to exit the program for a variety of business and economic reasons without risking a discrimination charge based on "source of income."

The tenant in this case argued that current state law prohibits a landlord from discriminating based upon a tenant's "source of income." Anticipating these types of claims, CAA successfully lobbied the State Legislature in 2004 to include in the statute a definition of "source of income" which provides that "source of income means lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant. For the purposes of this section, a landlord is not considered a representative of a tenant."

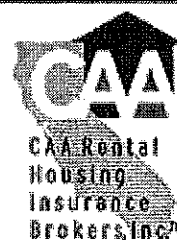
The court noted CAA's argument in the legislative history when it wrote, "CAA asserts that some consumer organizations have incorrectly argued that the property owner is the representative of the tenant when a tenant's lawful, verifiable income is paid to the landlord, such as the case in Section 8 housing." Referencing this language, the court concluded that the Legislature "made its purpose quite clear." While some may believe that Section 8 payments should be protected in the law, the Legislature does not think so. The court did acknowledge that the Legislature was obviously quite aware of the Section 8 issue. However, "being aware of a problem is not the same as doing something about it." In summary, the court wrote that "there is nothing on the face of the legislation that suggests that it was the purpose and intent of the Legislature to compel landlords to participate in the Section 8 program."

On a separate issue, the tenant argued that the landlord's refusal to accept her Section 8 assistance payments interfered with her use and enjoyment of the apartment and that because she was disabled the landlord should alleviate her financial impediments to living at the property. The court disagreed. Referencing this argument as "dysfunctional," the court wrote "it appears to be obvious that a

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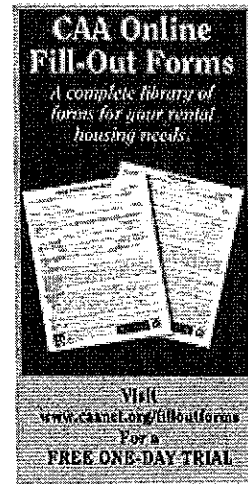
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person who concededly has the full use and enjoyment of the premises cannot claim, in the next breath, that her use and enjoyment is curtailed.

The court ordered the appellant (tenant) to pay for the owner's costs of the appeal.



**California Apartment Association**  
980 Ninth Street, Suite 200 | Sacramento, CA 95814  
Phone: 800.967.4222 | Fax: 877.999.7881  
Contact Us | Privacy Policy

## Julia Klein

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**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Friday, June 06, 2014 8:41 PM  
**To:** Julia Klein  
**Subject:** Housing Element

Hi Julia,

My families life depends on all this and it all may not happen in time for my family or at all but here is more info. that, San Mateo, might find helpful:

<http://citydocs.fostercity.org/sirepub/cache/2/fxetfasqqmphtyyfe2sc1n0r/93295506062014083441885.PDF>

Does this mean this ordinance is in effect already in, Foster City? I can't seem to find out online so I left a message for, Leslie Carmichael, a lady with the city of, Foster City, to find out.

Thanks,  
Doreen

6/10/14 Received her voicemail that this link doesn't work.

## Julia Klein

---

**From:** Doreen Joiner <doreenjoiner@yahoo.com>  
**Sent:** Friday, June 06, 2014 7:31 PM  
**To:** Julia Klein  
**Subject:** Source of Income Anti-Discrimination

Hello Julia,

I ran across this and thought it might help the city of, San Mateo, since a very local city, Foster City, did some studying on this already. I have another letter I am going to bring in, hopefully Monday, as well to add to the, Housing Element. Will it get included in the next two sessions coming up? I am referring to the Planning Commission and City Council sessions.

<http://www.fostercity.org/departmentsanddivisions/communitydevelopment/Features/upload/Section-8-Housing-2.pdf>

Best Regards,  
Doreen

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DATE: AUGUST 15, 2013

## **STAFF REPORT**

AGENDA ITEM NO. 7.4

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TO: FOSTER CITY PLANNING COMMISSION  
PREPARED BY: LESLIE CARMICHAEL, CONSULTING PLANNER  
CASE NO.: MC-13-001  
SUBJECT: SOURCE OF INCOME ANTI-DISCRIMINATION

---

### **REQUESTED ACTION/PURPOSE**

To consider and adopt a Resolution recommending City Council approval of an amendment to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code, to add a new Chapter 5.72, Tenant Anti-Discrimination, that prohibits discrimination by landlords against an existing tenant on the basis of the tenant's use of a Section 8 rental subsidy.

### **KEY PLANNING OR DESIGN ISSUES**

- Creation of a new Chapter 5.72 to prohibit discrimination by landlords against an existing tenant on the basis of the tenant's use of a Section 8 rental subsidy.

### **BACKGROUND**

The Section 8 housing voucher program is a federal program administered by the local housing authority to assist very low income families, the elderly and disabled in affording housing in the private market. In San Mateo County, the Section 8 program is administered by the San Mateo County Housing Authority. Once someone has been approved for the program, it is their responsibility to find housing where the landlord agrees to participate in the Section 8 program. The unit must meet minimum standards of health and safety and be inspected by the administering agency. The unit can be a house, townhouse, condo or apartment. The tenant pays 30% of their income toward the rent and the housing subsidy pays the balance. The subsidy is paid to the landlord directly by the Housing Authority on behalf of the participating tenant.

The California Fair Employment and Housing Act (FEHA) makes it unlawful "for the owner of any housing accommodation to discriminate against... any person because of the ...source of income.... of that person." In the Sabi v. Sterling case in 2010, the Court of Appeal held that the California Fair Employment and Housing Act's "source of income" discrimination provision does not protect Section 8 tenants from discrimination based on their participation in the Section 8 program.

The San Mateo County Housing Authority informed staff that there are 72 Section 8 vouchers in use in Foster City as of July 1, 2013. Of those 72 vouchers, 33 households are elderly and 6 households are at least one disabled person. Countywide, about 50% percent of the vouchers

August 15, 2013

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issued are in use, leaving about 50% percent not in use, in large part due to landlords being unwilling to participate in the Section 8 program.

Staff conducted an informal telephone survey of apartment developments and found that the majority do not accept Section 8 vouchers. Since 2000, the developments that have an Affordable Housing Covenant requiring provision of affordable housing units have a provision in the Covenant requiring that they accept Section 8 vouchers. Approximately 17% of the apartment units in Foster City are currently available to voucher holders.

For a landlord, the Section 8 program requires:

1. Submittal of a "Request for Tenancy Approval" (RTA) form with the proposed lease agreement.
2. Once the RTA form is received, the Housing Authority will review the proposed rent and determine if it's approvable.
3. The Housing Authority will then conduct a Housing Quality Standards inspection. The Housing Authority will contact the landlord within 5 working days to schedule the inspection.
4. Once the unit passes inspection and the rent is approved, the Housing Authority will prepare the Housing Assistance Payment Contract with a HUD-required Lease Addendum.
5. The landlord and tenant then sign and execute the Lease and return it to the Housing Authority with the completed Contract.
6. Rent increases after the initial lease term require a 60-day notice to the tenant and the Housing Authority.

Landlords who participate in the program receive the same rent as market rent for the unit. The Section 8 program does not require them to accept a lower rent.

The Foster City Housing Element includes the following policy and implementation measures related to equal housing opportunities:

**H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.

*H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local nonprofit organizations, as appropriate, to provide public information and education services. Target: Ongoing. Responsible Agency: Community Development Department.*

*H-F-1-b **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not*



*preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.*

## **ANALYSIS**

The discrimination against Section 8 voucher holders significantly reduces the pool of housing that is available to them. The voucher recipients already face significant financial obstacles to obtaining housing. The housing vouchers are supposed to help these recipients to overcome financial obstacles to finding housing.

Staff researched various anti-discrimination regulations based on source of income and found three basic types:

1. Prohibit discrimination against existing tenants with redress by mediation first, then by civil action (Corte Madera);
2. Prohibit discrimination based on source of rental payments, with redress by civil action (East Palo Alto);
3. Prohibit discrimination based on rental payments being made by other individuals or organizations with redress by civil action and/or administrative proceeding (Seattle).

**Table 1:  
Summary of Various Source of Income Anti-Discrimination Regulations**

<b>Jurisdiction</b>	<b>Exceptions</b>	<b>Approach</b>	<b>Redress</b>
Corte Madera	Does not apply if property contains 10 or fewer dwelling units.	"shall be unlawful to discriminate... to refuse to accept at Section 8 rent subsidy..."	<ol style="list-style-type: none"> <li>1. First try mediation</li> <li>2. civil action if not resolved through mediation</li> <li>3. city has no liability for enforcement</li> </ol>
East Palo Alto	Does not apply to structures containing fewer than 3 dwelling units. Does not apply if bathroom or kitchen are shared with owner.	"unlawful ... to use a financial or income standard.. that....: <ul style="list-style-type: none"> <li>• fails to account for rental payments ...made by other individuals or organizations</li> <li>• fails to account for aggregate income of persons residing together</li> </ul>	Civil injunction brought by any aggrieved person or city attorney or district attorney
Seattle	None	"unfair practice.... to discriminate against any person, prospective occupant..." "Discriminate means any conduct...the effect of which is to adversely affect... because of race, color... participation in a Section 8 program...."	Civil action by any charging party or aggrieved person. May also file a complaint with the Seattle Office for Civil Rights for an administrative proceeding.

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The proposed ordinance is modeled after the ordinance Corte Madera to prohibit discrimination against an existing tenant who wishes to use a Section 8 voucher and requires mediation as a first step for redress, which could be followed by a civil action. The City would have no liability for enforcement. The ordinance prohibits using a financial or income standard for the rental of housing that does either of the following:

- Fails to account for any rental payments or portions of rental payments that will be made by other individuals or organizations on the same basis as rental payments to be made directly by the tenant or prospective tenant;
- Fails to account for the aggregate income of persons residing together or proposing to reside together or an aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners or proposed cosigners on the same basis as the aggregate income of married persons residing together or proposing to reside together.

The purpose of the ordinance is to encourage landlords to participate in the Section 8 rent subsidy program administered by the San Mateo County Department of Housing and to establish a right of existing and prospective tenants to be free of discrimination based on their use of a rental subsidy. It would be unlawful for the owner or manager of rental housing to discriminate against an existing tenant or prospective on the basis of that tenant's use of a Section 8 rent subsidy. It would be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 rent subsidy program for which an existing tenant has qualified.

Enforcement is proposed to be first through mediation with the Peninsula Conflict Resolution Center, and then civil action. The City would not have any liability for enforcement.

**Table 2: Proposed Anti-Discrimination Provisions**

<b>Provision Purpose and Findings</b>	<b>Proposed</b>	<b>Comments/Options</b>
	<p>A. Equal housing opportunities should be available to all people. The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.</p> <p>B. The City from time to time receives complaints that tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords.</p> <p>C. The purpose of this ordinance is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.</p>	<p>States purpose is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.</p>
<b>Right to Protection</b>	<p>It shall be unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 or any other rent subsidy. It shall be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 or any other rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 or any other rent subsidy Program for which an existing tenant has qualified.</p>	<p>Would make it unlawful to discriminate against an existing tenant based on participation in programs that provide rental payments.</p>
<b>Exceptions</b>	<p>Nothing in this Chapter shall be construed to apply to rental or leasing of any housing unit located on a single parcel containing ten or fewer units.</p>	<p>Properties containing 10 or fewer units would be exempted. This would eliminate subjecting landlords with just a few units to the administrative process required for the Section 8 program. Buildings containing more than 10 units are likely to have professional management and be better able to handle the additional</p>

Provision	Proposed	Comments/Options
<b>Redress</b>	<p>A. A person whose rights have been violated under this Chapter may not commence a civil action to enforce those rights unless he or she has first offered to mediate the controversy. The complainant's obligations under this section shall be met if the complainant:</p> <ul style="list-style-type: none"> <li>a. Offers to mediate the controversy under the auspices of the Peninsula Conflict Resolution Center, or any free mediation service that the City may establish for this purpose in the future;</li> <li>b. Mediates in good faith. The complainant's obligations under this section shall be deemed satisfied if the opposing party does not agree to mediation within 14 days after being requested to mediate, or if no mediated resolution is reached within 30 days after being requested to mediate, despite the complainant's good faith efforts.</li> </ul> <p>B. If a complaint of discrimination under this ordinance is not resolved through mediation, and the complainant has complied with his or her responsibilities under the foregoing subdivision, the complainant has the right to initiate a civil action for damages and injunctive relief. The litigating complainant shall file a courtesy copy of the lawsuit with the City Attorney.</p>	<p>procedural requirements.</p> <p>Mediation is required as a first course of redress. If mediation is not successful, a complainant may initiate a civil action.</p>
<b>Liability</b>	<p>A. The City shall not be liable for any damages, costs, or expenses which are the result of any act or omission of or any decision made by any person (e.g., mediator, arbitrator, or court) concerning an anti-discrimination right claim or a complainant's</p>	<p>The City would not be liable for any enforcement or claims related to this Chapter.</p>

August 15, 2013

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Provision	Proposed	Comments/Options
	<p>assertions pertaining to rights granted or conferred by this Chapter.</p> <p>B. Under no circumstances shall the City have any responsibility or liability to enforce this Chapter or to seek any legal redress, civil or criminal, for any decision it or any other person makes concerning an anti-discrimination claim.</p> <p>C. Violations of this ordinance shall not constitute a crime.</p>	

## **NEXT STEPS**

The Planning Commission's recommendation will be forwarded to the City Council for their consideration at a noticed Public Hearing.

## **INDIVIDUALS, ORGANIZATIONS AND DOCUMENTS CONSULTED**

Foster City General Plan  
Foster City Municipal Code  
Jean Savaree, City Attorney  
Camas Steinmetz, Deputy City Attorney  
21 Elements website: [www.21elements.org](http://www.21elements.org)  
Corte Madera Municipal Code, Chapter 5.30  
East Palo Alto Municipal Code, Chapter 14.16  
Seattle Municipal Code Chapter 14.08  
"State, Local and Federal Laws Barring Source-of-Income Discrimination," Poverty & Race  
Research Action Council, Updated November 2012.  
Sabi v. Sterling (2010), 183 Cal. App. 4<sup>th</sup> 916 – 2010.

## **ATTACHMENTS**

Resolution  
Draft Ordinance  
"Discrimination in awarding Section 8 housing," Wikipedia

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY  
RECOMMENDING CITY COUNCIL ADOPTION OF AMENDMENTS TO TITLE 5, BUSINESS  
LICENSES AND REGULATION, OF THE FOSTER CITY MUNICIPAL CODE BY ADDING  
CHAPTER 5.72, TENANT ANTI-DISCRIMINATION – MC-13-001

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, the City of Foster City desires to eliminate any discrimination in the provision of housing based on a person's race, color, religion, sex, national origin, familial status, disability or source of funds for rental payments; and

WHEREAS, the San Mateo County Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, and that approximately 50% who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords; and

WHEREAS, cities are required to identify constraints to providing affordable housing and develop strategies for removing those constraints; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to encourage equal housing opportunities:

- **Policy H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.
- *Implementation Program H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local nonprofit organizations, as appropriate, to provide public information and education services. Target: Ongoing. Responsible Agency: Community Development Department.*
- *Implementation Program H-F-1-b **Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.*

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment; and

WHEREAS, a Notice of Public Hearing was duly posted and published for consideration at the Planning Commission meeting of August 15, 2013, and, on said date, the Public Hearing was opened, held, and closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the staff report, written and oral testimony, and exhibits presented, finds that:

1. The proposed amendments are consistent with the Foster City General Plan, specifically Housing Element Policy H-F-1 and Housing Implementation Measures H-F-1b; and
2. The proposed amendments will assist the City to facilitate the provision of housing for all segments of the community.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Foster City hereby recommends that the City Council adopt the proposed amendments to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code (MC-13-001) as presented in the attached draft ordinance, Exhibit A, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on August 15, 2013 by the following vote:

AYES, COMMISSIONERS:

NOES, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:

\_\_\_\_\_  
DAN DYCKMAN, CHAIR

ATTEST:

\_\_\_\_\_  
CURTIS BANKS, SECRETARY



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY ADDING CHAPTER 5.72, TENANT ANTI-DISCRIMINATION, OF TITLE 5, BUSINESS LICENSE AND REGULATION, TO THE FOSTER CITY MUNICIPAL CODE – MC-13-001

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN as follows:

Section 1: The City Council of the City of Foster City, California, hereby finds and determines:

WHEREAS, the City of Foster City desires to eliminate any discrimination in the provision of housing based on a person's race, color, religion, sex, national origin, familial status, disability or source of funds for rental payments; and

WHEREAS, the San Mateo County Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of landlords participating in the Section 8 program, and that approximately 50% who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords; and

WHEREAS, cities are required to identify constraints to providing affordable housing and develop strategies for removing those constraints; and

WHEREAS, the following provisions of the Housing Element of the City of Foster City's General Plan reflect the City's intention to ensure provision of housing opportunities for all people.

**Policy H-F-1 Equal Housing Opportunity.** The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors.

*Implementation Measure H-F-1-a **Non-Discrimination.** To ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age, marital status, disability, or other arbitrary factors, Foster City will ensure that state and federal laws are adhered to regarding fair housing. The City, through its Community Development Department, will refer discrimination complaints to the appropriate legal service, county, or state agency. The City will assist local non-profit organizations, as appropriate, to provide public*

information and education services. Target: Ongoing. Responsible Agency: Community Development Department.

**Implementation Measure H-F-1-b Anti-Discrimination Ordinance and Zoning Definitions.** Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs that provide extremely low, very low, and low income housing assistance. In addition, amend the definition of a "family" in the Zoning Ordinance to comply with State Law so that it does not preclude special needs housing (see also Program H-D-9-h). Target: 2011. Responsible Agency: Community Development Department.

WHEREAS, Government Code Section 65583 requires that the Housing Element address and, where appropriate and legally possible, remove governmental constraints to making adequate provision for the existing and projected housing needs of all economic segments of the community, and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, ORDAINS THAT:

Section 2. A new Chapter 5.72 shall be added to Title 5, Business Licenses and Regulation, of the Foster City Municipal Code as follows:

Chapter 5.72  
Tenant Anti-Discrimination

Sections:	
5.72.010	Purpose and Findings.
5.72.020	Right to Protection.
5.72.030	Exceptions
5.72.040	Redress
5.72.050	Liability.

**5.72.010 Purpose and Findings.**

A. Housing is an essential requirement for all residents of an urban area. Housing Element Policy H-F-1 of the Foster City General Plan states, "The City will ensure provision of housing opportunities for all people and will take appropriate actions when necessary to ensure that the sale, rental, or financing of housing is not denied to any individual on the basis of race, sex, national origin, religion, age or other arbitrary factors."

B. The City from time to time receives complaints that tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating landlords.

C. The purpose of this ordinance is to establish a right of existing tenants to be free of discrimination based on their use of a rental subsidy.

#### **5.72.020 Right to Protection.**

It shall be unlawful for the owner or manager of rental housing to discriminate against an existing tenant on the basis of that tenant's use of a Section 8 or any other rent subsidy. It shall be a violation of this prohibition for a property owner or manager to refuse to accept a Section 8 or any other rent subsidy for which an existing tenant qualifies, or to terminate the tenancy of an existing tenant based on the property owner's or manager's refusal to participate in a Section 8 or any other rent subsidy Program for which an existing tenant has qualified.

#### **5.72.030 Exceptions.**

Nothing in this Chapter shall be construed to apply to rental or leasing of any housing unit located in a structure on the same property containing ten or fewer units.

#### **5.72.040 Redress**

- A. A person whose rights have been violated under this Chapter may not commence a civil action to enforce those rights unless he or she has first offered to mediate the controversy. The complainant's obligations under this section shall be met if the complainant:
  - a. Offers to mediate the controversy under the auspices of the Peninsula Conflict Resolution Center, or any free mediation service that the City may establish for this purpose in the future;
  - b. Mediates in good faith. The complainant's obligations under this section shall be deemed satisfied if the opposing party does not agree to mediation within 14 days after being requested to mediate, or if no mediated resolution is reached within 30 days after being requested to mediate, despite the complainant's good faith efforts.
- B. If a complaint of discrimination under this ordinance is not resolved through mediation, and the complainant has complied with his or her responsibilities under the foregoing subdivision, the complainant has the right to initiate a civil action for damages and injunctive relief. The litigating complainant shall file a courtesy copy of the lawsuit with the City Attorney.

#### **5.72.050 Liability.**

- A. The City shall not be liable for any damages, costs, or expenses which are the result of any act or omission of or any decision made by any person (e.g., mediator, arbitrator, or court) concerning an anti-discrimination right claim or a complainant's assertions pertaining to rights granted or conferred by this Chapter.

- B. Under no circumstances shall the City have any responsibility or liability to enforce this Chapter or to seek any legal redress, civil or criminal, for any decision it or any other person makes concerning an anti-discrimination claim.
- C. Violations of this ordinance shall not constitute a crime.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the \_\_\_\_ day of \_\_\_\_\_, 2013, and passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
PAM FRISELLA, MAYOR

ATTEST:

\_\_\_\_\_  
DORIS L. PALMER, CITY CLERK

# Discrimination in awarding Section 8 housing

From Wikipedia, the free encyclopedia

Racial and economic segregation in the housing market have been a major problem throughout in the history of the U.S.. In 1968, Congress enacted the Fair Housing Act (FHA) as Title VIII of the Civil Rights Act of 1968 to combat racial segregation.<sup>[1]</sup> In 1974, to further combat the concentration of poverty and racial segregation in housing, the government developed the Section 8 Housing Voucher Program (now known as the Housing Choice Voucher Program), which supplies vouchers to low-income tenants to assist with rental payments.<sup>[2]</sup>

Yet, despite receiving vouchers to help with rental payments, participants in the program still experience substantial difficulties obtaining housing. There is noticeable **discrimination that takes place within the Section 8 Housing Voucher Program.**<sup>[3]</sup>

Under the Section 8 Housing Voucher Program, participants can use the voucher to pay a portion of their rent. However, participation in the Section 8 Housing Voucher Program is voluntary for landlords.<sup>[4]</sup> Once a landlord has chosen to participate in the program, a landlord can withdraw for many reasons. Many of the participants in this program are minorities or persons with disabilities and oftentimes the landlords will withdraw from the program for discriminatory reasons.<sup>[5]</sup> As neighborhoods have gentrified, voucher holders are finding that property owners who might have taken their vouchers in the past are now turning them away.<sup>[6]</sup>

## Contents

- 1 Background on the Section 8 Housing Voucher Program
- 2 Discrimination in the Section 8 Voucher Program
- 3 The Effects of Discrimination on the Section 8 Housing Voucher Program
- 4 Disparate Impact Claims to Address Section 8 Housing Voucher Discrimination
- 5 References

## Background on the Section 8 Housing Voucher Program

There are more than two million households in the United States that participate in the Section 8 Housing Choice Voucher Program (the Section 8 voucher program) to afford privately owned rental housing.<sup>[7]</sup> The Section 8 Program provides rent subsidies to low income families who then seek out participating landlords who will rent out property to them. Thus, the Section 8 Program is designed to reduce the barriers to obtain affordable housing for people with low incomes. There are many landlords across the country participating in this program to offer low-income families an opportunity to choose housing outside of public housing.<sup>[7]</sup>

Under this program, the federal government provides rent subsidies to eligible low-income families who rent from participating landlords. Local Public Housing Authorities (PHAs) manage and administer the Section 8 voucher program in conjunction with the Department of Housing and Urban Development

(HUD).<sup>[8]</sup> The PHAs issue vouchers to qualifying families who then independently find suitable rental housing from private owners and landlords who voluntarily take part in the program. In order to participate in the program, landlords must meet basic housing quality standards, rent at rates within fair market guidelines set by HUD and the local PHA.<sup>[9]</sup>

When a Section 8 voucher participant rents from a participating landlord, the local PHA "pays the difference between the household's contribution (set at 30 percent of income) and the total monthly rent."<sup>[8]</sup> The Section 8 voucher program does not set a maximum rent, but participants must pay the difference between the calculated subsidy and actual rent.<sup>[8]</sup> Landlords receive the subsidy directly from the PHAs.

