



San Mateo County Sheriff's Activities League

Building the Bond Between Deputies, Youth, Families, and the Community

March 6, 2024

Lisa Ketcham, Chair, and Planning Commissioners
County of San Mateo Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063
sent via e-mail to: planning_commission@smcgov.org

RE: County File No. PLN 2022-00220 on the March 13, 2024 Planning Commission meeting agenda;
Cypress Point affordable housing project

Dear Chair Ketcham and Members of the Commission,

Please accept these comments on the above-referenced project on behalf of the San Mateo County Sheriff's Activities League.

The San Mateo County Sheriff's Activities League (SAL) urges the Commission to support MidPen's proposal for 71 affordable homes in Moss Beach. We have partnered with MidPen at their properties on the Coastsides. We can attest to the care that the on-site staff puts into their properties, and most importantly, their residents. MidPen's staff works directly with residents through on-site programming and connects with the community by engaging with community partners.

SAL strives to create opportunities that guide youth toward their full potential through impactful programs, which foster relationships between deputies, youth, families, and the community. The students SAL serves have been identified as at-risk youth, growing up in an environment where they are continually exposed to gang recruitment and gang violence, domestic and gender-based violence, limited employment opportunities, illiteracy, substandard and overcrowded housing and schools, family instability, bullying, high levels of crime and drugs, lack of access to social services, and the lack of positive role models. The stress and uncertainty of unstable housing hinders youth from reaching their full potential.

At Moonridge, SAL has built a strong presence in the community by offering various enrichment activities, such as the Reading Stars literacy and the Youth Leadership programs. Additionally, SAL has an active presence at various Moonridge and Main Street Park community events, movie nights, community celebrations and holiday festivities, which help bolster community engagement at MidPen's properties.

The Cypress Point development will have a significant impact on the community by providing much needed affordable housing, and the opportunity for Coastsides workers and residents to establish stability and a higher quality of life. There is currently no affordable housing available in the Midcoast despite a significant community need. We hope to have the opportunity to continue to partner with MidPen at Cypress Point soon and encourage you to support MidPen's proposal.

Thank you for your consideration.



San Mateo County Sheriff's Activities League

Building the Bond Between Deputies, Youth, Families, and the Community

Sincerely,

Reina Canale

Reina Canale, Esq.
Executive Director
San Mateo County Sheriff's Activities League



320 13th St. Oakland, CA 94612; (510) 823-2165

Lisa Ketcham, Chair, and Planning Commissioners
County of San Mateo Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

RE: County File No. PLN 2022-00220 on the March 13, 2024, Planning Commission meeting agenda;
Cypress Point affordable housing project

Dear Chair Ketcham and Members of the Commission,

Please accept these comments on the above-referenced project on behalf of Five Keys.

Five Keys urges the Commission to support MidPen's proposal for 71 affordable homes in Moss Beach. We have partnered with MidPen at their properties on the coastside, and attest to the care that the on-site staff puts into their properties, and most importantly, their residents. MidPen's staff works directly with residents through on-site programming and connects with the community by engaging with community partners.

Five Keys is a nationally recognized non-profit education management corporation that provides free adult education for anyone ages 16-96 residing in California wishing to obtain their GED, HiSET, or High School Diploma, as well as transitional employment opportunities, and programs for those seeking a second chance to meet their goals. Through the use of social and restorative justice principles, Five Keys provides traditionally underserved communities the opportunity to improve their lives through a focus on the Five Keys: education, employment, recovery, family, and community.

Five Keys began partnering with MidPen Services in 2023 to help expand their workforce development programming that pilots a "Learn & Earn" model. Five Keys administers GED/HSE (High School Education) courses to residents across MidPen's portfolio, including coastal communities.

The Cypress Point development will have a significant impact on the community by providing much needed affordable housing, and the opportunity for Coastside workers and residents to establish stability and a higher quality of life. There is currently no affordable housing available in the Midcoast despite the need. We hope to have the opportunity to continue to partner with MidPen at Cypress Point in the near future and encourage you to support the proposal.