## Discrimination in the Section 8 Voucher Program

One of the major problems with the Section 8 Housing Voucher Program is that participants in the program often run into problems finding apartments to rent. In 2001, HUD conducted a study to determine the success rates of voucher holders in finding and securing apartments to rent.<sup>[10]</sup> In the first study, in the early 1980s, 50 percent of the Section 8 Housing Voucher participants were able to find housing. This number increased to 68 percent from 1985 to 1987.<sup>[10]</sup> There was a rise to 81 percent by 1993. However, the figures dropped to 69% success in 200.<sup>[10]</sup> The low success rates can be attributed to landlords declining to accept the vouchers either because of discrimination against the participants in the program or because of the burdens the program places on housing providers.

A problem with the Section 8 Housing Voucher Program has to do with the fact that participation in the program is voluntary. There are many participants in the program who cannot find a landlord who will accept the vouchers. For example, there have been instances where a landlord is participating in the Section 8 Housing Voucher Program and then all of the sudden decides to withdraw from participation in the program. This is a type of source-of-income discrimination that occurs where landlords refuse to rent to individual because of their source of income is a public assistance.<sup>[11]</sup> Income from public assistance can include social security benefits, disability benefits, Temporary Assistance to Needy Families (TANF), or Section 8 Housing Vouchers. Some landlords have been particularly resistant to accepting tenants who use the vouchers and have subsequently adopted no-voucher policies that are similar to past discriminatory practices like the no-children policies.<sup>[11]</sup>

Section 8 Housing Voucher Discrimination creates barriers to people finding affordable housing opportunities. The income of families who receive vouchers is at or below 50% of the area median income and this means these families face financial obstacles to obtaining needed goods and services. These families rely on vouchers to overcome their financial obstacles and to find affordable housing. Voucher discrimination reestablishes some of the barriers to finding affordable housing. It could be negatively hindering the federal government's goal to provide a suitable home for every American family.<sup>[12]</sup>

## The Effects of Discrimination on the Section 8 Housing Voucher Program

Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act (FHA), bars discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling because of race.<sup>[13]</sup> By passing the FHA, Congress intended to promote racial integration as well as nondiscrimination as national goals.<sup>[14]</sup> However, despite the passage of the FHA, pervasive racial discrimination and segregation exist within the public housing system, particularly in the Section 8 Program.<sup>[15]</sup> One of the major problems with the Section 8 Program is that since participation in it is voluntary, many recipients are unable to find landlords to accept the vouchers.

The discrimination against voucher holders is a general problem. The widespread discrimination reduces the utility of the voucher program, and frustrates the purported goal of the legislation, which is to end housing segregated by race and income.<sup>[15]</sup> In addition, while the refusal to accept the vouchers appears racially neutral on its face, many housing advocates believe that the acceptability and legality of Section 8 discrimination enables landlords to use it as a proxy for other legally prohibited kinds of discrimination, such as that based on race, ethnicity, national origin, gender, family status, or disability.<sup>[15]</sup> For example, studies show that the discrimination against Section 8 voucher holders increases if the recipient is African American or Latino.<sup>[15]</sup>

Thus, the Section 8 Program has not been entirely successful at ending housing segregation. Many recipients end up using their subsidies to pay for their current low-income housing units or move within their own segregated neighborhoods.<sup>[16]</sup> Because of discrimination against voucher holders, many subsidy recipients can only find housing in neighborhoods where they already are in the racial majority.<sup>[16]</sup>

## Disparate Impact Claims to Address Section 8 Housing Voucher Discrimination

One way in which discriminated parties have dealt with discrimination is by bringing disparate impact claims. In disparate impact claims, a prima facie case of discrimination is established by showing that the challenged practice of the defendant actually or predictably results in racial discrimination.<sup>[11]</sup> This analysis focuses on facially neutral policies that may have a discriminatory effect. Federal courts will allow claims to be made under the FHA on a disparate impact theory by analogizing the FHA to Title VII because they both share a goal of reducing discrimination.<sup>[11]</sup>

However, courts are dividing on how they rule when it comes to allowing disparate impact claims under the FHA for voucher discrimination. A few federal courts have allowed plaintiffs who were denied housing because of their vouchers to assert these claims. Other courts have limited or prohibited them. Thus, the courts are not uniform when it comes to addressing disparate impact claims for voucher discrimination. Congress has recognized that refusing to rent to families with children violated the FHA and it should extend that protection to people who use vouchers. Without more legal protections, voucher discrimination can continue and the Section 8 Housing Voucher Program can be in danger of meeting its intended goal of increasing the quantity of options and quality of housing for low-income individuals and families.<sup>[17]</sup>

## References

1. ^ Pub. L. No. 90-284, tit. VIII, 82 Stat. 73, 81-89 (codified as amended at 42 U.S.C. §§ 3601-3631 (2006)).
2. ^ Housing and Community Development Act of 1974, Pub. L. No. 93-383, 88 Stat. 633 (codified as amended at 42 U.S.C. § 5301 (2006)).
3. ^ Rebecca Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 Fordham L. Rev. 1971, 1972, (2010).
4. ^ See *Graoch Assocs. #33 v. Louisville/Jefferson County Metro Human Relations Comm'n*, 508 F.3d 366, 376 (6th Cir. 2007).
5. ^ Handicap and race are two protected classes under the Fair Housing Act. 42 U.S.C. § 3604.
6. ^ Manny Fernandez, *Despite New Law, Subsidized Tenants Find Doors Closed*, N.Y. Times, Sept. 20, 2008, at B1.
7. ^ <sup>a b</sup> Bruce Katz & Margery Austin Turner, *Rethinking U.S. Rental Housing Policy: A New Blueprint for Federal, State, and Local Action*, in *Revisiting Rental Housing: Policies, Programs, and Priorities* 319, 319 (Nicolas P. Retsinas & Eric S. Belsky eds., 2008).
8. ^ <sup>a b c</sup> Evan Anderson, "Vouching for Landlords: Withdrawing from the Section 8 Housing Choice Voucher Program and Resulting Disparate Impact Claims," 78 U. Cin. L. Rev. 371, 375 (2009).
9. ^ Sean Zielenbach, *Moving Beyond the Rhetoric: Section 8 Housing Choice Voucher Program and Lower-Income Urban Neighborhoods*, 16 J. Affordable Housing & Community Dev. L. 9, 10 (2007).
10. ^ <sup>a b c</sup> Meryl Finkel & Larry Buron, U.S. Dep't of Hous. and Urban Dev., *Study on Section 8 Voucher Success Rates, Quantitative Study of Success Rates in Metropolitan Areas 2-2* (2001).
11. ^ <sup>a b c d</sup> Tamica Daniel, *Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Housing Act*, 98 Geo. L.J. 769, 776 (2010).
12. ^ 42 U.S.C § 1437(a) (2006).
13. ^ 42 U.S.C. § 3604(b) (2006).
14. ^ John Goering, *Introduction and Overview: Housing, Justice, and the Government*, in *Fragile Rights within Cities: Government, Housing, and Fairness*, 1, 9 (John Goering, ed., 2007). See also Michael H. Schill, *Implementing the Federal Fair Housing Act: The Adjudication of Complaints*, in *Fragile Rights within Cities: Government, Housing, and Fairness*, *supra*, at 143-44.
15. ^ <sup>a b c d</sup> Rebecca Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 Fordham L. Rev. 1971, 1980, (2010).
16. ^ <sup>a b</sup> Rebecca Rotem, "Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program," 78 Fordham L. Rev. 1971, 1982, (2010).
17. ^ Tamica Daniel, *Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Housing Act*, 98 Geo. L.J. 769, 793 (2010).

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title=Discrimination\_in\_awarding\_section\_8\_housing&oldid=533741362"

Categories: Public housing in the United States | Federal assistance in the United States

| Discrimination in the United States | Affordable housing

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**From:** Julia Klein [<mailto:jklein@cityofsanmateo.org>]  
**Sent:** Thursday, May 08, 2014 1:38 PM  
**To:** [gretchen@gretchengrant.net](mailto:gretchen@gretchengrant.net)  
**Cc:** Julia Klein  
**Subject:** FW: major housing issues

Hi Gretchen,

Josh forwarded your email to me since I am working on the update of the city's Housing Element. It's a difficult time for many and it takes courage to share your personal experience. Thank you for taking the time to do this. I want you to know that your email, along with others who have also shared their stories, will be included in the project file as part of the permanent record, and will be forwarded to decision makers for their consideration. We are in the middle of the housing element update process and there will be more opportunities for you to participate/speak at public meetings, if you wish to do so.

We post new information on the housing element website. So, please take a look at: [www.cityofsanmateo.org/whats happening](http://www.cityofsanmateo.org/whats happening)

Lastly, I will also add you to the interested parties list for the Housing Element update so that you will receive email notifications of future public meetings on the Housing Element.

Thanks again.

Sincerely,

**Julia Klein**  
City of San Mateo  
Community Development Department  
330 W. 20th Ave  
San Mateo, CA 94403  
Phone: 650.522.7216  
website: [www.cityofsanmateo.org](http://www.cityofsanmateo.org)

**From:** Joshua S. Hugg [<mailto:jshugg@hlcsmc.org>]  
**Sent:** Thursday, May 08, 2014 11:48 AM  
**To:** Julia Klein; Ronald "Ron" Munekawa; Sandra Council  
**Subject:** FW: major housing issues

FYI. I reached out to her to see if she would speak at an upcoming meeting, but perhaps this email is good enough.

Josh

**Joshua S. Hugg, Program Manager**  
Housing Leadership Council of San Mateo County  
(650) 872-4444, x2  
[www.hlcsmc.org](http://www.hlcsmc.org)

[Like us on Facebook](#)  
[Become an HLC member](#)

**From:** gretchen [<mailto:gretchen@gretchengrant.net>]  
**Sent:** Tuesday, May 06, 2014 4:28 PM  
**To:** [jshugg@hlcsmc.org](mailto:jshugg@hlcsmc.org)  
**Subject:** major housing issues

Hello Mr. Hugg,

I would like to bring attention to my housing crisis in hopes the Housing Leadership Council of San Mateo County can influence the powers that be and create effective changes to the current unrealistic market here on the mid-peninsula.

I recently gave my 30 day notice to my landlord because they are pricing me out of my home of two years (I don't want to go but can't afford to stay). They unabashedly admit that my rent (\$2530 for a 2/1) is below market rate and that it is only going up 10%.

My landlord is not the only one in the habit of annually raising the rent 10% or more which creates an artificially high rent here, in San Mateo. In addition, their tenement style leasing (allowing several wage earners to occupy the same apartment) perpetuates the inflated rent that they justify as market rate. However, I am looking at similar units that are in fact being offered for less.

However, my search for housing is hampered by the fact that most are showing rental units only at open houses which creates 'flash' leases. I work 7 days a week, and have a very small window to actually look at units on any given day. This has cost me three very nice units, regardless of my grade "A" credit rating (780). Most property managers don't even bother to respond to my inquiries about whether or not a unit is still available.

All this is making me nervous. For the first time, I have movers scheduled and no address! I am hoping to stay in my zip code (94403) as I am a school district employee and want to keep my short commute to whichever campus I may be assigned to (I am a para II exceptional aide working with children on the Autistic spectrum).

Please share my plight and let me know of any resources (I'm already on the BMR, first time home owners, and affordable rentals waiting lists – nothing is available right now) I might avail myself to. Hopefully, a collective voice can be organized around this very important issue. I have been in San Mateo, off and on, since 1984, when I was able to buy a house (forced to sell it in 1991). It is sad to see middle class is nonexistent, as I struggle here today; not poor enough for social services, or rich enough to play in the fiat market.

*Gretchen Gulliksen Grant*  
650 286 0214, studio  
310 472 5337, cell

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April 26, 2014

San Mateo City Hall  
Attn: San Mateo City Council and the Planning Department  
330 West 20th Ave.  
San Mateo, CA 94403

RECEIVED  
2014 APR 30 P 3:33  
OFFICE OF CITY CLERK  
CITY HALL  
SAN MATEO, CA

Dear City Council Members and Planning Department,

I had been a resident of San Mateo, in my past and have since returned as of, 2009. However, it has been quite a journey for my family due to the struggle to survive, stemming from all the housing problems we have had to endure. I would like to see the ordinances mentioned in regards to housing in, Joshua Hugg's, Housing Element Policy Best Practices, document put into place here in San Mateo. Doing such would help my family and all the other families that are struggling month to month just to cover their basic needs for survival. The following ordinances are the ones I'm interested in seeing adopted by our city and I've included how not having them has affected my family:

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Having a, **Rent Stabilization Ordinance**, could of possibly prevented what happened to my family in 2011. We have a Section 8 Housing Choice Voucher, and the complex where I live asked for an increase in rent that the, San Mateo County Housing Authority, denied. After getting in the middle of the battle between my landlord and the housing authority, I finally was told to go to my doctor's to ask her to sign a reasonable accommodation request form, due to my disability in order for the housing department to finally approve the increase that I was actually to pay. I also know of other families that have been affected by the high rental increases, forcing them to move and sometimes other than within this city. My housing caseworker at the housing authority has also told me many a sad stories of people losing their vouchers, being forced into homelessness, porting to other counties or having to move in with family members elsewhere, due to not being able to afford their rental increase or the cost of a new rental at the current rates.

I have my family on many affordable housing waiting lists that are done by a lottery system now due to the numbers of people in need of them. There are not enough affordable rentals for the population of people in need of them. This leaves our family just a number on a long list of hopefuls. I believe since there is not enough money in our city to build all the affordable housing needed, the answer is to incorporate some form of rent stabilization. Unless we want families moving out of the city and taking their money elsewhere. Personally, I don't like living in the segregation that affordable housing complexes produce, due to them being based on income levels. I much prefer to rent a duplex or house, as it provides a healthier environment with less chance of problems with landlords or neighbors like I've personally been experiencing. However, this is impossible to do when the rental rates are as high as they are and the landlords won't accept section 8 vouchers.

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Having a, **Just Cause Eviction Ordinance**, in my case would have really helped me when my landlord tried to evict me after my lease ended in 2012, because she was being retaliatory. Even though we have a court system that's suppose to help protect tenants in situations like this, proving such can be very difficult and the simple fact of a landlord not getting along with a tenant can be enough to evict without such an ordinance. I had obtained an attorney through the, Legal Aid Society of San Mateo, and was advised it would be better to put in a request for a reasonable accommodation due to my disability to my landlord's attorney to remain in my home because it's difficult to prove retaliation in court. The whole process took a whole year of negotiations with my landlord, their attorneys, my attorney and the California Department of Fair Employment and Housing. While going through that, my disability was exacerbated and my request was not approved until sometime in, 2013.

---

Having a, **Source of Income Ordinance**, would prevent my family from getting evicted right now! My family, along with 11 other families at my complex have received a pre-warning notice, (attached), in January of this year, informing us they are terminating their participation in the Section 8 program, and that we all will be getting a 90-day notice to find another home due to their decision. This is a serious issue in this city. I have actually looked for another rental throughout my residency at my current home due to all the problems I've had there. I have found that most landlords won't accept a section 8 voucher, leaving our family hostage to try and fight to remain in our current home, as I am currently doing. I have fought to remain in my home, regardless of all the problems, just so my family could have stability and security. We have unfortunately had to move many a times in our past. I have sadly had to be separated from my children at times as well in my past until I could secure a rental. This is another reason why remaining in our home is very important and it is a way to also keep our mental and emotional health. Not having this ordinance pushes families out like mine into the market rate that has rentals

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at unaffordable skyrocketed prices right now. Both my housing caseworker and the attorney from, Legal Aid Society of San Mateo County, have confirmed that people in, San Mateo, and the whole county are having an extremely difficult time finding a rental where the landlord will accept their section 8 voucher. Families are being forced to leave their homes and what is currently happening to my family has made me feel like I'm not good enough, like I have done something wrong, hopeless and angry, all at the same time.

I've attached the following items:

1. My pre-warning notice of 90-day termination to come.

2. My Mutual Termination Of Tenancy And Release Agreement recently received from my landlord.
  3. Copy of an email from, Cindy Chan, manager at, County of San Mateo Housing Authority, showing that we currently have, 716, section 8 voucher holders in this city.
  4. Copy from the, gosection8.com, website, showing the lack of rentals available that accept section 8 vouchers and their outrageous rental rates. I chose a search for a 2 bedroom, which is what my family needs. The rentals that are at \$2,000, or higher is exactly what my family can not afford. When you are on section 8, you are denied a rental if your portion of rent would have you spending over 50 percent of your income for the rent.
  5. Copy of the available 2 bedrooms and their rental amounts, off of the website the housing authority directs us to, in order to find a rental, SMCHousingSearch.org.
- 
6. Copy of tiered subsidy table used by the housing authority to determine a family's voucher amount.

I thank you for taking the time to read my hopeful requests for the city I live in, in hope to not only help my family but all the others desperately in need as well.

Sincerely,



Doreen Brown

doreenjoiner@yahoo.com

1

# VILLA SERENA

## T O W N H O M E S

---

(650) 572-7180

Fax (650) 572-7941

January 24, 2014

Dear Residents

You are receiving this letter because your apartment currently participates in the Section 8 voucher program. We wanted to inform you that we have made a decision to terminate our participation in the Section 8 program at Villa Serena Apartments, effective in 2014. This is a business decision for the community and affects all residents who participate in the Section 8 voucher program.

If you are already on a lease, we will honor the terms of your lease, but your tenancy will not be renewed beyond the expiration of your current lease term. Those tenants on a lease term will receive a Notice to Terminate at least 90 days prior to the end of the lease term.


---

~~If you are on a month to month agreement, we will be serving you with the~~ required notice in accordance with law and you will have at least 90 days to find another home.

Our intention is to make this as easy as possible for our residents who are affected by this decision and give them time to locate and identify other housing options.

We thank you for your stay with us and wish you the best in your new home.

Thank you

*Roxana Matos* 

Villa Serena Townhomes

## MUTUAL TERMINATION OF TENANCY AND RELEASE AGREEMENT

THIS MUTUAL TERMINATION OF TENANCY AND RELEASE AGREEMENT (hereinafter referred to as the "Agreement") is executed and delivered as the of date of execution by all Parties by and between Doreen Joiner ("Resident"), and Villa Serena ("Landlord") in reference to the residential real property located at 3110 Casa De Campo, San Mateo, CA 94403, commonly known as Villa Serena Apartments (the "Property") (Resident and Landlord are collectively referred to hereinafter as the "Parties").

### RECITALS:

- A. WHEREAS, Resident is a resident \_\_\_\_\_, San Mateo, CA (the "Premises") pursuant to a written Housing Assistance Payment Contract and Assisted Lease Agreement (collectively, the "Lease").
- B. WHEREAS, Resident holds a Housing Choice Voucher ("HCV") under the Section 8 Program through the Housing Authority of San Mateo County ("HASMCM").
- C. WHEREAS, Landlord has made the business decision to terminate its Housing Assistance Payment contract with the HASMCM and will no longer participate in the HCV program upon the expiration of all lease terms for those current residents who hold an HCV.
- D. WHEREAS, Landlord has contemplated issuing Resident a 90-day Notice to terminate Resident's tenancy due to its decision to no longer participate in the HCV program.
- ~~E. WHEREAS, Resident has requested additional time to vacate the Premises and Landlord is willing to extend Resident's tenancy as set forth in this Agreement.~~

### AGREEMENT:

NOW THEREFORE, in consideration of the recitals set forth above (which are incorporated into the body of this Agreement as if set forth in full) and the mutual representations, covenants and warranties set forth below, the Parties hereby agree as follows:

#### 1. Consideration

- a. Landlord agrees to extend Resident's tenancy at the Premises through December 31, 2014, at which time Landlord will no longer participate in the HCV Program.
- b. Resident agrees that she, and all other occupants, if any, will voluntarily vacate the Premises on or before December 31, 2014.
  - i. Resident agrees that she will have no option to renew and no ability to hold over at the end of this term. Resident also agrees that she will not seek, or request, any stays from the Court in any Unlawful Detainer action filed by Landlord which would otherwise extend Resident's possession of the Premises.



- b. Landlord agrees to allow Resident to vacate the Premises upon 30 days' notice after the execution of this Agreement. If Resident vacates the Premises mid-month, her rent will be prorated to account for the actual time Resident is in possession of the Premises. No early termination fee will be levied if Resident vacates prior to December 31, 2014. If any amounts are owed due to the proration of rent, the amounts will be returned with any security deposit funds returned pursuant to paragraph (c) below.
  - c. Landlord agrees to process Resident's security deposit in accordance with the provisions of California Civil Code Section 1950.5.
  - d. Tenant further agrees to remove all personal property from the Premises upon her vacating. Tenant understands that any personal property remaining in the Premises, appurtenances or common area of the Property after the vacate date shall be disposed of by Landlord according to the procedures set forth in California Civil Code sections 1980 *et. seq.*
2. Resident understands that should Resident fail to vacate the Property on or before December 31, 2014, Landlord shall then have the right to immediately institute legal proceedings against Resident for restitution of possession of the Premises, damages, attorney's fees (if allowable) and court costs. Said action may be based upon Resident's failure to abide by the terms of this Mutual Agreement to Terminate pursuant to Code of Civil Procedure §§1161(5) or 1161(1).
- 
3. Should Resident breach this Agreement, this Agreement shall be considered an addendum to the Lease and Landlord shall be able to enforce the terms of this Agreement the same as any addendum to the Lease.
4. If Resident violates any of the conditions set forth in this Agreement, the Parties mutually agree to terminate Resident's Lease upon three (3) days' written notice. The Parties agree that creation of a nuisance, including harassment of other residents or Property staff, is an incurable breach.
5. Resident shall not disparage Landlord or the Property or in any way attempt to injure the reputation of Landlord, the Property, any agents, principals, employees, or partners of Landlord or the Property, or residents at the Property.
6. Release. In consideration of the promises and covenants contained in this Agreement, Resident and Landlord individually, and on behalf of their respective agents, attorneys, representatives, heirs, family members, devisees, assigns, receivers, executors, trustees, settlors, transferees, predecessors, successors and any and all persons and entities who may claim through or on behalf of Resident, hereby releases, acquits and forever, absolutely and unconditionally discharge each other and each of their constituent entities, parents, subsidiaries, affiliated entities, predecessors, successors and assigns, and all of their agents, principals, contractors, subcontractors, attorneys, representatives, assigns, receivers, executors, trustees, settlors, transferees, officers, directors and board members (collectively, the "Releasees") of and from any and all actions, causes of actions, claims, demands,

rights, injuries, debts, obligations, liabilities, contracts, duties, damages, costs, attorneys' fees, expenses or losses of every kind, nature, character, or description whatsoever, that in any way whatsoever relate to or may result from Resident's tenancy, whether known or unknown, anticipated or unanticipated, direct or indirect, fixed or contingent, arising from any matter, cause or thing, whatsoever occurred, done or omitted, including, without limitation, any claims under or related to the execution of Resident's Lease and this Agreement, including but not limited to claims for: (1) fair housing violations, (2) retaliatory and/or constructive eviction, and/or (3) breach of contract (the "Released Claims"). The releases provided herein, however, shall not apply to the Parties' ongoing obligations under the Lease, including but not limited to the payment of rent and Resident's duty to return the Premises in an undamaged condition.

7. Waiver of Unknown Claims. Resident and Landlord understand and agree that this is a full and final release of any and all claims and causes of action which each now has, or in the future may have, against all persons or entities to be released as described above, for any and all alleged actions or inactions of the persons or entities released, including any and all claims for any alleged injuries or damages of any type or description arising out of, or in any way connected with, the Released Claims. Resident and Landlord hereby acknowledge that there is a risk that subsequent to the execution of this Agreement, they may incur, suffer or sustain injury, loss, damage, costs, attorneys' fees, expenses or any of these, which are in some way caused by or connected with the Released Claims and which are unknown or unanticipated at the time this Agreement is executed. Resident and Landlord further acknowledge that there is a risk that such damages as are presently known may become more serious than they each now expect or anticipate. Nevertheless, they each acknowledge that this Agreement has been negotiated and agreed upon in light of these realizations and they each hereby expressly waive all rights which they may have in such unknown or unanticipated claims related to the Released Claims. In so doing, Resident and Landlord either have had the benefit of \_\_\_\_\_ counsel, or the opportunity to obtain counsel, and understand and knowingly, voluntarily, and specifically waive all rights they each may have under California Civil Code Section 1542, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

8. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute a single Agreement. A facsimile signature or PDF copy of this Agreement shall constitute an original signature.
9. Entire Agreement. This Agreement constitutes the entire understanding of the Parties on the subjects covered and supersedes any and all prior agreements, representations, warranties, promises, undertakings, and covenants of any kind whatsoever, whether expressed orally, in writing, or otherwise. This Agreement may only be modified by a writing signed by each of the Parties.
10. Voluntary Execution. Each party represents that they have carefully read the Agreement, knows and understands the content and consequences thereof, and signs the same as his, her, or its own free act,

with full opportunity to seek the guidance of legal counsel, if desired, and without any mistake, duress or undue influence. In making this Agreement, each party relies on his, her, or its own judgment, belief and knowledge, and has not been influenced in any way by any representations or statements not set forth herein regarding the contents hereof by the entities and individuals who are hereby released, or by anyone representing them.

11. Modification and Waiver. No modification or waiver of any of the provisions of this Agreement shall be valid and enforceable unless such modification or waiver is in writing and signed by the Party to be charged, and, unless otherwise stated therein, no such modification or waiver shall constitute a modification or waiver of any other provision hereof (whether or not similar) or constitute a continuing waiver.
12. Severability. If any provision, condition, or covenant herein contained is held to be invalid, unenforceable, or void by any court of competent jurisdiction for any reason whatsoever, each such provision, condition, or covenant shall be deemed severable from the remainder of this Agreement and shall in no way affect the validity of any other provision, condition, or covenant contained herein. If such condition, covenant or other provision shall be deemed invalid due to scope or breadth, such provisions shall be deemed valid to the extent of the scope or breadth permitted by law.

**DOREEN JOINER**

**LANDLORD:  
VILLA SERENA**

---

Signature

Date

---

Property Manager  
Roxana Matos

Date

3

Subject: Re: Voucher Holders Inquiry  
From: Cindy Chan (cchan@smchousing.org)  
To: doreenjoiner@yahoo.com;  
Date: Tuesday, April 29, 2014 7:52 AM

Hi Doreen,

As of 4/1/14, we have 716 households use their vouchers in the city of San Mateo.

Cindy Chan  
Rental Programs Manager  
Housing Authority of the County of San Mateo  
cchan@smchousing.org  
Phone: (650) 802-3322  
Fax: (650) 802-3373  
Pony: DOH 208

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>>> Doreen Joiner <doreenjoiner@yahoo.com> 04/29/2014 12:25 AM >>>

Hi Cindy,

Can you please email me the number of voucher holders in the city of San Mateo?

Thank You,  
Doreen

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Beds

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From gosection8.com

BASIC SECTION 8 LISTINGS

**\$2,150 / Month2 Bed, 2 Bath Apt**  
**687VILLA ST 4, COLMA, CA 94014**

**Updated: 7 Days Ago**

**\$2,995 / Month2 Bed, 2 Bath Apt**  
**950 REDWOOD SHORES PKWY , REDWOOD CITY, CA 94065**

**Updated: 47 Days Ago**

**\$2,995 / Month2 Bed, 2 Bath Apt**  
**801 MARINE PKWY , REDWOOD CITY, CA 94065**

**Updated: 47 Days Ago**

**\$3,095 / Month2 Bed, 2 Bath Apt**  
**1060 FOSTER CITY BLVD , FOSTER CITY, CA 94404**

**Updated: 47 Days Ago**

**\$2,995 / Month2 Bed, 2 Bath Apt**  
**801 MARINE PKWY , REDWOOD CITY, CA 94065**

**Updated: 47 Days Ago**

**\$2,995 / Month2 Bed, 2 Bath Apt**  
**950 REDWOOD SHORES PKWY , REDWOOD CITY, CA 94065**

**Updated: 47 Days Ago**

**\$1,600 / Month2 Bed, 1 Bath Apt**  
**257 EAST AVE 4, SAN BRUNO, CA 94066**

**Updated: Call for availability**

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	<a href="#">Marlin Cove Apartments</a> <a href="#">1060 Foster City Blvd</a>	Foster City CA 94404	\$3,195 - \$3,295 Not Income Based (\$600)	2/2.0	(Apartments) MH Podell Company 650-349-3200	Available 	<a href="#">Map</a>
	<a href="#">Pescadero Apartments</a> <a href="#">950 Redwood Shores Pkwy</a>	Redwood City CA 94065	\$3,045 - \$3,145 Not Income Based (\$500)	2/2.0	(Apartments) MH Podell Company 650-591-6666	Waiting List 	<a href="#">Map</a>
	<a href="#">Indian Creek Apartments</a> <a href="#">801 Marine Pkwy</a>	Redwood City CA 94065	\$2,995 - \$3,195 Not Income Based (\$500)	2/2.0	(Apartments) MH Podell Company 650-593-4300	Waiting List 	<a href="#">Map</a>
	<a href="#">234 9th Lane</a>	South San Francisco CA 94080	\$2,750 (\$2,750)	2/2.5	(Townhouse) 235 Armour LLC 415-740-2854	03/01/14 	<a href="#">Map</a>
	<a href="#">Peninsula Park Apartments</a> <a href="#">1977 Tate ST</a>	East Palo Alto CA 94303	\$1,580 (\$1,580)	2/1.0	(Apartments) BRIDGE Housing	Waiting List 	<a href="#">Map</a>

					Corporation 650-330-0899		
	City Center Plaza <u>950 Main St</u> <u>Waiting is Close**</u>	Redwood City CA 94063	\$1,200 - \$1,668 Income Based [?] See <u>Qualifications</u> (\$1,200 - \$1,668)	2/1.0	(Apartments) MidPen Housing 650-261-1750	Waiting List  	<a href="#">Map</a>
	Villa Montgomery Apartment <u>1500 El Camino Real</u> <u>CLOSED WAITING LIST!!</u>	Redwood City CA 94063	\$1,340 (\$1,000 - \$1,340)	2/1.0	(Apartments) First Community Housing 650-261-9900	Waiting List  	<a href="#">Map</a>

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AS of 4/2014, 916 w/ vouchers in S.M.

TST Table Effective 10/1/2012

6

Tenant Based Properties (MT/W/FSS, HC/V, VASH, FUP)

1-2 bedroom

L	H	0	1	2	3	4	5	6
0	1,999	1064	1346	1759	2314	2449	2731	786
2,000	4,999	990	1309	1722	2277	2412	2694	742
5,000	7,999	915	1234	1647	2202	2337	2619	686
8,000	10,999	840	1159	1572	2127	2262	2544	630
11,000	13,999	765	1084	1497	2052	2187	2469	573
14,000	16,999	690	1009	1422	1977	2112	2394	517
17,000	19,999	615	934	1347	1902	2037	2319	461
20,000	22,999	540	859	1272	1827	1962	2244	405
23,000	25,999	465	784	1197	1752	1887	2169	348
26,000	28,999	390	709	1122	1677	1812	2094	292
29,000	31,999	315	634	1047	1602	1737	2019	236
32,000	34,999	240	559	972	1527	1662	1944	180
35,000	37,999	165	484	897	1452	1587	1869	123
38,000	40,999	90	409	822	1377	1512	1794	67
41,000	43,999	15	334	747	1302	1437	1719	11
44,000	46,999	0	259	672	1227	1362	1644	0
47,000	49,999	0	184	597	1152	1287	1569	0
50,000	52,999	0	109	522	1077	1212	1494	0
53,000	55,999	0	34	447	1002	1137	1419	0
56,000	58,999	0	0	372	927	1062	1344	0
59,000	61,999	0	0	297	852	987	1269	0
62,000	64,999	0	0	222	777	912	1194	0
65,000	67,999	0	0	147	702	837	1119	0
68,000	70,999	0	0	72	627	762	1044	0
71,000	73,999	0	0	0	552	687	969	0
74,000	76,999	0	0	0	477	612	894	0
77,000	79,999	0	0	0	402	537	819	0
80,000	82,999	0	0	0	327	462	744	0
83,000	85,999	0	0	0	252	387	669	0
86,000	88,999	0	0	0	177	312	594	0
89,000	91,999	0	0	0	102	237	519	0
92,000	94,999	0	0	0	27	162	444	0
95,000	97,999	0	0	0	0	87	369	0
98,000	100,999	0	0	0	0	12	294	0
101,000	103,999	0	0	0	0	0	219	0
104,000	106,999	0	0	0	0	0	144	0
107,000	109,999	0	0	0	0	0	69	0
110,000	112,999	0	0	0	0	0	0	0

voucher amount

your income



## **SAN MATEO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL**

**1153 CHESS DRIVE #206, FOSTER CITY, CA 94404 (650)358-9977 Fax: (650)358-9979**

The San Mateo County Building Trades Council (BTC) and its affiliated Local Unions represent over 14,000 active working and retired tradespeople in San Mateo County, including over 1,500 members residing in the City of San Mateo. While we recognize that no plan is perfect, we commend the City Council and on its efforts to find affordable housing solutions, promote efficient land use through mixed use multifamily development, and encourage sustainable building practices in its Housing Element. Nevertheless we write to highlight two priorities for working families, which have a direct bearing on the City of San Mateo's housing issues even though they do not lend themselves to being directly addressed in the Housing Element.

To begin, the BTC again commends Planning staff, the Planning Commission, and the city Council for their work to develop a housing element that looks forthrightly at the challenges facing current and future San Mateo residents. The BTC is well aware of the difficulties of development in the city of San Mateo. In particular, we recognize the enormous financial obstacles to adequate affordable housing development in a time of constrained budgets, restrictions on revenue enhancement measures, and rapidly escalating land prices. While these challenges are indeed formidable, the BTC believes that the City of San Mateo can take a variety of steps to address them. Doing so will require innovative thinking, bold policy initiatives, and aggressive implementation and enforcement strategies.

First, we believe that the City of San Mateo must do its utmost to ensure that all workers in the City and in surrounding communities are paid wages sufficient to afford the housing that's being built. As the Draft Housing Element states, the vast majority of jobs being created in the county do not pay sufficient wages to afford local housing. Although this problem is economy-wide our specific focus is on shortcomings in the construction industry, and in particular the residential development that's expected to provide the housing these workers need.

To address these issues in the construction industry we recommend consideration of incentives for payment of prevailing wages through expedited permitting and review, density and height bonuses, and fee deferrals. In instances where the city is selling publicly owned land for private development we encourage the adoption of "Economic and Community Development Covenants" that not only mandate future development at those sites be done at prevailing wage rates but also incorporate apprenticeship and local hiring requirements to enable local workers to enter sustainable construction careers.

San Mateo's embrace and promotion of prevailing wages for all construction will have real and immediate benefits. Economic studies have consistently shown that the payment of \$1 in prevailing wages generates at least an additional \$1.50 in overall economic activity that translates into spending at local businesses, improved quality of life for working families, and higher tax collections to support stressed general funds. Furthermore, prevailing wages tend to increase the likelihood that the contractors hired to perform the work are based locally, work safely, build with quality, and provide a middle

class career path for local workers. This is all the more important because employment in the construction sector is on an upswing that is projected to continue and this demand for workers is creating an urgent industry need to recruit new apprentices into the pipeline.

The BTC is rising to the challenge by partnering with the San Mateo County Workforce Investment Board, College of San Mateo, and certified Joint Apprenticeship Training Committees to create the Trades Introduction Program (TIP). TIP is a local collaboration that will offer pre-apprenticeship classes, preparation for union apprenticeship as a viable career path and serve as an on-ramp to union construction related careers that traditionally offer good wages and benefits. Active support by the City of San Mateo will contribute to the program's success, alongside a continual commitment to learn from efforts by municipalities in San Mateo County, in the Bay Area, across California, and throughout the nation.

Second, the BTC strongly urges the city of San Mateo to increase enforcement of wage theft and other white collar crimes against workers. Again, this problem is pervasive throughout the economy at all income levels - from the workers who staff car washes to engineers who work for leading tech companies - but it is acutely felt in low wage occupations and construction where workers face "shaved" hours, unpaid overtime, and mis-classification as independent contractors. Ironically in our experience this problem is particularly notable in the construction of affordable housing where some developers and their general contractors adopt a don't ask, don't tell attitude when obtaining bids that appear too good to be true. Such activity has costs for communities as it increases demand for affordable housing and other social services, shortchanges tax and fee collections, and leads to lower construction quality that ultimately reflects poorly on the city's aesthetic and design appeal.

We recognize that housing affordability throughout the Bay Area's urban core is an incredibly difficult issue without anything on the horizon that approaches an all-encompassing solution. But accompanying this understanding is a recognition that solving the problem will take more than the traditional approaches that have proven themselves inadequate to the scale of the problems. We look forward to continue working with the City of San Mateo to implement these ideas and find others to help improve the lives of current and future San Mateo residents.

February 24, 2014

Julia Klein  
City of San Mateo  
330 West 20th Ave.  
San Mateo, CA 94403

**RE: Housing Element Policy Best Practices**

Dear Julia,

As jurisdictions across San Mateo County prepare their local Housing Elements for the latest cycle of the Regional Housing Needs Allocation (RHNA) process, a coalition of concerned community groups has formed to engage with these local processes and provide constructive input to the drafts that are submitted to HCD for consideration. Borne out of concern for the increasing inability of average people to live in the communities in which they work, the interest of this coalition is to serve as a resource to policy makers and housing staffs and to help ensure that the housing elements adequately reflect the community's urgent affordable housing need. Enclosed is a document that we hope will serve to inform staff and policymakers about options that are available to them to meet their community's escalating housing needs.

Given the gravity of our current housing situation, the loss of vital tools and funding sources for affordable housing creation, we maintain that it is time for our local jurisdictions to make a determined effort to address the affordable housing crisis in our communities. We encourage you to review the enclosed inventory of policies with an eye toward incorporating as many as possible in your housing element draft. The current housing element cycle is the last substantive opportunity jurisdictions will have to make a comprehensive review of affordable housing policies for another eight years. On behalf of a community in need, we ask you to take the greatest possible advantage of it.

For more information, please call Tracy Choi, Community Builder at Housing Leadership Council of San Mateo County, at [tchoi@hlcsmc.org](mailto:tchoi@hlcsmc.org) or (408) 206-1267.

Sincerely,

*Housing Leadership Council of San Mateo County  
San Francisco Organizing Project/Peninsula Interfaith Action  
Greenbelt Alliance*

cc. Paul McDougall, California Department of Housing and Community Development



# **Housing Element Policy Best Practices**

**Version 1.0**

**Updated:** February 21, 2014

## **Introduction:**

Policies, programs, and parcels. Every eight years cities and counties across the Bay Area are charged with identifying policies, programs, and parcels that will help ensure their respective communities take stock of their current housing needs and identify how they will meet the challenges of changing demographics, new workers, and shifting funding sources in the future.

Given the changes that have taken place over the last several years, the need for robust housing policies in the Bay Area has reached critical levels. Cuts in local, state and federal funding sources; the continuing search to find an alternative to local inclusionary housing programs scuttled by the *Palmer v. City of Los Angeles* case; and the loss of local Redevelopment Agencies have created an environment in which the creation of inclusive communities that meet larger sustainability goals is becoming exceedingly difficult. In addition, while Plan Bay Area promotes greater sustainability and equity for the region in the long term, its emphasis on growth in Priority Development Areas has the potential to add to these challenges in the short term.

This compilation of policies is intended to serve as a resource for local government practitioners and housing stakeholders to help meet the community challenges that are felt so acutely here in the San Francisco Bay Area. The Bay Area is known across the globe for its innovation and dynamic culture and so this resource is also meant to be a living document that will help to capture policy innovations and best practices in the housing arena as they are identified and make them available to those who wish to make our region as livable, prosperous, and inclusive as possible.

*If you have comments, questions or additions to make, please contact Joshua Hugg, Program Manager, Housing Leadership Council of San Mateo County - (650) 872-4444, 2# or [jshugg@hlcsmc.org](mailto:jshugg@hlcsmc.org).*

## **Acknowledgements**

Thank you to the following organizations who contributed to the creation of this resource:

- Association of Bay Area Governments - [www.abag.ca.gov](http://www.abag.ca.gov)
- East Bay Housing Organizations - [www.ebho.org](http://www.ebho.org)
- HIP Housing - [www.hiphousing.org](http://www.hiphousing.org)
- Law Foundation of Silicon Valley - [www.lawfoundation.org](http://www.lawfoundation.org)
- Housing Leadership Council of San Mateo County - [www.hlcsmc.org](http://www.hlcsmc.org)
- Northern California Land Trust - [www.nclt.org](http://www.nclt.org)

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### **Miscellaneous**

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## Anti-Displacement Policies

### *Summary and Benefits:*

More intensive development in Priority Development Areas and other transit-served locations carry with it the risk of displacement of existing low income populations. To ensure that Transit Oriented Development (TOD) serves all economic levels, provisions need to be in place to protect against such displacement. Local Housing Elements should address the risk of both direct and indirect displacement and should include anti-displacement policies in their implementation programs.

### *Potential Policies:*

- Establish a policy commitment and orientation to development without displacement.
- Consider displacement risks early in the development process. By the time displacement becomes apparent, the process may be too far gone to halt or reverse.
- Focus on both direct displacement (evictions, demolitions, etc.) and indirect displacement (rent increases, cultural displacement as existing retail/entertainment/services uses are replaced with uses serving higher income populations).
- Stabilize existing lower income residents/housing. Consider such policies as [rent stabilization](#), [just cause eviction ordinances](#), one-for-one replacement of any housing removed from the supply, [condominium conversion controls](#).
- Make affordable housing a key component of development strategy from the beginning. It's far easier to include affordable housing early on than to try to incorporate after property values (and land costs) rise.

Specific policies/programs to consider:

- [Rent Stabilization](#)
- [Just Cause Eviction Controls](#)
- [Relocation Benefits and First Right of Return](#)
- Return Foreclosed Properties to the Lower Income Supply
- [One-for-One Replacement Housing Requirements](#)
- [Preservation of Expiring Use Properties](#)
- [Small and Scattered Site Acquisition in PDAs and Other Transit-Served Locations](#)
- [Land Banking in PDA and Other Transit-Served Locations](#)
- [Infill Incentives Tied to Affordable Housing Provisions](#)

Many of these policies are described in more detail elsewhere in this document.

### *Model Ordinances/Useful Sources:*

- City of East Palo Alto, link: <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469>

## **Condo conversion requirements**

### ***Summary and Benefits:***

Condominium conversions refer to the process of converting a multi-unit rental property held in single ownership into one in which the units may be individually bought or sold. Jurisdictions generally receive condominium conversion requests when selling housing becomes more profitable than renting or leasing. Under California law, tenants have certain protections such as the exclusive right to purchase the property under the same terms that the unit is being offered to the general public and 180 days' notice of intent to end the tenancy (§66452.19). Though tenants enjoy these protections, they often cannot afford the necessary down payment or the monthly mortgage to own their home. Hence, while condo conversions may offer a more affordable homeownership opportunity for some households seeking to buy, they can displace existing tenants and reduce a jurisdiction's rental housing stock without increasing housing supply. Through their zoning power, jurisdictions have the authority to put in place additional restrictions on condominium conversions. These ordinances may be justified due to jurisdictions' limited housing stock and their state mandate to maintain an adequate housing supply for all economic segments of the population.

As of May 2013, 55 of the Bay Area's 109 jurisdictions have some sort of condominium conversion ordinance. These ordinances greatly vary in the types of protections they offer to tenants and may or may not impose numerical limits on condo conversions.