Thank you for your consideration.

Sincerely,

Leah Clougherty

A handwritten signature in black ink that reads "Leah Clougherty". The signature is written in a cursive, flowing style.

Regional Superintendent of Northern California, Five Keys

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March 7, 2024

Planning Commission, County of San Mateo
Angela Montes, Commission Secretary
455 County Center, 2nd Floor
Redwood City, CA 94063

Sent via email to planning_commission@smcgov.org

Re: Applicability of the State Housing Laws to Cypress Point Affordable Housing Project

Dear Planning Commission:

Our firm represents the MidPen Housing Corporation (“Applicant”) in its application to construct a 71-unit affordable housing community on a 10.875-acre parcel (APN 037-022-070) in Moss Beach (the “Project”), an unincorporated community in San Mateo County. We appreciate the County’s efforts in processing this important 100% affordable housing project. As you know, the California Legislature has adopted myriad new laws to produce housing in a response to the on-going housing crisis. This letter summarizes and demonstrates the applicability of various state housing laws to the Project.

Legislative Background

In adopting more than 150 new housing laws since 2017, the Legislature has articulated statistics that convey the depth and breadth of the housing crisis. For example, legislative findings adopted as part of the Housing Crisis Act of 2019 state the following:

(1) California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita.

(2) Consequently, existing housing in this state, especially in its largest cities, has become very expensive. Seven of the 10 most expensive real estate markets in the United States are in California. In San Francisco, the median home price is \$1.6 million.

(3) California is also experiencing rapid year-over-year rent growth with three cities in the state having had overall rent growth of 10 percent or more year-over-year, and of the 50 United States cities with the highest United States rents, 33 are cities in California.

(4) California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over the next 7 years.

(5) The housing crisis has particularly exacerbated the need for affordable homes at prices below market rates....

(b) In light of the foregoing, the Legislature hereby declares a statewide housing emergency, to be in effect until January 1, 2025.

The following identifies some of the housing laws applicable to the Project.

Housing Accountability Act

First, the Housing Accountability Act (“HAA”) applies to the Project. The HAA strictly limits an agency’s authority to reject or to significantly condition its approval of qualifying housing projects. In Gov. Code § 65589(d), projects are afforded protections when they include a specified minimum amount of “very low, low- or moderate-income housing.” To qualify, a project must include at least 20% low income units or 100% moderate income units. Gov. Code § 65589.5(h)(3)(A). The Project will comply by providing 100% of its units for low income households.

Where applicable, the HAA provides that an agency shall not disapprove a housing development project or condition approval in a manner that renders the housing development project infeasible unless it can make written findings, based upon a preponderance of the evidence, of one of the following. None of the findings are applicable here, as discussed below.

1. **The agency must have adopted a housing element and be in substantial compliance. It then must have met or exceeded its share of its regional housing need allocation.** Gov. Code § 65589.5(d)(1). In this instance, San Mateo County does not have a currently compliant housing element. It was found to be out of compliance from [HCD as of January 19, 2024](#).
2. **The project must have a specific, adverse impact upon public health or safety that cannot be mitigated.** Gov. Code § 65589.5(d)(2). A finding of public health or safety impacts must be a “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete,” with no feasible way to mitigate the impact. Gov. Code § 65589.5(d)(2). The State Legislature has emphasized its expectation that this type of “public health or safety” condition will “arise infrequently.” (Ch. 243, Stats. 2018; AB 3194 of 2018 (Daly)). The County has not identified a public

health or safety impact based on a written standard, policy or condition. Rather, the County has found the Project in compliance with all applicable policies and other requirements.

3. **A denial of the project must be mandated by state or federal law.** Gov. Code § 65589.5(d)(3). There is no state or federal law that compels the County to reject the Project. To the contrary, approving the Project would further the purposes of numerous federal and state laws that promote the development of affordable housing, as discussed herein.
4. **The project must be zoned for agriculture or have inadequate water or wastewater facilities to serve it.** Gov. Code § 65589.5(d)(4). The Project site is not zoned for agriculture or resource preservation. The project site is currently designated Medium-High Density Residential. As part of project approvals, a General Plan Amendment to Medium Density Residential has been requested. The Project within the Medium High Density Residential General Plan designation. Further, there is no evidence that there would be insufficient water or wastewater facilities available to serve the Project. (See Draft Environmental Impact Report, Utilities Chapter.)
5. **The agency must have adopted a housing element and be in substantial compliance. The project must then be inconsistent with the zoning ordinance and general plan land use designation.** Gov. Code § 65589.5(d)(5). The County does not have a currently compliant housing element. Further, while the County has found the Project compliant with General Plan and Zoning standards, such compliance is not required pursuant to this provision.

Based on the foregoing, the Project qualifies as a housing development project for low-income households under the HAA, thereby limiting the County’s ability to deny or condition the Project in a manner that renders it infeasible.

Housing Element Law

In addition to the HAA, there are number of provisions in Housing Element law that require streamlined processing for Housing Element inventory sites. We note that the site has been identified in the draft 2023-2031 Housing Element as a pipeline project (see Table E-5, as shown below):

Address	Community	APN	General Plan Designation	Zoning	Min Density	Max Density	Size (acres)	Existing Use	Capacity by Income Level				Total Units	Project Description
									Very Low	Low	Moderate	Above Moderate		
CARLOS ST AT SIERRA ST	MOSS BEACH	37022070	Medium High Density Residential	PUD-124	8.8	17.4	11.0	Vacant	35	35	0	1	71	100% affordable project on site of previously approved higher density mixed-income project, revised to lower densities

Projects with 20% low income housing on sites that are listed in the Housing Element inventory for affordable housing and have been recycled from prior housing elements are subject to by right processing. Gov. Code § 65583.2(c). The Project site was in fact listed in the prior, Fifth Cycle, [Housing Element 2014-2022](#) (see Table 9-6, excerpted below). By-right processing precludes the jurisdiction from requiring any discretionary local review or approval, including CEQA. Gov. Code § 65583.2(i).

APN	Lot Size (Acres)	County Area	Zoning	General Plan Land Use	Minimum Res. Density/Acre (if applicable)	Maximum Lot Capacity (Units)	Realistic Capacity (Units)	Current Land Use	Environmental Constraints	Infrastructure Availability/Issues
037022070	11.09	Rural Midcoast	PUD-124/CD	Medium High Density Residential	8	192	40	VACANT LAND	No known constraints	Available/None

Additionally, projects with 20% low income units on sites that are identified in the Housing Element as needing upzoning to meet unaccommodated affordable housing need are also subject to by right processing. Gov. Code § 65583.2(h).

Projects with at least 49% affordable projects on Housing Element inventory sites that are required to be rezoned must also be approved unless adverse health or safety impact findings are made. Gov. Code § 65583(g). This pathway is available for projects consistent with objective standards and where a jurisdiction has not implemented rezoning by the statutory deadline.

Once the Housing Element is certified and implementing rezoning is adopted, additional by right processing pathway may also be available for this site, further evidencing the intent of the Legislature to provide for streamlined processing for projects such as this Project.

State Density Bonus Law

The Project also qualifies for the State Density Bonus Law (Govt. Code § 65915 et seq.) by providing 100% affordable units. Gov Code § 65915(b)(1)(G). The State Density Bonus Law provides a number of benefits to qualifying projects including density bonuses, incentives/waivers, development standard waivers and parking reduction. While the Applicant has not requested any State Density Bonus Law benefits, and in fact has *reduced* the density of the Project to be sensitive to the surrounding community, it is still worth noting that the Project qualifies for the State Density Bonus Law protections as well.

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Planning Commission, County of San Mateo

March 7, 2024

Page 5

Conclusion

In conclusion, this Project is afforded protections under numerous components of California housing law. We appreciate the County's diligence in continuing to process the Project in line with these laws.

Sincerely yours,

HOLLAND & KNIGHT LLP



Chelsea Maclean

Cc: Tim Fox
Steve Monowitz
Mike Schaller
Serena Ip