### ***Potential Policies:***

- Stricter provisions for condominium conversions through additional tenant protections including: relocation assistance, lifetime leases, restrictions on rent increases, discounts for tenants on the sale price of the property
- Limitations on the number of units that can be converted in any given year
- Provide one for one replacement of converted units
- Require that a percentage of converted condos be sold at affordable prices
- Mandate payment of a fee into an affordable housing trust fund

### ***Model Ordinances/Useful Sources:***

- League of California Cities Primer on Condominium Conversions:  
<http://www.cacities.org/UploadedFiles/LeagueInternet/c5/c5e504c3-e261-4986-b983-c964db35d7c0.pdf>
- City of Lafayette requires owners to pay tenants moving expenses and limits the number of conversions, link: <http://ci.lafayette.ca.us/Modules/ShowDocument.aspx?documentid=742>
- City of Larkspur imposes restrictions on rent increases, requires that some of the converted units be sold at below market rates, and limits the annual number of conversions, link: <http://www.codepublishing.com/ca/Larkspur/html/larkspur18/larkspur1838.html#18.38.030>
- City of San Carlos limits the number of annual conversions based on the vacancy rate and provides tenants with relocation assistance, link: <http://www.codepublishing.com/ca/sancarlos/html/sancarlos17/sancarlos1748.html#17.48.020>

## **Just Cause Eviction**

### ***Summary and Benefits:***

Just cause eviction ordinances protect tenants from arbitrary, discriminatory or retaliatory evictions, while ensuring that landlords can lawfully evict tenants as long as they have a good reason. Just cause eviction ordinances are an important tool for promoting tenant stability, particularly in low-vacancy and expensive housing markets where landlords may be tempted to evict tenants in order to obtain higher rents. Benefits of just cause eviction ordinances include the following:

- limits the ability of landlords to evict existing tenants
- protects tenants who have short term (month-to-month) leases
- slows down rapid increases in rent
- stabilizes communities by slowing down evictions and decreasing turnover rates

### ***Potential Policies:***

- Partner with local non-profit to provide tenant rights education and mediation services
- Consider just cause eviction ordinances or provisions that:
  - Specify actions that can lead to a just cause eviction, such as:
    - Failure to pay rent
    - Use of premises for illegal purposes
    - Failure to follow rules and regulations the landlord has for the tenants of the building
    - Failure to meet obligations toward the property as required by state law
    - Landlord seeks to recover possession of the rental unit for landlord's own use as principal residence or for the use of landlord's family members as principal residence
    - Landlord seeks to permanently remove rental unit from the housing rental market
  - Require landlord to specify just cause in the notice of termination
  - Allow expedited review of unjust evictions

### ***Model Ordinances/Useful Sources:***

- City of East Palo Alto, link: <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469>
- City of Oakland:  
<http://www2.oaklandnet.com/Government/o/hcd/o/RentAdjustment/DOWD008793>
- City of Berkeley: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=9284>
- PolicyLink - Just Cause Eviction Controls:  
<http://www.policylink.org/site/pp.aspx?c=IkIXLbMNJrE&b=5138069>

## Preservation of Existing Affordable Housing

### *Summary/Current Problem:*

Preserving the supply of affordable rental housing, both subsidized and unsubsidized, enables people to stay in their homes and communities (part of the larger anti-displacement strategy). Under programs such as Section 8 and the Low-Income Housing Tax Credit program (LIHTC), owners agree to maintain affordable rents for a set period, usually 15-30 years, in exchange for federal subsidies. When those agreements expire, owners can re-enroll in the affordability programs or convert their properties to market-rate units. In some cases, private owners can leave subsidized programs before rent restrictions expire by prepaying their mortgages after a set number of years. Another reason for loss in affordable units is when owners are ineligible due to financial/physical problems or the property is located in an area with high vacancy rents and high contract rents.

Based on the National Housing Preservation Database, CHPC compiled [a list of federally-assisted properties at-risk of conversion](#) due to the expiration date of a rental assistance contract or the maturing of a HUD mortgage with affordability restrictions. For San Mateo County, 430 affordable units are at-risk within the next year and another 164 affordable units will be at-risk by 2016.

### *Benefits:*

- Preservation typically costs about one-half to two-thirds as much as new construction (HUD). According to a 2013 study by the Center for Housing Policy on affordable multifamily rental housing, savings from rehabilitation are realized even when accounting for the full lifecycle of a property. Although costs such as maintenance expenses may be higher over the life of a rehabilitated property, rehabilitation is still more cost effective than new construction. According to the study, when controlling for location, project size, average unit size, building type, and year of development, new construction costs between \$40,000 and \$71,000 more than acquiring existing developments.<sup>1</sup>
- Preservation has positive for the community. For example, in gentrifying neighborhoods, preserving affordable rental housing promotes economic diversity, creating/sustaining a mixed-income neighborhood. Helping residents stay in their neighborhoods allows them to take advantage of improvements such as increased access to transit, jobs, and services.

### *Potential Policies:*

- Update inventory of at-risk and lost units/properties
  - Track changes in affordability levels, subsidy type, conversion status, building conditions, conditions that may cause loss of properties in 5, 10, 20, 30 years (tax-credit time limits, loan maturities, etc.)
- Require one-to-one replacement of any affordable units that are razed, removed from stock, or converted to condominiums
- Provide/require platform for public input (such as public hearings or comment period) during the 12 months when owner gives notice with intent to discontinue subsidies or expiration of rent restriction

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<sup>1</sup> Maya Brennan, Amy Deora, Anker Heegaard, Albert Lee, Jeffrey Lubell, and Charlie Wilkins. 2013. "Comparing the Costs of New Construction and Acquisition-Rehab In Affordable Multifamily Rental Housing: Applying a New Methodology for Estimating Lifecycle Costs," Center for Housing Policy, 11.

- Provide funding for rehabilitation and/or purchase of at-risk properties
  - Prioritize and utilize funds from HOME and CDBG for preservation (South San Francisco, Housing Element Policy 3-2, 3-3)
  - Early coordination to identify sources of financing to enable non-profit ownership
- Waive permit fees for affordable housing rehabilitation conducted through CDBG or other San Mateo County programs (San Bruno, Housing Element Program 1-I)

*Model Ordinances/Useful Sources:*

- California Housing Partnership Corporation, “Local Preservation Strategies”:  
<http://chpc.net/dnld/LocalPrezStrat012512.pdf>
- City of South San Francisco, [Housing Element](#) Policy 3-2, 3-3
- City of San Bruno, [Housing Element](#) Program 1-1

## Preservation of Mobile Home Park Housing

### *Summary and Benefits:*

Mobile home parks are a hybrid of rental housing and ownership housing; in most parks, residents own their homes and rent the spaces where the homes are located. Mobile home parks represent one of the few remaining sources of unsubsidized affordable housing in California, and they also provide opportunities for homeownership to individuals and families who might not be able to afford other housing purchase options.

As the economy continues to rebound and development picks up, mobile home parks are particularly at risk for closure. Park owners, eager to profit off of rising land costs, seek to close parks so that the land can be sold and converted to other uses. Current examples from Santa Clara County include Buena Vista Mobile Home Park in Palo Alto<sup>1</sup> and Winchester Ranch Mobile Home Park in San Jose<sup>2</sup>. In both cases, owners have indicated their intention to close the parks and sell the land to real estate development companies who, in turn, will construct luxury apartments in their place.

Displacement of mobile home park residents due to rent increases, eviction, or closure of the park can have very serious consequences for the park residents and the community. Despite the terminology, mobile homes are generally not mobile—it is difficult to move a mobile home once it is installed in a park, and older mobile homes generally cannot be moved. As such, if a mobile home park resident is evicted, or if her park closes, she is likely to lose her investment in the mobile home in addition to losing the right to continue living in her community.

Pursuant to Government Code section 65583(a), which requires cities to analyze their existing housing stock, cities should do an assessment of their existing mobile home parks and identify mobile home parks that are at risk of closure during the planning period. Government Code section 65583 (c)(4), which requires housing elements to include programs to preserve and improve the jurisdiction's existing affordable housing stock, requires jurisdictions to develop and implement programs to prevent the conversion or closure of mobile home parks.

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<sup>1</sup> See, e.g., <http://www.npr.org/2013/10/15/227807022/silicon-valley-trailer-park-residents-fight-to-stay>

<sup>2</sup> See, e.g., [http://www.mercurynews.com/opinion/ci\\_24927008/mobile-home-parks-san-jose-needs-retain-this](http://www.mercurynews.com/opinion/ci_24927008/mobile-home-parks-san-jose-needs-retain-this).

### *Potential Policies:*

Every city that has one or more mobile home parks should have the following types of local policies to preserve this important source of affordable housing:

- **Mobile home park rent control/rent stabilization protections**—the California Mobile Home Residency law provides mobile home park residents with certain protections above those afforded other tenants under California law, including protections against eviction without good cause. However, the state does not regulate rent increases by mobile home parks. Cities can and do impose local mobile home park rent control regulations—over 100 cities in California have rent control or rent stabilization for mobile home parks. Typical ordinances limit rent increases

to in-place residents to a certain percentage, although some may provide a procedure for larger increases where a park owner is seeking to recoup expenses of capital improvements to the property.

- **A stand-alone zoning category for mobile home parks**—zoning that makes mobile home parks the sole allowable by-right use for a particular parcel or area creates extra protection against the conversion or closure of mobile home parks to other uses.
- **An ordinance regulating the conversion of mobile home parks to cooperative/condominium ownership**—subdivision of mobile home parks to convert to resident ownership (similar to condominiums) is an increasingly common phenomenon. While some conversions may be initiated by residents as a means of preserving the park from sale or closure, others are initiated by the owner against the majority of residents' wishes. SB 510, passed in 2013, makes clear that local governments have the authority to block such conversions where they are opposed by park's residents. Cities should have local ordinances governing the subdivision of mobile home parks, and these ordinances should specify that the city will deny approval of the subdivision of the park where it has not been demonstrated that a majority of park residents support the subdivision.
- **An ordinance regulating mobile home park closures**—cities may place conditions on mobile home park owners' ability to close the park, including requiring substantial relocation benefits and assistance to park residents who are facing displacement. Every city that has a mobile home park or parks should have an ordinance that has strong protections for mobile home park residents, including requirements that a park owner who is seeking to close the park must provide financial and logistical assistance that will allow residents to access homeownership opportunities that are as good as or better than the housing that they are being forced to leave. The ordinance should take into consideration community amenities like schools, access to public transit, parks, jobs, and infrastructure. The ordinance should also lay out a clear process and procedure for how the city will determine whether or not to approve a park closure, and the process should be protective of residents' rights.

Cities that do not have one or more of these policies should incorporate programs for adoption of such policies into their housing elements.

Additionally, if a city has identified a mobile home park that is at risk of closure during the planning period, the housing element should include concrete programs for assisting in the preservation of that park. Cities may consider helping to facilitate a resident purchase of the park (if the residents are amenable), helping to facilitate a non-profit purchase of the park, and/or using city funds (e.g., CDBG) to help preserve the park.

#### ***Model Ordinances/Useful Sources:***

- HCD's Building Blocks website has a sample housing element program here:  
[http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_conserve.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_conserve.php)
- Sample Ordinances:
  - City of Sunnyvale Conversion Ordinance  
<http://sunnyvale.ca.gov/Portals/0/Sunnyvale/CDD/Housing/Mobile%20Home%20Parks/2983-12.pdf>
  - Santa Cruz County,

- § Conversion Ordinance:  
<http://www.codepublishing.com/ca/santacruzcounty/html/SantaCruzCounty13/SantaCruzCounty1330.html>
- § Rent Ordinance:  
<http://www.codepublishing.com/ca/santacruzcounty/html/SantaCruzCounty13/SantaCruzCounty1332.html>
- City of San Jose Mobile Home Rent Ordinance:  
<http://www.sanjoseca.gov/DocumentCenter/View/2096>
- City of Goleta Rent Control Ordinance: <http://qcode.us/codes/goleta/> (Ch. 8.14)
- City of Escondido Rent Control Ordinance:  
<http://www.escondido.org/Data/Sites/1/media/pdfs/MobilehomeRentControlArticle5.pdf>
- Resources for helpful input on policy options:
  - California Housing and Community Development Department (HCD), Housing Elements and Regional Housing Need Allocation, Link: <http://www.hcd.ca.gov/hpd/hrc/plan/he/>
  - Local legal services programs:
  - Residents' association as mobile home parks:
  - Golden State Manufactured-Home Owners League (GSMOL) <http://www.gsmol.org/>



## **RDA protections – Continue compliance with RDA protection**

### ***Summary and Benefits:***

Although redevelopment agencies were dissolved in early 2012, most of the State Community Redevelopment Law was not repealed. Of particular importance is making sure that existing redevelopment-assisted housing remains in compliance with long-term restrictions on rents and tenant incomes. Some advocates have argued that obligations for affordable housing production and provision of replacement housing are also still in effect.

### ***Potential Policies:***

- Housing elements should describe policies and procedures for ongoing monitoring of redevelopment-assisted units
- Noticing rules for eviction – 90 day vs. 30 day
- Continue to require one-for-one housing replacement in redevelopment areas, with displaced households having first priority for occupancy in replacement units and new affordable units.

### ***Model Ordinances/Useful Sources:***

- California Health & Safety Code § 33410 et seq. governing Redevelopment Agency relocation assistance, Link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=33001-34000&file=33410-33418>
- City of Mountain View, Tenant Relocation Assistance: [https://library.municode.com/HTML/16508/level3/PTIITHCO\\_CH36ZO\\_ARTIXTEREAS.html](https://library.municode.com/HTML/16508/level3/PTIITHCO_CH36ZO_ARTIXTEREAS.html)
- Cornerstone Partnerships, Strengths, Challenges & Opportunities: An Assessment of Affordable Homeownership Programs in San Mateo County, Link: <http://affordableownership.org/publications/smc-assessment/>

## **Relocation Benefits, Replacement Housing, and First Right of Return**

### ***Summary and Benefits:***

Projects assisted with Federal and State funds are subject to requirements to provide relocation assistance to households displaced by those projects. And lower income housing units removed from the supply by such projects generally have to be replaced with new units that are comparable in size and affordability. Similar requirements also applied to redevelopment projects. However, privately financed development projects are often exempt from such requirements. As PDAs are developed with higher density housing, there is a risk that existing housing occupied by lower income households will be demolished and the tenants displaced.

Relocation benefits ensure that displaced households are able to find comparable housing that they can afford. One-for-one replacement ensures that new development doesn't come at the expense of the affordable housing supply.

### ***Potential Policies:***

- Require relocation benefits at the same level as required by the Uniform Relocation Act for households displaced by new housing development, particularly in PDAs. These requirements should apply equally to publicly financed projects and private projects.
- Require that when units affordable to lower income households are removed from the supply, they must be replaced with comparable units on a one-for-one basis, within 3-4 years of demolition.
- Provide displaced tenants with the first right to return to replacement housing units and to affordable housing units in PDAs.

### ***Model Ordinances/Useful Sources:***

- California Health & Safety Code § 33410 et seq. governing Redevelopment Agency relocation assistance, Link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=33001-34000&file=33410-33418>
- California Uniform Relocation Act, Government Code § 7260 et seq., Link: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=07001-08000&file=7260-7277>

## Rent stabilization

### *Summary and Benefits:*

Deed restricted affordable housing properties offer protections from market vacillations and provide stability for families. In contrast, market-rate units fluctuate with changes in the housing market. With the Bay Area housing market bouncing back, rent increases have exceeded 20% per year in some municipalities. These rapid rent increases have made homes that were previously affordable to lower-income families and households on a fixed income too expensive.

Rent stabilization ordinances limit the amount that rents are allowed to increase as market values increase. Landlords continue to obtain ever higher returns on their rental properties while tenants have the certainty that their rents will not increase more than a certain amount each year. Once a tenant moves out vacancy decontrol takes effect, that is, rents “reset” to market rate values for new occupants. While the Costa-Hawkins Act of 1995 limits the use of rent stabilization for new construction, these rules can apply to units built prior to February 1, 1995.

Below are a few examples of the diverse approaches to rent stabilization undertaken by Bay Area jurisdictions:

Jurisdiction	Applicability	Maximum Allowable Rent Increase
<b>East Palo Alto</b>	Most Rental Properties	80% of the increase in the Consumer Price Index
<b>Hayward</b>	All rental properties	5% annual increase
<b>Los Gatos</b>	Properties with three or more rental units	Cannot exceed annual increase of 5% or 70% of the increase in the Consumer Price Index
<b>San Rafael</b>	Mobile Homes	75% of the increase in the Consumer Price Index
<b>San Jose</b>	Applies to triplex or larger units built before 1979. Does not apply to condominiums, single family homes, or properties paid by federal subsidies.	8% annual increase If rent is increasing for first time in 24 months limited to 21%

### *Potential Policies:*

- Consider implementing controls on the rate of rent increases - note the distinction between rent *control* and rent *stabilization*. Rent control generally applies to setting the price of rent, while rent stabilization speaks to the rate of rent increase. New York City has [both](#).
- Consider implementation of Just Cause provision for tenant evictions

***Model Ordinances/Useful Sources:***

- City of East Palo Alto, link: <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469>
- City of Hayward Rent Stabilization Ordinance, link:  
<http://www.echofairhousing.org/images/ResidentialRentOrdinance-1.pdf>
- Town of Los Gatos, link <http://www.losgatosca.gov/faq.aspx?tid=31>
- San Rafael municipal code, link:  
<http://library.municode.com/index.aspx?clientId=16610&stateId=5&stateName=California>
- City of Berkeley Guide to Rent Control, link:  
[http://www.ci.berkeley.ca.us/Rent\\_Stabilization\\_Board/Home/Guide\\_to\\_Rent\\_Control.aspx](http://www.ci.berkeley.ca.us/Rent_Stabilization_Board/Home/Guide_to_Rent_Control.aspx)
- San Jose, link: <http://www.sanjoseca.gov/index.aspx?NID=2313>

## **Housing Overlay Zone (HOZ)**

### ***Summary and Benefits:***

Using a “carrot,” rather than a “stick,” approach to encourage the creation of additional affordable housing, Housing Overlay Zones (HOZ) provide a flexible tool that sits on top of conventional zoning designations. These areas offer developers incentives to provide the community with specific amenities and community benefits in exchange for specific concessions by the city. On sites where land is not zoned for residential use but a city would like to see affordable housing built, a housing overlay district may eliminate the time consuming process of amending a general plan to construct such housing.

Public Advocates, a Bay Area law firm specializing in social justice issues, points out:

To achieve these goals, HOZ policies are centered around four basic parameters that can be customized to best fit local needs:

1. Geographic scope of applicability;
2. Baseline affordability qualifications for developments to access HOZ incentives;
3. Incentives given to qualified developments; and
4. The extent of exemptions from discretionary project-level approvals.

Determining the most effective balance of these factors will depend on work by local communities; however, in general, more effective HOZs will have broad geographic applicability including in lower-density or commercial zones, meaningful affordability qualifications, valuable incentives, and reliable exemptions from discretionary approvals.

### ***Potential Policies:***

- Consider the implementation of a Housing Overlay Zone over locally designated Priority Development Areas (PDAs), and transit-accessible areas, to incentivize affordable housing inclusion in areas close to amenities and transit alternatives.
- Among the potential incentives it could include:
  - Enhanced density bonuses - possibly to encourage [parcel assembly](#) as well
  - Reduced parking ratios
  - Expedited permit processing
  - Increased allowable heights
  - By-right zoning or administrative approval of projects
  - In-lieu fees
  - Impact fee waivers

### ***Model Ordinances/Useful Sources:***

- **City of Menlo Park**, link:  
[http://www.menlopark.org/departments/pln/he/amendments/993\\_HE\\_Affordable\\_Housing\\_Overlay.pdf](http://www.menlopark.org/departments/pln/he/amendments/993_HE_Affordable_Housing_Overlay.pdf), <http://www.codepublishing.com/CA/menlopark/?MenloPark16/MenloPark1698.html>
- **City of Alameda**, link:  
[http://alameda.granicus.com/Viewer.php?meta\\_id=37217&view=&showpdf=1](http://alameda.granicus.com/Viewer.php?meta_id=37217&view=&showpdf=1)
- **King County, Washington**, link  
<http://www.kingcounty.gov/socialservices/Housing/ServicesAndPrograms/Programs/HousingDe>

[velopment/Incentives.aspx](#)

- **Orange County**, Affordable housing incentive withing commercially zoned properties, Link:  
[http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZO  
CO.html#TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZOCO\\_S7-9-148.1PUIN](http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE_DIV9PL_ART2THCOZO_CO.html#TIT7LAUSBURE_DIV9PL_ART2THCOZOCO_S7-9-148.1PUIN)
- **Public Advocates**, *Factsheet: Housing Overlay Zones*,  
[http://www.publicadvocates.org/sites/default/files/library/affordable\\_housing\\_overlay\\_zone\\_fact  
sheet\\_7-27-10.pdf](http://www.publicadvocates.org/sites/default/files/library/affordable_housing_overlay_zone_fact_sheet_7-27-10.pdf)

## **Incentive Zoning/Density Bonus and Public Benefit Zoning**

### ***Summary and Benefits:***

Incentive Zoning/Density Bonus and Public Benefit Zoning are two “market-based strategies” that confer property rights (such as additional density) to a developer in exchange for public benefits to the community. Incentive Zoning, also known as “Density Bonus,” grants developers the right to build additional space in exchange for providing community amenities. This will work if the developer calculates that the value of the incentive provided is greater than the cost of providing the amenity. It is, therefore, voluntary. In addition to higher densities, other incentives commonly include reduced parking or modifications to height and setback requirements. Benefits range from affordable housing to accessible roof gardens, ground level public plazas, public art, miniparks and other desired amenities.

Public benefit zoning (PBZ) – also known as Land Value Recapture - is based on the premise that land use changes and enhancement enacted by a public agency contribute to increased real estate values. It is reasonable to expect that if a private landowner benefits from public action that benefits are extended towards the community as well.. In addition to the value created by the upzoning for the developer (as under incentive zoning) additional value is extracted from the landowner and dedicated to community benefits.

Both PBZ and Incentive Zoning can be based on negotiations, adjudicative and discretionary approvals, and ministerial entitlement based on compliance determination. But for PBZ, development agreements – in the case of significant developments - and areawide application, as in specific plans, work best. The tool of “tiers” of additional density/height has been utilized, with additional requirements for each additional tier. The benefits for PBZ are very similar to those of incentive zoning. In both cases, these benefits are in addition to existing Development Impact Fees, Inclusionary Housing, and Commercial Linkage Fees.

### ***Potential Policies:***

- For localities with Inclusionary Housing and/or Commercial Linkage Fees, both mechanisms can lead to additional units or fees required over existing regulations, either on a case-by-case basis or on the basis of a plan.
- For localities without, PBZ can lessen political opposition to Inclusionary Housing and/or Commercial Linkage Fees by tying those programs to increased densities and plan changes that increase the value of the land.

### ***Model Ordinances/Useful Sources:***

- Nico Calavita & Alan Mallach. 2009. Inclusionary Housing, Incentives and Land Value Recapture,” in *Land Lines*, January 2009 (Available in the Lincoln Institute of Land Policy Website)
- Dyett & Bathia. 2012. “Santa Monica Zoning Ordinance Update. Community Benefits and Incentives: Issues, Options, and Case Studies,” Prepared for the City of Santa Monica, August 2012.
- Patrick J Rohan & Eric Damian Kelly. 2013, *Incentive & Bonus Zoning*. Matthew Bender & Co Inc.
- <http://affordableownership.org/events/webinar-12613-using-upzoning-to-increase-affordability/>  
It includes a presentation on the differences and similarities between Incentive Zoning and LVR

Additionally, a White Paper on the Theory, Economics and Practice of Land Value Recapture is being finalized for publication in March 2014. The paper, authored by Nico Calavita and Marian Wolfe, is being prepared for the East Bay Housing Organizations and the Metropolitan Transportation Commission.



## **Inclusionary Housing**

### ***Summary and Benefits:***

With the emphasis on Priority Development Areas under SB 375, the difficulty of eliciting any appreciable “natural affordability” in these targeted growth locations increases substantially. Dedication of a percentage of housing units produced to deed-restricted affordability ensures that lower income households have access to transit and helps increase transit ridership, since lower income households are more likely to use transit. The ability of jurisdictions to mandate inclusionary housing was severely restricted in 2009 with the California Appellate Court ruling *Palmer v. City of Los Angeles*, which determined that inclusionary requirements on rental units conflicted with the 1995 Costa-Hawkins Act, which regulates rent control. Ownership units are not constrained. The recent surge in construction of for-rent units, many of which, are being approved with “condo maps,” may be an opportunity to ensure a degree of affordability should they [convert](#) to ownership units.

From Nonprofit Housing Association of Northern California’s (NPH) *Inclusionary Housing Advocacy Toolkit*:

- [Inclusionary Housing] creates housing choices in communities: IH policies ensure that every community provides homes affordable to a range of income levels. By providing these housing options, a community’s labor force—hospital workers, retail clerks, and childcare workers—can afford to live in the communities they serve. Hardworking families can have access to good schools and safe neighborhoods. Moreover, typical NIMBY opposition is often mitigated by creating both market-rate and affordable homes in a single development.
- [Inclusionary Housing] creates new affordable homes without needing new government funding: IH policies have broad appeal to local governments because these policies help provide affordable housing needs with little extra cost to governments. Furthermore, IH policies complement other affordable housing programs, like bond financing, rent and development subsidy programs, and tax credits.
- [Inclusionary Housing] levels playing field for all developers: By adopting IH policies, local governments remove uncertainty from the development process. It gives a clear message to landowners and developers so that all can make informed financial decisions before building.

### ***Potential Policies:***

- City adopts an inclusionary housing ordinance for ownership units with no less than 20% of affordable units in new construction. Tiered income policies should also be considered with a smaller percentage of affordable units required for deeper affordability, or a range of affordability levels that equate to 20%. Affordability should be maintained for a minimum of 55 years with an ideal of permanent affordability. Consider inclusion of an in-lieu fee sufficient to exceed the number of units that would have been built on-site. Consider affordable units specially set aside for seniors.
- City adopts a [development impact fee](#) that includes an option to build units in-lieu of paying the fee.
- City leverages Land Value Recapture concepts as part of a larger Community Benefits Program within Priority Development Areas or other areas targeted for growth.

### ***Model Ordinances/Useful Sources:***

- Nonprofit Housing Association of Northern California (NPH), *Inclusionary Housing Advocacy Toolkit*, [http://www.nonprofithousing.org/pdf\\_toolkits/InclusionaryTool.pdf](http://www.nonprofithousing.org/pdf_toolkits/InclusionaryTool.pdf)

- California Rural Housing Association, *Inclusionary Housing Database*: [http://www.calruralhousing.org/?page\\_id=110](http://www.calruralhousing.org/?page_id=110)
- Institute for Local Government (ILG), *California Inclusionary Housing Reader*: [http://www.ca-ilg.org/sites/main/files/file-attachments/resources\\_California\\_Inclusionary\\_Housing\\_Reader.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources_California_Inclusionary_Housing_Reader.pdf)
- Nonprofit Housing Association of Northern California (NPH), *Protecting Inclusionary Housing Requirements*, December 5, 2013, Link: <http://www.21elements.com/Download-document/603-Protecting-Inclusionary-Requirements.html>
- Goldfarb and Lipman Attorneys, *Presentation: Inclusionary Housing - Current Legal Issues*, January 23, 2014, Link: <http://www.21elements.com/Download-document/653-The-Current-State-of-Inclusionary-Housing-1/22/13.html>
- San Mateo County 21 Elements, Development Impact Fee 21 Jurisdiction Grand Nexus Study, Link: *To be added in 2014 to* [www.21elements.com](http://www.21elements.com).

## Source of Income Ordinance

### *Summary and Benefits:*

Since the 2009 ruling on *Palmer v. City of Los Angeles*, which restricted local jurisdictions' ability to promote mixed-income housing, there have been few avenues available to ensure low-income households have the ability to live in to high opportunity areas. Federal rent subsidy programs like the federal Housing Choice Voucher program (Section 8) offer the ability for low income residents to pay market rate rents and more effectively compete for housing. The advantages of vouchers over project-based housing assistance depend on the ability of voucher recipients to locate a landlord who will accept the voucher. Some landlords wish to avoid the administrative burden associated with the voucher program. Other landlords perceive voucher recipients to be undesirable tenants and/or fear their other tenants would object to voucher recipients as neighbors.

Under California law, it is unlawful for a landlord, managing agent, real estate broker, or salesperson to discriminate against a person or harass a person because of the person's race, color, religion, sex (including pregnancy, childbirth or medical conditions related to them, as well as gender and perception of gender), sexual orientation, marital status, national origin, ancestry, familial status, or disability. Source of Income anti-discrimination laws make it illegal for landlords to discriminate against voucher recipients solely on the basis of their having a voucher.

### *Potential Policies:*

- Consider an ordinance similar to East Palo Alto's Source of Income Ordinance EPAMC § 14.16.010.A.4 which prohibiting Income-Based Rental Housing Discrimination.
- *For further consideration* - Consider requirement for the inclusion of Section 8 Housing Choice Voucher Program tenants in new developments within the plan area where a community benefit agreement or development agreement is negotiated.

### *Model Ordinances/Useful Sources:*

- City of East Palo Alto, link: [HERE](#)
- Poverty and Race Research Action Council, Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination, link: <http://www.prrac.org/pdf/AppendixB.pdf>
- Fair Housing Law Project, *Housing Discrimination Based on Income*, link: <http://www.lawfoundation.org/repository/Income.pdf>
- U.S. Department of Housing, *The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes*, [http://www.huduser.org/publications/pdf/Freeman\\_ImpactLaws\\_AssistedHousingRCR06.pdf](http://www.huduser.org/publications/pdf/Freeman_ImpactLaws_AssistedHousingRCR06.pdf)
- 21 Elements Policy Best Practices: [HERE](#)

## **Commercial Linkage Fee**

### ***Summary and Benefits:***

A portion of jobs created by new commercial development – hotel, retail, office, etc.- are low-paying and the new employees cannot afford market-rate housing. With commercial linkage fees – also known as job-housing linkage fees - developers are expected to ameliorate some of the housing impacts generated by such projects. This impact is measured through a Job-Housing Nexus Analysis that shows the connection between the construction of new commercial buildings, employment, and the need for affordable housing. They are usually performed by consulting firms that have specialized in this type of analysis.

Methodologies vary, but in most cases the analysis begins with an estimation of the number of employees for a prototypical 100,000 sq.ft. building and ends with the cost per-square foot for that building to provide housing for those employees who would live in that locality but could not afford to live there. Consultants routinely recommend fee levels much lower than the maximum. Given that, depending on the land use, there are different concentrations of employees per area of buildings, fee levels vary, with office usually the highest, and warehousing the lowest. Some localities, heavily impacted by specific types of development, might exact fee from only those uses, as is the cases in some Silicon Valley cities targeting the high tech industry.

Commercial linkage fees are adopted at the local level, and as such they reflect the diversity of each locality's economic, political and cultural traits. Linkage fees can vary by development type, fee level, exemptions, options/thresholds, terms of payment, and results. About twenty cities in California have enacted commercial linkage fees. Compared to the number of localities with inclusionary housing programs, the number of localities with commercial linkage fees is rather low. A possible explanation is fear of discouraging economic growth. However, reasonable fees enacted in areas experiencing high levels of economic growth and strong demand for commercial space should not negatively affect the rate of commercial development. This is especially true if one considers that the additional costs to developers will bring about a readjustment of land prices in a period of a few years, i.e., the landowner will pay the additional cost of development through a reduction of the price of land. (See below, Jobs-Housing Nexus Study Prepared for the City of San Diego by Keyser Marston associates, Inc. August 2013, page 62).

### ***Potential Policies:***

- Some cities in the Bay Area already have commercial linkage fees. Those cities experiencing high levels of growth should consider increasing their existing fees. In some cases there are no provisions for inflation adjustment, as in Berkeley. The City of San Diego passed legislation last year to increase their fees to reflect the failure in adjusting their fees since 1990, the date of adoption of their program. Finally, cities without commercial linkage fees but experiencing high rates of commercial growth should consider adopting a commercial linkage fee program.

### ***Model Ordinances/Useful Sources:***

- City of Menlo Park Commercial Development Fee - Zoning Code Chapter 16.96.030, Link: <http://www.codepublishing.com/CA/menlopark/?MenloPark16/MenloPark1696.html>
- City of Oakland Jobs/Housing Linkage Fee - Building Code Chapter 15.68. Link: [http://library.municode.com/HTML/16308/level2/TIT15BUCO\\_CH15.68JOHOIMFEAFHOTR\\_FU.html#TOPTITLE](http://library.municode.com/HTML/16308/level2/TIT15BUCO_CH15.68JOHOIMFEAFHOTR_FU.html#TOPTITLE)

- City of Oakland Jobs/Housing Linkage Fee Nexus Study and related reports. Link: <http://www2.oaklandnet.com/Government/o/hcd/s/Data/DOWD008692#linkage>
- Jobs- Housing Nexus Study Prepared for the City of San Diego by Keyser Marston associates, Inc. August 2013:  
[http://sdhc.org/uploadedFiles/Real\\_Estate/Best\\_Practices\\_Task\\_Force/SDHC%20Job%20Housing%20Nexus%20Study%202013\(1\).pdf](http://sdhc.org/uploadedFiles/Real_Estate/Best_Practices_Task_Force/SDHC%20Job%20Housing%20Nexus%20Study%202013(1).pdf)
- City of San Jose, Housing Needs and Strategy Study Session Follow-up Administrative Report, Link: <http://sanjoseca.gov/DocumentCenter/View/12862>
- San Mateo County 21 Elements, Development Impact Fee 21 Jurisdiction Grand Nexus Study, Link: *To be added in 2014 to* [www.21elements.com](http://www.21elements.com).

## **Housing Impact Fee**

### ***Summary and Benefits:***

In the wake of the Palmer decision, which limits the ability of cities to apply inclusionary zoning requirements to rental housing unless some form of financial assistance is provided, many cities have turned instead to the use of development impact fees charged on new, market-rate housing development. Known as “Housing Impact Fees”, these fees are based on an assessment of the extent to which the development of new market-rate housing generates additional demand for affordable housing.

As is the case with Commercial Linkage Fees, adoption of a Housing Impact Fee requires the preparation of a nexus study. Typically, this study will assess the extent to which new market-rate development attracts higher income households who will spend more on retail and services. That increased spending creates new jobs, attracting new workers to live in the city, some of whom will be lower income and require affordable housing..

A financial feasibility study is also recommended to ensure that any Housing Impact doesn’t render development infeasible.

### ***Potential Policies:***

- Commit to conducting a nexus study and financial feasibility study for a Housing Impact Fee to assess new market rate development for the increased demand that it creates for affordable housing.
- Adopt a Housing Impact Fee, with funds dedicated to an affordable housing trust fund to be used to preserve and expand the supply of affordable housing.

### ***Model Ordinances/Useful Sources:***

- City of San Carlos Housing Impact Fee, Affordable Housing Program - Zoning Code Chapter 18.16, Link: <http://www.codepublishing.com/ca/SanCarlos/html/SanCarlos18/SanCarlos1816.html#18.16>, Nexus Study and Fee Analysis: <http://www.21elements.com/Download-document/492-San-Carlos-Nexus-Study-Fee-Analysis.html>
- City of Fremont Housing Impact Fee, Affordable Housing - Establishment of Fees - Zoning Code 18.155.090, Link: <http://www.codepublishing.com/ca/fremont/html/Fremont18/Fremont18155.html#18.155.090>
- City of Berkeley Housing Impact Fee Nexus Study, Link: [http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/2011/01Jan/2011-01-25\\_Item\\_14a\\_Affordable\\_Housing\\_Impact\\_Fee.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level_3_-_City_Council/2011/01Jan/2011-01-25_Item_14a_Affordable_Housing_Impact_Fee.pdf)
- San Luis Obispo County Housing Impact Fee Nexus Study, Link: <http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1612/QXR0YWNobWVudCBCIC0gUmVzaWRlbnRpYWwgSG91c2luZyBJbXBhY3QgRmVlIE5leHVzIFN0dWR5X0EucGRm/12/n/9978.doc>
- San Mateo County 21 Elements, Development Impact Fee 21 Jurisdiction Grand Nexus Study, Link: *To be added in 2014 to [www.21elements.com](http://www.21elements.com).*

## **Rededication of “Boomerang Funds” to Affordable Housing**

### ***Summary and Benefits:***

With the dissolution of Redevelopment Agencies (RDA), the State of California deprived local jurisdictions of their largest and most significant source of local funding for affordable homes. Across the state redevelopment was responsible for over \$1 billion in direct funding for affordable housing with its 20% tax increment set-aside. These local funds often served as “first in” money that could be leveraged to acquire other sources of funding. Some Bay Area affordable housing developers report that over 75% of their projects in recent years involved some level of RDA funding. A portion of those former tax increment funds come back to local jurisdictions as both a one-time lump sum from their former Low and Moderate Income Housing Fund (LMIHF) and an ongoing bump to their property tax. Counties receive such funds from each former redevelopment agency within the county. These have been referred to as “Boomerang Funds.”

### ***Potential Policies:***

- Consider dedication of 100% of the one-time lump sum distribution of former Low and Moderate Income Housing Fund money back into funding for affordable housing.
- Dedication of at least 20% of the ongoing year-over-year tax-increment distributions now realized as increased property tax distributions back into funding for affordable housing.

### ***Model Ordinances/Useful Sources:***

- County of San Mateo, Administrative Report, *Use of Unrestricted General Funds Derived from One-Time Distribution of Housing Trust Funds of Former Redevelopment Agencies*, Link: <http://sanmateo.siretechnologies.com/sirepub/cache/2/e43oowhzorkxrqv2mzj3sagw/2976401302014051731203.PDF>
- County of Santa Clara, Resolution, *Resolution establishing a policy regarding the use of new revenues from the dissolution of redevelopment agencies*, Link: [http://sccgov.iqm2.com/Citizens/Detail\\_LegiFile.aspx?ID=68014](http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=68014)
- City of Oakland, Ordinance establishing set aside of boomerang funds. Link: <https://oakland.legistar.com/View.ashx?M=F&ID=2644368&GUID=D42A5E35-CC52-4D92-802B-ADE4629D4CE2>

## **Affordable Housing Sites:**

### ***Summary and Benefits:***

A key part of every Housing Element is the identification of adequate sites to serve a range of incomes, including households at very low and low income levels. Since both Plan Bay Area and the RHNA site the majority of new growth within Priority Development Areas, local housing elements should identify affordable housing opportunity sites within PDAs. Also, while the law requires only that the sites be adequately zoned, for these sites to become affordable housing sites, they must be competitive for affordable housing funding, particularly Low Income Housing Tax Credits.

### ***Potential Policies:***

- Site the majority of affordable housing parcels entirely within local Priority Development Areas or Transit Priority Areas/PDA-like places
- Site affordable housing locations to maximize Low Income Housing Tax Credit (LIHTC) potential. Jurisdictions are encouraged to work with affordable housing developers active in their area to analyze whether identified sites would be competitive for tax credits.

### ***Model Ordinances/Useful Sources:***

- [California Tax Credit Allocation Committee](http://www.treasurer.ca.gov/ctcac/programreg/2014/20140129/regulations.pdf), Adopted Regulations (January 29, 2014) <http://www.treasurer.ca.gov/ctcac/programreg/2014/20140129/regulations.pdf> - Regulation Section 10325 - Application Selection Criteria
- ABAG GIS Catalog, Plan Bay Area Priority Development Areas, Link: <http://gis.abag.ca.gov/>
- San Mateo County 21 Elements, *LIHTC Fact Sheet*, Link: <http://www.21elements.com/Download-document/553-Low-Income-Housing-Tax-Credit-Fact-Sheet.html>



## **Priority Development Areas**

### ***Summary and Benefits:***

Plan Bay Area - the regional land use and transportation plan designed to reduce greenhouse gas emissions by reducing vehicle miles traveled - identifies Priority Development Areas (PDAs) throughout the region where most growth is to be concentrated. These are areas close to transit stations or along major transit corridors. However, these PDAs were established voluntarily by cities and there are some areas well served by transit that have not been designated. In addition, it is up to localities to identify policies and establish plans for siting affordable housing in PDAs. Expanding PDAs to cover all “PDA-like” places and having strong policies for developing affordable housing in PDAs are critical for regional housing equity. Local housing elements should include such actions in their implementation program.

### ***Potential Policies:***

- Expand designated Priority Development Areas to additional locations that are transit accessible.
- Jurisdictions should identify specific policies that promote inclusion of affordable housing within PDAs

### ***Model Ordinances/Useful Sources:***

- ABAG, FOCUS: Priority Development Area, <http://www.bayareavision.org/initiatives/prioritydevelopmentareas.html>
- ABAG GIS Catalog, Plan Bay Area Priority Development Areas, Link: <http://gis.abag.ca.gov/>
- ABAG, *Inner Bay Area Corridors PDA Implementation Memo*, January 7, 2014, Link: <http://www.abag.ca.gov/abag/events/agendas/e011614a-Item%2008,%20Inner%20Bay%20Area%20PDA%20Update.pdf>

## Parcel Assembly

### *Summary and Benefits:*

Infill development is often difficult due to the presence of small, oddly-shaped parcels in older parts of cities and towns. Generally, to build sites that fit with the character of the neighborhood at densities that are economically feasible, developers assemble larger sites from smaller parcels. Parcel assembly can be problematic, however, as owners of the last parcel needed to assemble the whole site can exact significant financial concessions from developers in turn incentivizing all neighbors to be the last to sell. Jurisdictions have traditionally responded through the use of eminent domain, a highly unpopular and rarely invoked option.

Graduated density zoning provides jurisdictions with another tool to assemble larger sites from smaller parcels. Jurisdictions are able to keep lower-density zoning for sites less than a given size but allow higher density development on sites that exceed a certain “trigger” size. Owners are motivated to sell if the values of their assembled parcels at higher densities greatly exceed the current value of their parcel alone. All owners have to sell in order to achieve economic gains from their parcels as the density bonus is only triggered when the site reaches a certain minimum size. As a result there is an incentive to not be the last one to sell, as the last owner could be left with an oddly shaped parcel that would be difficult if not impossible to assemble into a larger site.

### *Potential Policies:*

Jurisdictions can choose to institute an “abrupt” or “sliding” scale of graduated density zoning or even downzone in certain instances:

- Abrupt: If an assembled site achieves a minimum size then higher densities are triggered.
- Sliding: A site’s density is increased with each subsequent increase in size up to a maximum density.
- Graduated density does not require upzoning. A neighborhood that is zoned at higher densities (i.e. 50 du/acre) but is holding out for higher prices could also be downzoned to allow the original density (50 du/acre) only on sites larger than a minimum size.

Table 1 Abrupt vs. Sliding Graduated Density Zoning :

*Taken from Donald Shoup “Graduated Density Zoning” Journal of Planning Education and Research*

	Abrupt		Sliding	
Area (Acres)	Density (units/acre)	Units	Density (units/acre)	Units
0.2	5	1	14	3
0.4	5	2	23	9
0.6	5	3	32	19
0.8	5	4	41	33

<b>1.0</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>
1.2	50	60	50	60

For either option the aim is to create a situation where the base density is much lower than developers want while offering a substantial density bonus for larger sites. The “abrupt” option creates a stronger incentive for the last owner to sell as the density bonus is not realized without the last parcel. By gradually increasing density, the “sliding” option creates stronger incentives for the initial owners to sell and puts less pressure on the owner of the last parcel.

***Model Ordinances/Useful Sources:***

- Shoup, Donald. "Graduated Density." *Journal of Planning Education and Research*. (2008): n. page. Web. 10 Dec. 2013. <<http://its.ucla.edu/shoup/graduateddensityzoning.pdf>>.
- City of San Bruno’s 2009 General Plan allows for higher FARs on lots bigger than 20,000 sq ft, see section 2-8 “Multi-use Residential Focus”:  
[http://www.sanbruno.ca.gov/comdev\\_images/planning/General%20Plan/Approved/SBGP\\_CompleteGP.pdf](http://www.sanbruno.ca.gov/comdev_images/planning/General%20Plan/Approved/SBGP_CompleteGP.pdf)
- City of Glendale provides a 25% density bonus in some neighborhoods:  
[http://www.ci.glendale.ca.us/gmc/Zoning\\_Code/Chapter30-36.pdf](http://www.ci.glendale.ca.us/gmc/Zoning_Code/Chapter30-36.pdf)
- Simi Valley provides a graduated density bonus in its Kadota Fig neighborhood on sites larger than 13 acres: <http://its.ucla.edu/shoup/graduateddensityzoning.pdf>

## Parking

### *Summary and Benefits:*

Parking policies impact the design, location, and financial viability of new developments. The costs of providing parking can affect whether a project is viable and the level of affordability that can be achieved, as providing a single parking space ranges from \$5,000 per surface parking spot to as much as \$60,000 per each underground parking space.

Also, even though such spaces come at great cost, they may not be fully utilized—particularly in affordable housing developments. Parking requirements have a disproportionate impact on housing for low income households because low income households consistently own fewer vehicles than their higher income counterparts and are more burdened by the extra expenses. In a study of affordable housing and parking needs, the City of San Diego found that residents of affordable housing owned cars at half the rate of residents of market rate rental housing. In addition to reducing housing costs, modifications to parking policies can encourage residents to own fewer cars, drive less, and increase use of transit, walking and biking which contributes to better health.

In the Bay Area, Priority Development Areas (PDAs) are an excellent location for affordable housing development. The proximity to quality transit warrants lower parking levels for new housing, which lowers per-unit developmental costs and allows for more housing for a given budget, while providing other less expensive modes of access for residents.

### *Potential Policies:*

1. *Reduce or eliminate unnecessary parking requirements:* Eliminate requirements for additional parking for new development in downtowns and town centers, allowing customized approaches.
  - a. *Unbundle parking (residential and commercial):* Require the cost to own or lease a parking space to be unbundled from the price to rent or own a commercial or residential space. This increases housing affordability for households that do not use parking.
  - b. *Share parking:* Adopt policies to encourage or require shared parking between uses rather than reserved parking for specific users and tenants.
  - c. *Allow tandem parking* (when two spaces are located end to end) to count toward satisfying parking requirements.
  - d. *Consider parking maximums* for very transit-rich, walkable and congested areas to reduce local congestion and enhance the environment for walking and use of alternative modes.
2. *Promote alternative modes (with transit passes, car sharing, bike lanes, pedestrian amenities, etc.):* Incorporate requirements for free or discounted transit passes, carshare incentives, bicycle parking and pedestrian amenities in lieu of some parking.
3. *Coordinate prices for on-street and off-street parking:* Pricing parking reduces parking demand, ensures that end-users carry more of the cost, and promotes turnover. Coordination of pricing between on-street and off-street is essential to achieve parking management goals. Adopt a parking availability target: Set a goal that parking availability be maintained at around 15 percent through the use of pricing, time limits and adjustable rates/regulations, and allow parking staff to adjust prices to achieve this goal.
4. *Manage parking:* engage in active parking management to better utilize existing parking and use of revenues.
  - a. *Track parking utilization in buildings and the neighborhood:* This allows residents of buildings with less parking to park elsewhere in the neighborhood and enables buildings

- to be built with fewer parking spots than would normally be required.
- b. *Establish parking benefit districts*: Net revenue collected from parking pricing and permit revenues could be dedicated to funding community priorities within designated Parking Benefit Districts.
  - c. *Establish Transferable Parking Entitlements*: Jurisdictions could designate the number of parking spaces made available for a development as an “entitlement” that could be bought or sold if they are unused.
5. *Establish and publicize policies to require or encourage employers to offer alternative access for employees*. Transportation Demand Management refers to a range of policies and programs to reduce vehicle miles travelled (VMT) which, in turn, decrease the need for parking. Possible policies include carpool parking, parking pricing, flexible work schedules, and ridesharing. The Air District and MTC are developing a Bay Area Commuter Benefits Program to promote the use of alternative commute modes such as transit, ridesharing, biking and walking. The program would require employers with 50 or more full-time employees in the Bay Area to offer one of the benefits, see [http://www.mtc.ca.gov/news/current\\_topics/10-13/cbp.htm](http://www.mtc.ca.gov/news/current_topics/10-13/cbp.htm)

#### ***Model Ordinances/Useful Sources:***

- MTC’s Parking Policies for Smart Growth:  
[http://www.mtc.ca.gov/planning/smart\\_growth/parking/](http://www.mtc.ca.gov/planning/smart_growth/parking/)
- Parking Code Guidance: Case Studies and Model Provisions:  
[http://www.mtc.ca.gov/planning/smart\\_growth/parking/6-12/Parking\\_Code\\_Guidance\\_June\\_2012.pdf](http://www.mtc.ca.gov/planning/smart_growth/parking/6-12/Parking_Code_Guidance_June_2012.pdf)
- Redwood City Article 30 Parking and Loading:  
<http://library.municode.com/HTML/16091/level1/ART30OREPALO.html#ART3>
- The city of Berkeley recently partnered with AC Transit and several regional agencies to provide free transit passes and expand access to car sharing in their downtown through their GoBerkeley program: <http://online.wsj.com/article/PR-CO-20130627-910529.html>
- San Francisco’s award winning SF Park program uses demand pricing and innovative payment schemes to encourage parking in underutilized areas: <http://sfpark.org/>
- For a study considering lower rates of auto ownership and affordable housing please see San Diego’s Affordable Housing and Parking study:  
<http://www.sandiego.gov/planning/programs/transportation/mobility/pdf/111231sdaafhfinal.pdf>

## Site and Building Regulations

### *Summary and Benefits:*

Developers estimate that every month required for processing a development application adds at least 1 to 2 percent to the overall cost of a housing development. When development processing requires a year or more, the resulting impact on housing costs can be significant. In order to cut down development costs and facilitate the construction of multi-family affordable homes, localities can employ a number of policies to ease or streamline development requirements. These include an array of options such as fee reductions for affordable housing development, streamlined review processes, modifying building height restrictions, and allowing the payment of in-lieu fees to meet certain obligations such as open space or park land requirements.

Below are a few examples of approaches that Bay Area jurisdictions have taken to ease the developmental process:

Jurisdiction	Policy Approaches
<b>City of Fremont</b>	Developments with 5 or more units qualify for a density bonus if affordable housing is included. <a href="#">The city</a> also provides developers with site identification assistance, marketing and tenant screening, modification of development standards, and streamlined processing of plans and permits.
<b>City of Milpitas</b>	Created the <a href="#">Midtown Specific Plan</a> focusing on a 252 acre area that can accommodate up to 4900 housing units. The plan takes advantage of VTA and future BART rail stations in the area to increase housing choices and densities.
<b>Redwood City</b>	Adopted a <a href="#">Downtown Precise Plan</a> that used extensive community input to create a streamlined permitting process to channel regional housing demand to their downtown. The plan provides developers with clear guidelines that, if followed, allows for certainty in permit processing times.

### *Potential Policies:*

#### **Streamlining the Approval Process:**

- Provide clear and objective regulations and guidelines to prospective applicants so that proposed projects conform to local priorities and goals
- Consider “by right” approvals and form-based codes for designated uses
- Provide streamlined permitting review processes for affordable housing

#### **Flexibility in Planning Requirements**

- Encourage mixed-use zones: mixed-use zones create flexible investment opportunities for and locates infill housing in office or retail districts where it may be less controversial. It also has the added benefit of reducing development costs by sharing amenities and parking with other uses.

- Let infill developers meet open space and parkland requirements by paying “in-lieu” fees
- Maximize development potential through the removal of building height restrictions in designated Priority Development Areas
- Limit requirement for ground-floor retail to key nodes, and allow for residential uses on the ground floor in certain locations

***Model Ordinances/Useful Sources:***

- *A Place to Call Home: Housing in the San Francisco Bay Area*, link:  
[http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A\\_Place\\_to\\_Call\\_Home\\_2007.pdf](http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf)
- *Blueprint 2001: Housing Element Ideas and Solutions*, link:  
<http://www.abag.ca.gov/planning/housingneeds/blueprint.html>
- City of Redwood City’s Downtown Precise Plan, link:  
<http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/NewDTPPDownload.htm>
- City of Fremont Density Bonus and Affordable Housing Incentives, link:  
<http://www.codepublishing.com/ca/fremont/html/Fremont18/Fremont18165.html#18.165.090>
- City of Milpitas Midtown Specific Plan, link:  
[http://www.ci.milpitas.ca.gov/government/planning/plan\\_midtown\\_specific.asp](http://www.ci.milpitas.ca.gov/government/planning/plan_midtown_specific.asp)

## Universal Design Standards for Apartments

### *Summary and Benefits:*

The goal of universal design is to make the built environment as accessible as possible to people of all ages and abilities without adaptation or specialized design. Universal design features come at little to no extra cost if incorporated in a project as it gets built while significantly reducing or eliminating the need to later retrofit the structure for accessibility.

The principles of universal design as defined by the Center for Universal Design are as follows:

- **Equitable use:** the design is useful and marketable to people with diverse abilities
- **Flexibility in use:** the design accommodates a wide range of individual preferences and abilities
- **Simple and intuitive use:** use of the design is easy to understand regardless of the user's experience, knowledge, language skills, or current concentration level
- **Perceptible information:** the design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities
- **Tolerance for error:** The design minimizes the adverse consequences of unintended actions
- **Low physical effort:** The design can be used efficiently and comfortably with a minimum of fatigue
- **Size and space for approach and use:** Appropriate size and space is provided for approach, reach, manipulation and use regardless of user's body size, posture, or mobility

For residential properties universal design features could include:

- No-step entry
- Wider interior doors and hallways
- Audio & visual doorbell
- At least one bathroom or powder room on the primary entry level
- Hand-held adjustable shower head
- Kitchen on an accessible route of entry.

### *Potential Policies:*

- The City of Dublin requires that all new construction of single family homes and apartment buildings in excess of 20 units, include certain universal design features to make properties as accessible as possible.

### *Model Ordinances/Useful Sources:*

- City of Dublin, link: <http://www.codepublishing.com/ca/dublin/dublin07/Dublin0790.html>
- City of Dublin universal design checklist: <http://dublin.ca.gov/DocumentCenter/Home/View/59>
- HCD Model Universal Design Ordinance: [http://www.hcd.ca.gov/codes/shl/3-Text-Universal\\_Design\\_Model\\_Ordinance.pdf](http://www.hcd.ca.gov/codes/shl/3-Text-Universal_Design_Model_Ordinance.pdf)
- Principles of Universal Design from the Center for Universal Design: [http://www.ncsu.edu/ncsu/design/cud/pubs\\_p/docs/poster.pdf](http://www.ncsu.edu/ncsu/design/cud/pubs_p/docs/poster.pdf)



## **Emergency Shelters and Homeless Persons (SB2)**

**Summary and Benefits:** SB2 (Chapter 633, Statutes of 2007) clarifies and strengthens the housing element law by ensuring that local zoning encourages and facilitates emergency shelters. SB2 also limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. SB2 planning and approval requirements include:

- identify at least one zone to permit emergency shelter by-right
- conduct need assessment for emergency shelter addressing both seasonal and year-round need
  - need may be reduced by the number of supportive housing units that are identified in the jurisdictions 10-year plan to end homelessness, provided that units are vacant or will be constructed during the planning period with funding identified
- demonstrate that transitional housing and supportive housing are permitted as a residential use and are subject to restrictions that apply to other residential units of the same type and in the same zone
- standards must be objective and promote the use for or encourage development/conversion to emergency shelter
- jurisdictions with existing ordinances for emergency shelter have flexibility in meeting zoning requirements or if they demonstrate that need for emergency shelter can be met in existing shelters or through a multi-jurisdictional agreement
- zones must include sufficient capacity to accommodate the need for emergency shelter
  - if existing zoning does not allow for zoning for emergency shelter by-right or if the identified sites have insufficient capacity to meet the need, the housing element must include a program to identify a specific zone(s) and amend the zoning code within year of adoption of the housing element

### **Potential Policies:**

- Amend/adopt zoning ordinance that provides standards to ensure the development of emergency shelters. Standards permitted for regulation include:
  - Development standards common to the zoning district
  - Maximum number of beds
  - Off-street parking
  - Size and location of exterior/interior on-site waiting and client intake areas
  - Provision of on-site management
  - Length of stay
  - Lighting
  - Provision of security during hours of operation
  - Non-discretionary design standards
  - Proximity to other emergency shelters
  - Voluntary or incentive based standards

### **Model Ordinances/Useful Sources:**

- Chapter 633, Statutes of 2007: [http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb\\_0001-0050/sb\\_2\\_bill\\_20071013\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sb_2_bill_20071013_chaptered.pdf)
- HCD Memorandum on SB 2 Zoning for Emergency Shelters, Transitional housing, and

Supportive Housing (Updated April 10, 2013):

[http://www.hcd.ca.gov/hpd/sb2\\_memo050708.pdf](http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf)

- San Mateo County 21 Elements, “Zoning in the Wake of SB2: Best Practices for Emergency, Transitional, and Supportive Housing” <http://www.21elements.com/Download-document/442-Zoning-in-the-Wake-of-SB-2-Best-Practices-for-Emergency-Supportive-and-Transitional-Housing.html>

## **Reasonable Accommodations (SB520 and SB812)**

### ***Summary and Benefits:***

Consistent with state and federal law, housing elements should contain policies and programs to implement fair housing laws and to provide housing for persons with disabilities. Housing element law requires local jurisdictions to conduct a housing needs assessment for persons with disabilities. In recent years, the state has amended the housing element law to remove barriers to housing opportunities for persons with disabilities.

- SB520 (Chapter 671, Statutes of 2001) amended the housing element law by requiring local jurisdictions to:
  - analyze potential and actual constraints on the development, maintenance, and improvement of housing for persons with disabilities (i.e. land use policies, building codes/enforcement, fees, parking requirements, and local processing and permit procedures)
  - analyze local efforts to remove governmental constraints that present barriers to providing housing for persons with disabilities
  - adopt universal design elements in its building codes that address limited lifting, flexibility, mobility, and vision
  - identify/analyze whether it has a reasonable accommodation policy, procedure, or ordinance
  - provide programs to remove identified constraints or provide reasonable accommodations for housing designed for persons with disabilities
- SB812 (Chapter 507, Statutes of 2010) amended the housing element law by requiring local jurisdictions to:
  - as part of special housing needs analysis, include an evaluation of the special housing needs of persons with developmental disabilities
    - estimate the number of persons with developmental disabilities
    - assess housing need and availability of programs (i.e. shared housing, permanent supportive housing/programs)
    - identify potential funding sources designated for persons with developmental disabilities
  - develop and implement programs to meet housing needs for persons with developmental disabilities

### ***Potential Policies:***

- Amend zoning ordinance or adopt a reasonable accommodation ordinance that provides a procedure for requesting reasonable accommodation and flexibility in the application of zoning and land use regulations and procedures (See below ‘HCD Reasonable Accommodation Model Ordinance’)

### ***Model Ordinances/Useful Sources:***

- HCD Memorandum on SB 520 Analysis of Constraints on Development of Housing for Persons With Disabilities: [http://www.hcd.ca.gov/hpd/hrc/plan/he/sb520\\_hpd.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/sb520_hpd.pdf)
- HCD Memorandum on SB 812 Analysis of Special Housing Needs for Persons With Developmental Disabilities: <http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf>
- HCD “Constraints: Housing for Persons with Disabilities”

[http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_disabilities.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_disabilities.php)

- HCD Reasonable Accommodation Model Ordinance  
[http://www.hcd.ca.gov/hpd/housing\\_element2/documents/MODEL\\_REASONABLE\\_ACCOMMODATION\\_ORDINANCE.pdf](http://www.hcd.ca.gov/hpd/housing_element2/documents/MODEL_REASONABLE_ACCOMMODATION_ORDINANCE.pdf)
- City of Santa Rosa, Reasonable Accommodation Ordinance:  
[http://www.hcd.ca.gov/hpd/housing\\_element2/documents/Reasonable\\_Accommodation\\_Ordinance\\_Santa\\_Rosa.pdf](http://www.hcd.ca.gov/hpd/housing_element2/documents/Reasonable_Accommodation_Ordinance_Santa_Rosa.pdf)
- Mental Health Advocacy Services, Inc., “Fair Housing Reasonable Accommodation: A Guide to Assist Developers and Providers of Housing for People with Disabilities in California”  
<http://www.mhas-la.org/DeveloperGuide3-9-05.pdf>

## **Second-Unit Law (AB1866)**

**Summary and Benefits:** AB1866 amended the state's second-unit law by requiring local governments with a local second-unit ordinance to ministerially consider second-unit applications without discretionary review or a hearing. Jurisdictions without a second-unit ordinance are required to ministerially consider second-unit application according to state standards. Second units approved ministerially are statutorily exempt from CEQA<sup>2</sup>.

AB1866 also clarified existing housing element law to allow local governments to identify the realistic capacity of new second-unit development to meet its RHNA requirements.

Jurisdictions may count the realistic potential for new second units within the planning period considering the following:

- the number of second units developed in the previous planning period
- an estimate of potential increase due to policies, programs, and incentives that encourage the development of second units
- other relevant factors

### **Potential Policies:**

- Adopt a second-unit ordinance that includes, in addition to elements required by state law, design/development standards, zones permitted for second units, permit procedures, and incentives that encourage the construction of second units
- Review existing second-unit ordinances for compliance to updated law and make necessary amendments
- Include incentives in second-unit ordinances such as:
  - flexible zoning requirements and development standards
  - reduced or modified parking requirements
  - reduced setback requirements
  - prioritized processing
  - certain fee waivers of developments that involve second units for low or very-low income households
  - allow for owner-occupancy in either primary or secondary unit
- Create an amnesty program to allow owners of illegal units to legalize their units
- Provide informational materials to homeowners and developers to market second-unit construction that includes a second unit application, explanation of the application process, and benefits/incentives of constructing or legalizing second units

### **Model Ordinances/Useful Sources:**

- HCD Memorandum on AB1866 Second Unit Law and the Creation of Second Units in Meeting Regional Housing Need: [http://www.hcd.ca.gov/hpd/hpd\\_memo\\_ab1866.pdf](http://www.hcd.ca.gov/hpd/hpd_memo_ab1866.pdf)
- HCD "Second Units" [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_secondunits.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_secondunits.php)
- San Mateo County 21 Elements, Second Units Memo "Best Practices and Sample Housing Element Language" <http://www.21elements.com/Download-document/485-Best-Practices-for-Second-Units-Fact-Sheet-for-San-Mateo-County.html>
- City of Santa Cruz, Accessory Dwelling Unit Development Program: <http://www.cityofsantacruz.com/index.aspx?page=1150>

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<sup>2</sup>Section 15268 of the CEQA guidelines and Section 21080 (b)(1) of the Public Resources Code:  
<http://ceres.ca.gov/ceqa/guidelines/art18.html>

- City of Santa Cruz, Accessory Dwelling Units Zoning Regulations:  
<http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=8862>
- Marin County, Second Units Amnesty Program: <http://www.21elements.com/Download-document/483-Amnesty-Program-for-Second-Units-Fact-Sheet.html>
- University of California, Berkeley, Center for Community Innovation, *Yes in My Backyard: Mobilizing the Market for Secondary Units*, Link:  
<http://communityinnovation.berkeley.edu/reports/secondary-units.pdf>

## State Density Bonus Law

**Summary and Benefits:** In 2010, the state updated its density bonus law which requires local jurisdictions to provide density bonuses and other incentives to developers of affordable housing who commit a certain percentage of units for persons who fall within certain income levels. Density bonus may only be approved in conjunction with a development permit. Density bonuses are granted when a developer agrees to construct a housing development that includes at least one of the following:

- 5% of total units for very low income households
- 10% of total units for low income households
- 10% of total units (within a common interest development) for moderate income households
- Local jurisdictions must also provide bonuses in response to certain land donation, if developments include the construction of a childcare facility, and certain developments of senior housing.

Concessions and incentives will be granted at the applicant's request based on specific criteria. San Mateo County's [21 Elements](#) provides a breakdown of how concessions and incentives are granted based on the following criteria:

Target Group*	Target Units	Density Bonus	Concessions or Incentives
Very Low Income <sup>(1)</sup>	5%	20%	1
	10%	33%	2
	15% or above	35%	3
Lower Income <sup>(2)</sup>	10%	20%	1
	20%	35%	2
	30% or above	35%	3
Moderate Income <sup>(3)</sup> (condominium or planned development)	10%	5%	1
	20%	15%	2
	30% or above	25%	3

\* California Civil Code Section 65915 applies only to proposed developments of five (5) or more units.

(1) For each 1% increase over 5% of the Target Units the Density Bonus shall be increased by 2.5% up to a maximum of 35%

(2) For each 1% increase over 10% of the Target Units the Density Bonus shall be increased by 1.5% up to a maximum of 35%

(3) For each 1% increase over 10% of the Target Units the Density Bonus shall be increased by 1% up to a maximum of 35%

Target Group	Target Units	Density Bonus	Concessions or Incentives
Senior Housing (1)	100%	20%	1
Land Donation (2)	10% (very low income)	15-35%	1

(1) 35 units dedicated to senior housing as defined in Civil Code Sections 51.3 and 51.12

(2) For each 1% increase over 10% of the Target Units the Density Bonus shall be increased by 1% up to a maximum of 35%

#### **Potential Policies:**

- Amend density bonus ordinance to demonstrate how compliance with updated density bonus law will be implemented
- Identify specific incentives and concessions within the ordinance to encourage the construction of or conversion to affordable housing units, such as:
  - reductions in site development standards or modification of zoning code or architectural design requirements that result in identifiable, financially sufficient, and actual cost reductions
  - reductions in setback or square footage requirements
  - approval of mixed use zoning if it will reduce costs of housing development
  - other incentives that result in identifiable cost reductions

#### **Model Ordinances/Useful Sources:**

- California Government Code §65915: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65915-65918>
- San Mateo County 21 Elements: <http://www.21elements.com/Download-document/518-State-Density-Bonus-Law.html>
- ABAG's Housing Element Tool Kit "Density Bonuses" <http://www.abag.ca.gov/planning/toolkit/24density.html>
- American Planning Association's Model Affordable Housing Density Bonus Ordinance: <http://www.planning.org/research/smartgrowth/pdf/section44.pdf>



## Permanently Affordable Homeownership – Community Land Trusts

### *Summary and Benefits:*

A community land trust (CLT) is a nonprofit organization formed to hold title to land to ensure long-term availability for affordable housing or other community uses. CLTs acquire property through public or private donations of land or use government subsidies to purchase land on which affordable housing can be built. The homes are sold to low or moderate-income families, in accordance with the deed restriction, and the CLT retains ownership of the land and provides long-term ground leases and stewardship to homebuyers in return for a minimal fee. The CLT restricts the resale of the home to a formula-driven price and retains an irrevocable option to purchase to ensure future affordability.

CLTs have been a particularly strong and unique development option in the San Francisco Bay area, where the land trusts are able to provide a variety of homeownership opportunities not often available to low and moderate income individuals in areas experiencing a rapid rise in land value. CLTs in the Bay Area have been able to provide housing opportunities in the form of single family homes, limited equity condominiums, limited equity housing cooperatives, and zero equity cooperatives to low and moderate income individuals. These options allow low and moderate individuals and families the opportunity for homeownership at a lower buy-in than many other forms of ownership.

Since the early 1970s, Community Land Trusts have been used to permanently preserve affordable ownership housing for low and moderate-income families. Recently, there has been a national boom in CLT formation with nearly 20 new community land trusts being created each year. Two key policy needs are driving this new interest in CLTs—particularly in jurisdictions with a social priority of promoting homeownership for lower-income families and a fiscal priority on protecting the public's investment in affordable housing:

- **Long-term preservation of subsidies.** With local governments now assuming greater responsibility for creating affordable housing, policy makers must find ways to ensure that their investments have a sustained impact. CLT ownership of land, along with long-term affordability constraints over the resale of housing units built on that land, ensures that municipally subsidized homes remain available for lower-income homebuyers for generations to come. In the Bay Area market rate home prices are outstripping growth in incomes, as shown by the median home price to median income ratio growing from 4.9 in 1999, to 6.8 by the end of 2012.
- **Long-term stewardship of housing.** Preserving affordability requires long-term monitoring and enforcement, an administrative burden that local governments are neither equipped for nor generally interested in taking on. CLTs are well positioned to play this stewardship role by administering the municipality's eligibility, affordability, and occupancy controls, while also backstopping lower-income owners to protect subsidized homes against loss through deferred maintenance or mortgage foreclosure.

### *Potential Policies:*

- Promote the formation of start-up CLTs:
  - Facilitate public information/outreach activities
  - Create municipally supported CLTs
  - Provide start-up financing
  - Commit multi-year operational funds

- Commit project funding and/or municipal property for permanently affordable ownership housing in the CLT model
- Subsidize affordable housing development by either donating land and buildings from the municipality's own inventory to a community land trust or selling the properties at a discount
- Regulatory concessions: Municipalities sometimes support development of CLT homes by reducing or waiving application and impact fees, relaxing zoning requirements for parking or lot coverage, and offering other regulatory concessions

#### ***Model Ordinances/Useful Sources:***

- The City of Petaluma has encouraged developers of several subdivisions to meet its city-mandated inclusionary requirements by conveying homes to the Housing Land Trust of Sonoma County. Under these agreements, developers sell the homes to CLT-selected buyers and simultaneously donate the land under the homes to the land trust. This program allows developers to meet their inclusionary requirements without having to monitor and report. CLT oversight is also in the jurisdiction's best interest because many for-profit development companies dissolve after they complete their projects. See 2.3 page 9 of <http://cityofpetaluma.net/cdd/pdf/housing-element-2009-2014.pdf>
- A broad overview of how cities and CLTs are partnering to create and preserve permanently affordable ownership housing: "The City-CLT Partnership: Municipal Support for Community Land Trusts" [https://www.lincolnst.edu/pubs/dl/1395\\_712\\_City-CLT-Policy-Report.pdf](https://www.lincolnst.edu/pubs/dl/1395_712_City-CLT-Policy-Report.pdf)
- A very useful policy paper with several case studies of cities using the CLT model for TODs is "The Role of Community Land Trusts in Fostering Equitable, Transit-Oriented Development: Case Studies from Atlanta, Denver, and the Twin Cities" [https://www.lincolnst.edu/pubs/dl/2243\\_1579\\_Hickey\\_WP13RH1.pdf](https://www.lincolnst.edu/pubs/dl/2243_1579_Hickey_WP13RH1.pdf)
- The City of Irvine plans to place most of the inclusionary housing units constructed in future years into the CLT's portfolio.
- The city council of Washington, DC, committed \$10 million in public funds to help subsidize the first 1,000 units of resale-restricted, owner-occupied housing developed by City First Homes, a District-wide CLT that plans to eventually create 10,000 units of affordable housing.
- The City of Minneapolis provides interest-free, deferred loans with a 30-year term to the City of Lakes CLT. The loans are forgiven at maturity as long as the CLT consistently meets the city's performance standards.

## Home Sharing

### *Summary and Benefits:*

Home Sharing partners those who have space in their home with those who need an affordable place to live, turning existing housing stock into a new affordable housing option. While the average rent for a one-bedroom apartment in San Mateo County is \$2095, the rents in home sharing range between \$600 and \$800. As a result, home sharing is one of the few affordable housing options available in San Mateo County.

An example of this is HIP Housing in San Mateo County. Established in 1972, it is a well-established program with many best practices. The program provides criminal background checking, income verification, mediation, living together agreements and long-term case management to ensure the best matches possible. As a result, the average home sharing match is 2.5 years.

Outcome data from HIP Housing's work indicates that of those placed through home sharing:

- 90% are low-income
  - 20% low (80% AMI)
  - 25% very low (50% AMI)
  - 46% extremely low (30 or below AMI)
- 53% are seniors
  - 70% of the home providers are seniors
- 38% are disabled
- 58% are at risk of homelessness
- 8% are homelessness
- 61% are female head of households

In San Mateo County, every municipality benefits from the HIP Housing Home Sharing Program. Someone in Pacifica could be matched with someone in Daly City; someone from Menlo Park with someone from Redwood City; San Mateo and Belmont. Preschool teachers, law clerks, students, construction workers, medical assistants, bank tellers, home health aides, seniors and single parents use the program as well as many others.

Home Sharing meets the housing needs of low, very low, and extremely low-income people. Because so few affordable housing options exists in San Mateo County, it is important that Home Sharing be included in every city's housing element as part of the policies and practices they employ to ensure that there are housing options for those at every income level, including those at the lowest income levels.

While Home Sharing may not create RHNA-recognized units, it is a vital option to be considered in any municipality's strategy to meet the growing need for housing, especially in communities that have numbers of residents that are considered "house rich, cash poor."

### *Potential Policies:*

- Prominently list local home sharing organization's Home Sharing Program when addressing the housing options and needs for people who are:

- Homeless
- At risk of homelessness
- Seniors
- Female head of household
- Low, very low and extremely low income
- Sample Language: [Insert City Name] supports [local home sharing organization] Home Sharing Program as part of a collection of policies, programs and practices for addressing the housing needs of those at the lowest income levels including seniors, those living with disabilities, those at risk of homelessness and female head of households.

***Model Ordinances/Useful Sources:***

- Housing Elements currently in place for the cities of Belmont, Burlingame, Daly City, Foster City, and San Mateo
- HIP Housing, San Mateo County, link: [www.hiphousing.org](http://www.hiphousing.org)

### **Additional Useful Sources**

- Public Interest Law Project, *California Housing Element Manual, 3rd Ed.*, November 2013, Link: <http://pilpca.org/wp-content/uploads/2013/11/California-Housing-Element-Manual-3rd-Ed.-November-2013.pdf>
- Public Interest Law Project, *California Housing Element Manual Appendices, 3rd Ed.*, November 2013, Link: <http://pilpca.org/wp-content/uploads/2010/10/California-Housing-Element-Manual-3rd-Ed.-Appendices-2013.pdf>
- 21 Elements, San Mateo Countywide Housing Element Update Project, [www.21elements.com](http://www.21elements.com)
- Association of Bay Area Governments, *Blueprint 2001 for Bay Area Housing*, <http://www.abag.ca.gov/planning/housingneeds/blueprint.html>

**From:** Jeffrey Marque [mailto:jjmarque@sbcglobal.net]  
**Sent:** Friday, February 21, 2014 4:37 PM  
**To:** Julia Klein  
**Subject:** Comments on Housing Element 2014-2022

Ms. Klein,

I recently attended a meeting in which a City of San Mateo planner went over plans for transportation change ideas in San Mateo, including bike lanes, pedestrian friendly sidewalks, increased pedestrian safety, etc. It was mentioned that the population of San Mateo was expected to rise by about 30,000 people over the next decade or so, and that our city's population is expected to age. There was also mention of high-rise housing units being built at the corner of 27th Avenue & El Camino Real, among other places.

What seems to be missing in all this planning, and what I encourage you and our governments to start seriously thinking about, is making it possible for large numbers of citizens of San Mateo to get out of their cars for many of their daily trips, both around town and along the peninsula. Right now, most people in San Mateo, and indeed the entire Bay Area, are trapped in their cars because the frequency and reliability of public transportation (Sam Trans, CalTrain on the peninsula) are so poor.

The cost of adding buses and trains along the peninsula, so that their frequency is tripled or quadrupled, and adding new lines (e.g., along 28th Avenue) is a tiny, tiny, fraction of the \$100,000,000,000 bullet train project that California is, unfortunately, implementing. Instead of spending tens of billions on a project of very doubtful benefit for the long term, intelligent political leadership and planning can almost *immediately* reduce traffic congestion (and our city's carbon footprint) by merely enhancing the frequency and reliability of public transportation infrastructure that already exists.

The idea of adding more than 30% to our city's population, and presumably its automobile population as well, without a major improvement to our public transportation, will prove to be very poor planning, both in the short term and in the long term.

I do not have time to attend the public meetings announced for Housing Element 2014-2022, so the above comments must constitute my contribution to the public discussion of housing planning in San Mateo.

Jeffrey Marque



**TO: Sandy Council, City of San Mateo**  
**FR: HIP Housing**  
**RE: 2014 Housing Element**  
**DT: February 2014**  
**BY: Kate Comfort Harr, Executive Director, HIP Housing**

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**OBJECTIVE:** The inclusion of HIP Housing's Home Sharing program in every housing element in San Mateo County as a solution for providing a permanent affordable housing option for people who are:

<ul style="list-style-type: none"><li>▪ Homeless</li><li>▪ At risk of homelessness</li><li>▪ Seniors</li></ul>	<ul style="list-style-type: none"><li>▪ Disabled</li><li>▪ Female head of household</li><li>▪ Low, very low and extremely low income</li></ul>
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#### **Executive Summary:**

HIP Housing's Home Sharing program matches those who have space in their home with those who need an affordable place to live, maximizing housing inventory and turning existing housing stock into a new affordable housing option. It is the only program of its kind in San Mateo County and provides a housing option for over 700 people each year. Over 90% of those using the Home Sharing program are low to extremely low income. Due to the extraordinarily constrained environment for the developing new affordable housing that exists in San Mateo County, finding creative solutions like Home Sharing is a critical component to a local municipality's ability to provide fair housing choice and should be part of every municipalities efforts to provide housing for people at every income level.

#### **Housing Element Suggestions:**

**Section H - Policies and Practices:** Prominently list HIP Housing's Home Sharing Program when addressing the housing options and needs for people who are:

- Homeless; At Risk of Homelessness; Seniors; Female Head of Household; Low, Very Low and Extremely Low Income

#### **Useful Resources:**

- Previous/Current Housing Elements for the cities of Belmont, Burlingame, Daly City, Foster City, and San Mateo
- Current Housing Element Draft for the City of Menlo Park

#### **Sample Language:**

*The City of San Mateo* supports HIP Housing Home Sharing Program as part of a collection of policies, programs and practices for addressing the housing needs of those at the lowest income levels including seniors, those living with disabilities, those at risk of homelessness and female head of households.

## **Why Home Sharing works for municipalities in San Mateo County:**

Home Sharing programs like those provided by HIP Housing are a critical source of permanent housing for low-income households in San Mateo County.

As explained in the Executive Summary, Home Sharing partners those who have space in their home with those who need an affordable place to live, turning existing housing stock into a new affordable housing option. While the average rent for a one-bedroom apartment countywide is \$2095, the rents in home sharing ranges between \$600 and \$800. The wait list with Home Sharing is never closed as new home providers are constantly recruited. As a result, Home Sharing is one of the few affordable housing options continually available in San Mateo County, especially for those at the lowest income levels.

HIP Housing offers the only Home Sharing program in the County. Established in 1972, it is a well-established program with many best practices. The program provides criminal background checking, income verification, mediation, living together agreements and long-term case management to ensure the best possible matches possible. As a result, the average home sharing match is 2.5 years. The program has wide ranging support from local jurisdictions which is critical to the programs credibility and viability. Additionally, HIP Housing collaborates with a wide array of local nonprofits creating a strong referral network.

Of those placed in housing through Home Sharing:

- 91% are low-income
  - 20% low (80% AMI)
  - 25% very low (50% AMI)
  - 46% extremely low (30 or below AMI)
- 53% are seniors
  - 70% of the home providers are seniors
- 38% are disabled
- 58% at risk of homelessness
- 8% of are homelessness
- 61% are female head of households

Every municipality in San Mateo County benefit's from the HIP Housing Home Sharing Program. Someone in Pacifica could be matched with someone in Daly City; someone from Menlo Park with someone from Redwood City; San Mateo and Belmont. Preschool teachers, law clerks, students, construction workers, medical assistants, bank tellers, home health aides, seniors and single parents as well as many others use the program.

Home Sharing meets the housing needs of low, very low, and extremely low-income people. Because so few affordable housing options exists in San Mateo County, it is important that Home Sharing be included in every cities housing element as part of the policies and practices employed to ensure that there are housing options for those at every income level, including those at the lowest income levels.



## **Constraints to Affordable Housing that make Home Sharing Critical:**

When it comes to providing affordable housing, San Mateo County exists under a variety of unique and significant constraints that make Home Sharing a critical component to any local affordable housing strategy. Calculated by any standard, San Mateo County is in the top five most expensive places to live in the United States. Desirable weather, limited land options, and proximity to both Silicon Valley and San Francisco collide to create one of the most competitive housing markets, for both buyers and renters, in the nation. This competition is exacerbated by significant constraints to the development of new affordable housing making it extremely difficult for low-income people and families to find housing.

### **Market Constraints:**

Over the past 30 years, housing costs have skyrocketed out of proportion to many peoples ability to pay. Escalating construction costs, exceptionally high land values and an abundance of high wage earners who can pay high rents and high home prices, create market forces that perpetually drive housing costs up. The average rent for a one bedroom in San Mateo County is currently \$2095<sup>(6)</sup> and the average cost of a family home is \$825,000<sup>(5)</sup>. Because the local market forces have, and will continue, to drive prices up, building new affordable housing units is difficult. This is especially true for building units that will accommodate the lowest income earners. Construction costs and land values alone make it nearly impossible to create housing developments where rents can remain low and still pencil out financially.

### **Social Constraints:**

The foreclosure crisis of 2008 pushed many former homeowners into the rental market. Similarly, many who rented homes that went into foreclosure were also pushed into the rental market. Foreclosures have also provided investor opportunities for the purchase of multifamily apartment complexes. In scenarios occurring all over the County, investors are purchasing apartment buildings. To get the highest return on their investment, rents are pushed up dramatically, displacing current residents in exchange for those who can pay higher rents. Meanwhile a booming technology industry continues to bring employees to the area and with each new high paid worker, as many as 4 lower paid service positions are created. The combination of these social forces has made competition in the rental market fierce.

### **Governmental Constraints:**

Additional constraints to the creation of affordable housing in San Mateo County are governmental. The tools that local municipalities have historically used to create affordable housing have been dramatically reduced in recent years. At the Federal level, HUD reductions to HOME and CDBG funding and ongoing Sequestration cuts have dramatically reduced the funding available to help underwrite affordable housing developments. Meanwhile, the State of California's decision to eliminate Redevelopment Agencies stripped municipalities of their primary financing source for affordable housing. Equally devastating to affording housing development in California has been the 2008 Palmer Decision restricting the use of inclusionary housing ordinances. As a result, municipalities in San Mateo County have very few tools to facilitate affordable housing development other than the creation of local policies and practices. However, with the unusually competitive Market and Social Constraints that exist countywide, even with the best policies in place, convincing developers to create affordable housing is still very difficult and financially challenging.

## **Outcomes of Constraints:**

San Mateo County currently has a 97% occupancy rate and there is an estimated shortfall of 9,610 units of affordable housing countywide. Homelessness is up 12% since 2011<sup>(1)</sup>, housing inventory is at the lowest levels in decades<sup>(2)</sup> and the gap between those at the highest income levels and those at the lowest levels has expanded<sup>(3)</sup>. Every affordable housing complex and emergency shelter in the county has a waitlist and most waitlists are closed, leaving home sharing as one of the only open doors in the County.

Currently, 57% of San Mateo and Santa Clara county residents are low-income earning 60% or less of AMI<sup>(4)</sup> and the local housing authorities are bracing for a new round of sequestration cuts that will reduce the amount covered in rental subsidies. With a median home price of \$825,000<sup>(5)</sup> and the average rent for a one-bedroom apartment over \$2000<sup>(6)</sup>, people living in San Mateo County must earn between \$84,000-\$124,000 annually to afford housing. As a result, the United Way of the Bay Area is reporting that 1 in 5 families can't afford their current housing situation<sup>(7)</sup>. Equally daunting, it is estimated that 184,000 people commute into the County each day to work because they can't afford to live close to where they are employed<sup>(8)</sup>. Due to the circumstances surrounding affordable housing, the County of San Mateo formally recognizes the lack of affordable housing throughout the county as an overarching impediment to fair housing choice.

## **Conclusion:**

Creative affordable housing solutions are desperately needed in San Mateo County as the long-term effects of the 2008 recession coupled with market, social and governmental constraints continue to drive housing costs up. HIP Housing's Home Sharing program is a practical solution that benefits every city in the County and allows for greater housing choice. Formal adoption of policies that support the Home Sharing program will help to ensure that there are greater housing opportunities and choice for housing people at all income levels.

### *References:*

*1; 2013 San Mateo County Homeless Census and Survey*

*2-4: Index Silicon Valley, Joint Venture 2013*

*5: Zillow*

*6. San Mateo County Housing Indicators, June 2013*

*7: United Way, 2012*

*8. Source: Moving Silicon Valley Forward, NPH 2012 and OnTheMap Census data)*

**Housing Element 4th Cycle Programs MATRIX**  
**(A Review of 2007-2014 Housing Element Implementing Programs)**

Housing Element Program Name/Number	Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation	
<b>H 1.1 Residential Protection</b>				
1	Prevent Incompatible Uses in Residential Districts	To prevent the intrusion of incompatible uses in residential districts, consider appropriate policy during the Special Use Permit process.	Case by case evaluation of the impact of non-residential land uses has occurred with all Special Use Permits.	Through the Planning Application process staff, continues to evaluate all requests for Special Use Permits potential impacts of non-residential land uses on residentially zoned properties.
2	Avoid Concentration of Non-Residential Uses in Residential Districts	To avoid overconcentration of non-residential uses in residential districts, consider appropriate policy during the Special Use Permit process.	The City has adopted zoning code amendments which limit the over concentration of non-residential uses in residential zoning districts while at the same time allowing for provision of Special Use Permit request to provide for case by case review of facilities which meet identified community needs.	See above.
3	Provide Buffers Between Residential and Non-Residential Uses	To assure that adequate buffers are provided between residential and non-residential uses in the interests of design compatibility, residential privacy, and minimizing noise and traffic impacts, consider appropriate policy during the Site Plan and Architectural Review process.	Adequate buffers between residential and non residential uses are reviewed during the initial plan check. Zoning Code provisions require quantitative setbacks and buffers to ensure that both the residential and non residential uses are protected.	The quantitative requirements in the Zoning Code ensure that adequate buffers such as setbacks, fencing, walls, and landscaping are in place between residential and non-residential uses.
4	Ensure Compatibility of Multi-Family Projects with Single Family Dwellings	To achieve multi-family projects that are compatible with the character of single family dwellings located in the same neighborhood, review multi-family development proposals for conformance with the City's multi-family design guidelines during the design review process.	Conformance to City's multi-family guiedlines is reviewed during design review by an independent architectural design consultant.	Use of both the City's multi-family and small lot design guidelines have resulted in projects that incorporate design elements and scale of the surrounding neighborhood, including the use of individual entries, front porches, and building elemetns and materials which are prevalent in the surrounding neighborhoods.
<b>H 1.2 Single Family Preservation</b>				
1	Consider Impact of Multi-Family Project Proposals	Consider potential impacts on intact single family neighborhoods during the review of land use changes and special use permits for non-single family development proposals.	Single Family Design Guidelines and Zoning Code include privacy guidelines and restrictions that protect against expanding the continuation of nonconforming walls into the side yard setbacks and included increased set backs and buffers to ensure impacts to single family neighborhoods are reduced.	The Zoning Code, Single Family Dwelling Design Guidelines, and the Multifamily Dwelling Design Guidelines have been effective in preserving the single-family neighborhoods.

**Housing Element 4th Cycle Programs MATRIX**  
**(A Review of 2007-2014 Housing Element Implementing Programs)**

Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
2	Consider Buffers for Multi-Family Projects	In order to assure privacy and reduce noise impacts when new multi-family developments will abut single family districts, consider additional buffering provisions such as landscape buffers, minimum fence heights, location of recreational facilities, underground garage exhausts, etc. during the design review process.	Additional buffering above and beyond the quantitative requirements outlined in the Zoning Code is considered during the design review process. A standard condition of approval is imposed on all development to insure that these types of utilities do not adversely affect the surrounding community.	Standard conditions are imposed on all multi-family developments and design review of multifamily projects allows for review of privacy and noise impacts.

### H 1.3 Housing Rehabilitation

1	Prioritize Investments for Rehabilitation Goals	Continue funding for housing rehabilitation projects as a high priority with CDBG and/or other funds to accomplish the following objectives by 2014: <ul style="list-style-type: none"> <li>• 50 rehabilitated units (owner occupied, low and moderate income residences; rental units in low income neighborhoods)</li> <li>• 125 minor home repairs (owner occupied low income units)</li> </ul>	Total rehabilitated units to date: 26 <ul style="list-style-type: none"> <li>• 2009: 6</li> <li>• 2010: 9</li> <li>• 2011: 6</li> <li>• 2012: 5</li> <li>• 2013: 0</li> </ul> Total minor home repairs to date: 238 <ul style="list-style-type: none"> <li>• 2009: 66</li> <li>• 2010: 76</li> <li>• 2011: 15</li> <li>• 2012: 32</li> <li>• 2013: 49</li> </ul>	Due to reduced CDBG and Redevelopment funding as well as decreased demand by income-eligible home owners, the Housing Rehab Loan program was discontinued in 2012. Eligible owners may access the San Mateo Countywide Loan program. City will continue to support the minor home repair program, likely with CDBG funds.
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### H 1.4 Code Enforcement

1	Employ All Means to Ensure Compliance	Continue code enforcement efforts and provide staff as needed to improve residential areas. Continue use of administrative citations and fees, civil penalties, and civil and criminal litigation to bring about compliance.	The City continues its enforcement efforts and provides staff to improve residential areas through abatement, administrative citations and fees, civil penalties, and civil litigation to bring about compliance. The City also uses court ordered inspection and abatement warrants to enter, inspect and clean up hoarders and residential junkyards that present immediate health and safety violations. More recently, code enforcement efforts have included identifying mortgage holders on the growing number of foreclosed properties in order to enforce property maintenance.	Code Enforcement continues to be an important tool in improving neighborhoods and conformance with health and safety codes in residential units.
2	Continue Low Income Rehabilitation Assistance	Continue to offer rehabilitation loans and repair grants to low-income households as listed in Program H 1.3.	The City continues to provide rehabilitation loans and repairs grants to low-income households. 2012: The City discontinued its Rehabilitation Loan program due to staff cut-backs. Cases may be referred to the City's Minor Home Repair contractor as necessary.	The use of Minor Home Repair program continues to be a useful tool in bringing health and safety code compliance in units where households cannot afford the repairs.
3	Prioritize CDBG-Eligible Areas	Continue proactive code enforcement program in North Central, North Shoreview and other CDBG-eligible areas.	Proactive code enforcement program in North Central, North Shoreview and other CDBG-eligible areas continues. This includes meeting with or attending neighborhood/homeowner associations, conducting increased surveillance in target neighborhoods.	Prioritizing code enforcement in target neighborhoods should be continued to assist with neighborhood improvements.

**Housing Element 4th Cycle Programs MATRIX**  
**(A Review of 2007-2014 Housing Element Implementing Programs)**

Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
4	Continue Apartment Inspection Program	Continue the Apartment Inspection Program to assure safe and sanitary living conditions for residential tenants.	The City's Fire Department conducts apartment inspection on ongoing basis to assure safe and sanitary living conditions for residential tenants.	Apartment inspection program is necessary and appropriate to ensure safe and sanitary conditions in rental properties.

### H 1.5 Building Bulk

1	Ensure Regulatory Compliance to Protect Neighborhood Scale	Through plan check review of single family and duplex projects, ensure compliance with bulk and height regulations and design guidelines in order to maintain consistency with neighborhood character and scale of buildings.	Plan checking of single-family dwellings is ongoing. Second story additions to single family dwellings and new single-family dwellings require design review. The adopted Single Family Design guidelines help to control the bulk and height of second story additions and new single family dwellings. In 2004, Duplex Design Guidelines were adopted by the City Council. These guidelines help to protect against the over-sized additions and new construction in R-2 zoning districts.	The Single Family Dwelling Design Guidelines and Duplex Design Guidelines have been successful in limiting the size and scale of second story additions and new construction, thus each addition or new construction is compatible to the surrounding neighborhood character.
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### H 1.6 Variances and Lot Divisions

1	Consider Impact on Neighborhood Character	Consider existing neighborhood character in terms of dwelling size, height, setbacks and lot size and configuration during review of variances and subdivision proposals.	See accomplishments for Program H 1.5 (1) immediately above.	Property and building characteristics of properties in the vicinity of any variance or lot split application become the basis of findings and recommendations for these types of applications.
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### H 1.7 Retention of Existing Lower Income Units

1	Track Projects At-Risk for Conversion	In order to retain affordable housing, track projects at risk for conversion; maintain regular communication with owners of subsidized projects; prioritize available funds for retaining these units; and assist in outreach and education to tenants as needed.	2009: There were no 'at risk' properties. 2010: There were no 'at risk' properties. 2011: There were no 'at risk' properties. 2012: There were no 'at risk' properties. 2013: There were not "at risk" properties	Although no At -Risk projects during this time period, tracking expiring contracts is important to track in the future.
2	Advocate for Section 8 Program Funding	Monitor Federal actions and appropriations regarding extension of Section 8 contracts, and actively support additional appropriations.	Section 8 contracts are managed by the County and continued communications with the County Housing Authority and Department of Housing allow for ongoing opportunities.	Continue to track federal impacts to program and support ongoing funding.

**Housing Element 4th Cycle Programs MATRIX**  
**(A Review of 2007-2014 Housing Element Implementing Programs)**

Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
3	Provide Funds to Retain At- Risk Subsidized Low Income Housing	Respond to Notices of Intent to Prepay. Give high priority to retaining existing FHA and HUD subsidized low income units through use of CDBG funds, Redevelopment Housing Set-Aside funds, and other solutions.	2009: There were no 'at risk' properties. 2010: There were no 'at risk' properties. 2011: There were no 'at risk' properties. 2012: There were no 'at risk' properties. 2013: There were not "at risk" properties	When expiring contracts are identified, continue to prioritize local funds as available to assist projects since it is less expensive to save and retain rather than create new affordable units.
4	Support Housing Authority Section 8 Program Citywide	Continue to support the County Housing Authority housing rental subsidies to lease units in San Mateo for very low and low income households.	Continued communications with the County Housing Authority and Department of Housing allow for ongoing opportunities.	Although City staff is not involved in administration of Section 8 program, it provides significant support to households citywide.

### H 1.8 Condominium Conversion

1	Prevent and Mitigate the Impact if Conversions	Continue to implement tenant notification, purchase opportunities, long-term leases, and relocation assistance provisions of the subdivision code.	2009: No condominium conversions occurred. 2010: No condominium conversions occurred. 2011: No condominium conversions occurred. 2012: No condominium conversions occurred. 2013: No condominium conversions occurred.	In conjunction with the City's Condominium Conversion ordinance adopted in 1975 that requires compliance or upgrading to the current Building and Fire codes, these policies have been effective in protecting existing tenants from condominium conversion.
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### H 1.9 Demolitions

1	Prevent Housing Demolition	Unless health and safety problems exist, prevent demolition of existing residences until a building permit for new construction has been issued. Continue implementation of the City's Demolition Ordinance but strive to prevent health and safety problems that lead to a risk of demolition by implementing the code enforcement programs described in Program H 1.4.	Demolition ordinance will continue to be implemented.	Demolition ordinance will continue to be implemented. The Demolition ordinance contains appropriate measures to preclude demolition of existing residences.
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### H 2.1 Fair Share Housing Allocation

## Housing Element 4th Cycle Programs MATRIX (A Review of 2007-2014 Housing Element Implementing Programs)

Housing Element Program Name/Number	Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
1	Fair Share Housing Allocation  Attempt to achieve compliance with ABAG Fair Share Housing Allocation for total housing needs and for low- and moderate-income needs. 1. Monitor housing production against ABAG Fair Share Allocation, providing annual updates for the Planning Commission and City Council.	<b>Total ABAG Goal</b> 3,051 units: 695 Very Low, 500 Low, Moderate, 1,267 Above Moderate. <b>2009</b> Total 93 units: 53 Very Low, 14 Low, 2 Moderate, Above Moderate. <b>2010</b> Total 3 units: 3 Above Moderate Total 27 units: 3 Moderate, 24 Above Moderate. <b>2012</b> Total 251 units: 74 Very Low, 3 Moderate, 174 Above Moderate <b>2013</b> Total 544 Units: 20 Very Low, 22 Low, 9 Moderate, 493 Above Moderate	589 24 <b>2011</b> Although adequate land is zoned to accommodate ABAG Fair Share goals, City does not control how much housing is developed. City funding was maximized to subsidize affordable units to the extent it had funding.

### H 2.2 Jobs/Housing Balance

1	Monitor Housing and Job Production  With the objective of maintaining a balance of housing and employment, monitor housing and job production, providing annual updates to the Planning Commission and City Council.	The City continues to work toward addressing the jobs-housing balance. The jobs housing ratio is based upon number of jobs per employed resident and is considered balanced the closer the ratio is to 1.00. ABAG projects that, based on the growth of jobs in the City, the jobs-per-employed-resident ratio will continue to rest around 1.00 through 2020.	Although City does not have direct control in influencing the jobs/housing balance, tracking this data provides and assists in the long range planning for both housing, land use, and economic development activities.
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### H 2.3 Pubic Funding of Low and Moderate Income Housing

1	Public Funding of Low and Moderate Income Housing  Provide HOME, Redevelopment Housing Set-Aside, and other funds and seek additional federal and state funds, tax credits, and other resources with the highest priority to support the development of 61 extremely low and 126 very low income housing units over the planning period. Specific objectives include: • Completion of 53 units by July 2010 • Commitment of funds for 54 new units by June 2010 • Site identified for 45 units by July 2013 • Site identified for 35 units by July 2014	<b>2009:</b> 1) Construction began on Peninsula Station, 68 units, 100% affordable rentals. 2) Developer selected for 2000 S. Delaware project; began development agreement negotiations. <b>2010:</b> 1) Peninsula Station completed and fully occupied -- Extremely Low = 21; Very Low = 32; Low = 14. 2) Planning application submitted for 2000 S. Delaware, 120 family rentals. <b>2011:</b> DDA and Planning approvals by City Council for 2000 S. Delaware. \$1.2 million subsidy from City HOME and RDA funds. <b>2012:</b> 1) Construction began on phase I ( 60 units) of 2000 S. Delaware including 10 extremely low, 49 very low, and one unit for the resident manager. 2). City and Bay Meadows identified boundaries of one acre parcel to be provided to City for future affordable housing. Estimate 60-65 units . <b>2013:</b> 1) 2000 S. Delaware Phase I completed and occupied. 2) One acre parcel at Bay Meadows dedicated to City for future development.	Exceeded goals for City funded affordable housing. 128 units were completed, 60 units in contract at 2000 S. Delaware to begin construction in 2014 and one acre site for estimated 60-65 units has been dedicated to City. Developer selection to occur in 2014.
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### H 2.4 Private Development of Affordable Housing

**Housing Element 4th Cycle Programs MATRIX**  
**(A Review of 2007-2014 Housing Element Implementing Programs)**

Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
1	Maintain the Inclusionary Housing Ordinance	Maintain an inclusionary housing ordinance that requires 10% of the housing units to carry affordability deed restrictions for projects with 11 or more units.	The Below Market Rate (BMR) inclusionary program requires 10% of any new residential project that has 11 or more units to be affordable.	During this period the BMR program provided 100 affordable units either completed or under construction, representing 35% of new affordable units during the program period.
2	Consider and Propose Amendments to Strengthen the Inclusionary Housing Requirement	Evaluate the impacts on housing development costs of making amendments to the inclusionary housing requirements, such as increasing the percentage of units required, requiring greater affordability, lowering the project size that triggers the requirement, and/or including an in lieu payment for small projects. Based on the evaluation, bring an amendment proposal to Council.	COMPLETE: Revisions to the inclusionary program were recommended after a technical advisory committee study and subsequently adopted by the City Council in 2008. The requirement will be increased to 15% and begin implementation on January 1, 2010. The new program also provides for fractional fees for projects sized 5-10 units, and for fractional BMR units not constructed onsite. It also allows some flexibility on BMR units size and bedroom mix.	In addition to BMR program revisions implemented in 2010, an ballot measure to amend the program to allow a housing impact fee was put on the ballot in Fall 2011 and failed to pass by the voters. City will continue to enforce it's basic inclusionary requirements.
3	Consider and Propose a Commercial/Housing Linkage Program	Develop, hold public hearings on, and if possible, adopt a commercial/ housing linkage program based on empirical data applicable to the City of San Mateo. Bring a proposal to Council.	The Housing and Land Use report contains a recommendation to implement a commercial linkage program and this item was discussed at a study session in May 2008. There was both strong opposition and support for this proposal at that time, therefore the City Council has not yet acted on this recommendation.	This recommendation will carry over to the next Housing Element. The City is participating in a countywide nexus study that will be the basis for this consideration.
4	Develop a Density Bonus Program	Develop a density bonus program consistent with State law.	Revisions to the density bonus program were adopted by ordinance and as part of the Zoning Code in January 2009. 2009: 18 units above the base density were completed. 2010: No density bonus units were completed. 2011: No density bonus units were completed. 2012: No density bonus units were completed. 2013: 1 density bonus unit was completed.	City will continue to support and promote developer use of Density Bonus. It is used in conjunction with the BMR program, allowing concessions to developers in exchange for the affordable units.
5	Incentivize and Expedite Processing for Affordable Housing	Inform developers about density bonus incentives for affordable housing, and give processing priority to applications which include substantial proportions of affordable housing.	With project proposal and discussion prior to and during the planning application process, information is available to developers regarding all incentive options related to density in housing development.	See above.

## H 2.5 Distribution of Low and Moderate Income Housing

1	Mix Market Rate and Affordable Housing	When reviewing applications for affordable housing projects, attempt to distribute affordable housing throughout the City and to encourage mixing of market rate and low and moderate income units.	The City's current Below Market Rate program ensures that affordable housing is developed throughout the City rather than in specific areas since it is applied on all new housing projects that contain 11 or more units. Also staff tries to avoid concentration of new affordable housing in any given neighborhood.	City's BMR program has been effective in distributing affordable housing units citywide, as well as providing a variety of sizes of units, both rental and for-sale.
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## H 2.6 Rental Housing



**Housing Element 4th Cycle Programs MATRIX**  
**(A Review of 2007-2014 Housing Element Implementing Programs)**

Housing Element Program Name/Number	Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
1	Encourage Rental Housing Development	Encourage development of rental housing for households unable to afford ownership housing during review of applications for multi-family housing.	The decision to develop rental vs. for-sale units in multifamily projects varies with the market. Some developers don't decide whether to sell or rent their units until the units are under construction and the market is evaluated at that time.
			The decision to develop rental vs. for-sale units is based on market conditions, and are evaluated by private developers rather than the City. To address this gap, the City has targeted 100% of its affordable housing financing for new construction toward rentals.

## H 2.7 Secondary Units

1	Ensure Compatible Design of Secondary Units	Through plan check review of secondary unit applications, ensure compliance with regulations, architectural standards, and design guidelines to promote design compatibility with the principle residence and the neighborhood, provide required parking on-site, and minimize privacy impacts on adjoining properties.	Secondary Units are permitted as of right within residential zoning districts. Each application for a second story secondary unit is reviewed for consistency to the Single Family Design Guidelines and the Zoning Code.
			Both the Single Family Dwelling Design Guidelines and the Zoning Code have ensured the compatibility of Secondary Units (aka In-Law Units) with the surrounding properties.

## H 2.8 Single Room Occupancy

1	Adopt a Single Room Occupancy Ordinance	By 2012, adopt a Single Room Occupancy Ordinance to allow the development of new small affordable units in areas close to transportation services.	The City does not have a Single Room Occupancy ordinance. There were no applications for SRO developments during this reporting period. An SRO ordinance will be developed in conjunction with any request for development of an SRO project.
			While there has been no demand for this to date, the development and adoption of a Single Room Occupancy Ordinance as part of a development proposal will allow for appropriate review of current trends and the creation of relevant standards for SRO development. Due to staffing shortage and economic down turn, resources were not available to implement this policy during the previous reporting period. Continue this policy through the new reporting period to provide opportunity to evaluate this in the future.

## H 2.9 Multi-Family Location

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Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
1	Maintain Zones for Multi-Family Housing	Maintain multi-family zoning on specified sites consistent with the Land Use Map or Land Use Element policies.	The locations designated in this policy have been designated as multi-family residential on the Land Use Map and have been reclassified to a multi-family zoning designation. The City has maintained existing land zoned for multi-family use. Multi-family projects have been developed on the Bay Meadows practice track. Additional multi-family development is planned/approved for portions of the Bay Meadows race track.	Multifamily and mix-used projects have been developed as part of Bay Meadows Phase II, on the former Bay Meadows practice track. This program continues to maintain multifamily zoning in areas that are appropriate for multifamily land use.
2	Rezone for Multi-Family Housing when Appropriate	Permit reclassification to multi-family zoning when a property is zoned for commercial use or it is large enough to support self-contained housing, adequate on-site parking and usable open space, has good access to arterial streets and transit, maintains a reasonable buffer to single family zones, and constitutes a logical extension of multi-family development.	Any future requests for reclassifications to multi-family will be evaluated under the criteria listed in section 2 of this policy as part of the development review process for a specific project.	No reclassification applications have been applied for during the last reporting period.

## H 2.10 Housing Densities

1	Ensure Higher Density Residential Development in Appropriately Situated and Designed	During the development review process, condition higher density development located near transit to provide public benefits such as affordable housing, increased open space, public recreational facilities, or off-site infrastructure improvements. In addition, ensure that inappropriate densities are not permitted on lots of less than one-half acre.	Regulations to provide for greater density upon provision of public benefits and comprehensive multi-family guidelines have not yet been developed. Both the Measure H (1991) and Measure P (2004) voter initiatives established density ranges in the City. Since 2001, residential development has averaged 77% of the maximum permitted density, and over 80% since 2006. Project specific amenities are analyzed on a case by case basis during the public review process.	Due to staffing shortage, no standards have been developed as yet, so effectiveness cannot be analyzed.
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## H 2.11 Senior Project Location

1	Support Senior Housing Development	Permit senior housing projects on multi-family or non-residentially zoned properties within walking distance of services and transit routes. Continue to provide allowances for density bonuses for senior projects during project review and review of reclassification applications to the Senior Citizen Overlay district and Residential Care Facility Special Use Permits.	The City allows Senior Projects within multi-family and commercially zoned properties. The City continues to promote the development of senior housing through its use of the Senior Citizen Overlay District.	The City continues to promote the development of senior housing through its use of the Senior Citizen Overlay District.
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## H 2.12 Mixed Use

**Housing Element 4th Cycle Programs MATRIX**  
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Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
1	Pursue Policies that Enable Mixed-Use Development	Permit the construction of housing or mixed-use projects in commercial areas. Encourage mixed-use development in specific area plans, the El Camino Real Master Plan, and the San Mateo Rail Corridor Transit-Oriented Development Plan. Consider designation in future plans for 42nd Avenue. Encourage mixed-use development with floor area and/or height bonuses in selected areas of the City.	Construction of mixed use buildings are permitted in all commercial zoning districts. Applicants developing in specific areas such as the El Camino Real Master Plan and San Mateo Corridor Plan areas are encouraged to develop mixed-use buildings.	The City adopted the Hillsdale Station Area Plan, which includes policies to encourage housing as part of mixed-use developments within Transit Oriented Development (TOD) designated areas. Applicants developign in specific areas within the areas covered by the El Camino Real Master Plan, San Mateo Corridor Plan, and Hillsdale Station Area Plan are encouraged to develop mixed-use buildings.
2	Publicize the Value of Mixed-Use Development	Publicize the advantages of constructing housing or mixed-use projects in commercial areas. Publicize the ability to locate residences in commercial areas.	Individual meetings with applicants and comments made by the Planning Commission during public hearings have publicized the desirability of mixed-use development. In addition, the El Camino Real Master Plan and Land Use Transportation Corridor Phase 1 Plan both include provisions encouraging the development of mixed-use projects. Station Park Green (under review), Polo Court (under review), Sunnybrae Townhomes (under review), Hines Development (approved).	As described above, projects within the El Camino Real Master Plan and Hillsdale Station Area Plan have helped to guide and publicize the benefits of mixed-use developments. This is in addition to the various community meetings and Planning Commission meetings where mixed-use development is encouraged.

## H 2.13 Transportation-Oriented Development (TOD)

1	Encourage TOD	Encourage compact, mixed-use, and denser housing development in locations near transit.	The San Mateo Rail Corridor Plan Transit-Oriented Development Plan was adopted by the City Council in 2005. This document and the subsequent specific plan and design guidelines have regulated development in the rezoned Transit Oriented Development (TOD) properties.	The Corridor Plan has been effective in encouraging development near transit and train stations. This is evident by the development of the former Bay Meadows rack track with the 18-block Bay Meadows Phase II development, which consists of a mix of uses including retail, office, single-family dwelling units and high density multifamily residential blocks.
2	Ensure Conformance to TOD Ordinances and Plans	Ensure that development proposals conform to the Transit Oriented Development Ordinance and the San Mateo Rail Corridor Transportation Oriented Development Plan.	A TOD ordinance was adopted in 2005 with the associated Corridor Plan, as described above. 2010: Hines project at Hwy 92 & Delaware in the TOD was approved in Aug 2010. 2011: There were 2 TOD projects approved this reporting period. Station Park Green received final planning approval in Jan 2011, and the Ordinance approving the Station Park Green Development Agreement was approved in Feb 2011. The 2000 S. Delaware project was approved in May 2011.	The ordinance and the Corridor Plan have been effective for encouraging development near transit and train stations.

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Housing Element Program Name/Number	Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
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## H 2.14 The Homeless

1	Support Organizations to Prevent Homelessness	Continue existing support for organizations that seek to prevent homelessness including participation in the HOPE Program.	<p>City provides continuous representation and participation on the County Continuum of Care focusing on programs for prevention of homelessness and services to homeless families &amp; individuals. City actively participated in development of HOPE San Mateo County, the 10-year plan to end homelessness completed in 2006. The HOT Program (Housing Outreach Team) started as a first year pilot project in 2006 focused on developing a Housing First model for chronically homeless persons in Downtown San Mateo. 2010 was the first full year of operation and the 16 units of permanent supportive housing at The Vendome have had little turnover while continuing to house some of the most chronic formerly homeless individuals. It has proven to be a pilot program that is being duplicated by other jurisdictions who are implementing HOT programs in their communities throughout the County.</p> <p>The City contributes a 'fair share' payment for operation of Safe Harbour, the regional emergency homeless shelter for individuals and provides grants to Shelter Network for operation of First Step for Families, a family focused emergency shelter program.</p>	As funding is available, City will continue to provide subsidies to organizations that provide services to prevent or address homelessness. Staff will continue to participate in the HOT team activities at the Vendome.
2	Permit Emergency Shelters By-Right	Allow emergency shelters as a permitted uses subject only to the same standards as other allowable uses in Regional/Community Commercial land use categories consistent with the provisions of SB2. By July 1, 2010, amend the City's Zoning Ordinance to allow emergency shelters as permitted uses in the C2 and C3 zoning districts (Regional/Community Commercial land use categories).	Zoning Code was amended in 2009 to allow emergency shelters in C2 and C3 Districts as a permitted use. Emergency shelters were also made a permitted use for religious institutions located in residential zoned areas.	No new requests for emergency shelters were received during this program period. City will continue to permit by-right shelters in the future.

## H 2.15 Open Choice

1	Work to Eliminate Housing Discrimination	Continue implementation of the Fair Housing Resolution, affirmative marketing of city-subsidized housing projects, and providing available funds to nonprofit organizations that monitor and address housing discrimination.	<p>The City contracts with Project Sentinel to provide Fair Housing services, monitoring and investigation. All housing related projects or services funded by the City include affirmative marketing guidelines and are monitored on a regular basis. City completed an Analysis of Impediments for Fair Housing in 2013.</p> <p>City will continue to provide funding to a Fair Housing agency on an ongoing basis with its CDBG funds.</p>
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## H 2.16 Special Needs Groups

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Housing Element Program Name/Number		Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
1	Support Programs to Accommodate Special Needs Groups	Continue supporting programs designed to accommodate special needs groups, such as rehabilitation loans, minor home repair, purchase of land for new housing, Section 8 rental assistance, shared housing, and first- and last-months rent program.	2009: The City provided financial assistance to six programs that provided housing and/or related services to a variety of special needs populations. 2010: The City provided financial assistance to six programs that provided housing and/or related services to a variety of special needs populations. 2011: The City provided financial assistance to seven nonprofit organizations that provided housing, rental assistance and/or housing related services to a variety of special needs populations. 2012: The City provided financial assistance to eight nonprofit organizations that provided housing, rental assistance and/or housing related services to a variety of special needs populations. 2013: The City provided financial assistance to four nonprofit organizations that provided housing, rental assistance and/or housing related services to a variety of special needs populations due to funding cuts.	City will attempt to continue to financially assist these types of agencies as funding allows. Loss of Redevelopment funds resulted in a 50% loss of organizations funded in 2013, which is likely to continue into the next Housing Element program period.
2	Ensure Reasonable Accommodation for People with Disabilities	By January 2011, complete an evaluation of government constraints to the development and rehabilitation of housing for people with disabilities, and codify a formal reasonable accommodation procedure to eliminate constraints.	Reasonable Accommodation Policy to be approved by City Council in 2014.	Reasonable Accommodateion Policy is scheduled for adoption June, 2014.

### H 3.1 Sustainable Housing Development

1	Adopt a Green Building Ordinance	By January 2010, adopt a Green Building Ordinance to ensure that single family and multi-family housing is developed in a sustainable manner.	COMPLETE: The Green Building Ordinance was adopted by the City Council on November 5, 2009 and implementation began on January 1, 2010.	The California Green Building Standards Code (CALGreen Code) replaces the City's Green Building Ordinance, which was recinded effective January 1, 2014. This policy will be removed from Housing Element 2014-2022, as all projects are required to comply with the state code.
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### H 4.1 Energy and Water Efficiency

1	Conduct a Pilot Energy and Water Efficiency Program	In order to develop a long term program to encourage energy and water efficiency retrofits, design and implement a pilot program in the North Shoreview neighborhood to evaluate the condition of existing housing stock and consider possible program design and incentives. Conduct and evaluate the results of a neighborhood survey by June 2009 in preparation for launching the pilot program by January 2010.	COMPLETE: 2009: As part of the pilot, a door to door energy efficiency survey was conducted in the North Shoreview neighborhood in March 2009 with over 40 volunteers and obtaining 115 responses. As incentive, there were 5 energy audits donated as a drawing for participating households. This marked the achievement of this goal.	Program provided education and outreach about available incentives to homeowners in the pilot neighborhood. This program will not be duplicated in future.
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Housing Element Program Name/Number	Program Description and Objective	Timeframe and Achievements	Program Evaluation and Recommendation
2 Launch a Citywide Energy and Water Efficiency Program	Design a survey instrument to evaluate the condition of existing housing stock Citywide, conduct survey, and evaluate results by January 2010. Based on the survey and pilot project, design and launch an expanded citywide energy and water efficiency retrofit program by June 2010.	<p>2009: Developed a marketing plan to promote energy retrofits within existing City Home Repair programs. City signed letters of intent to participate in countywide programs to apply for State Energy Program Grants for energy retrofit program design and municipal bond funding for building retrofits.</p> <p>2010: Home Energy House Call Program was designed and a request for proposals was issued to provide house calls to residents to review energy &amp; water usage and install efficiency devices such as fluorescent light bulbs, low flow shower heads, etc. Program to be implemented in Summer 2011.</p> <p>2011: Rising Sun Energy Center was able to provide 385 house calls to residents and hire and train 9 San Mateo youth to perform the house calls during summer 2011. This was accomplished utilizing their California Youth Energy Services program, whose participants far exceeded their original goal of 200 homes. 68% of the households served were low-moderate income.</p> <p>2012: Since 2009, The City has funded energy retrofits to 13 single family homes through its housing rehabilitation loan program.</p>	City had one-time energy block grant funding to sponsor the California Youth Energy Services program for one year. City will continue to look for financial resources to continue program in the future. City will continue to incentive programs provided by outside agencies and assist in marketing those programs citywide. City is also forming a Sustainability Commission which will provide further priorities for program direction in the future.