



“The City with a Heart”

Rico Medina, Mayor
Marty Medina, Vice Mayor
Tom Hamilton, Councilmember
Linda Mason, Councilmember
Michael Salazar, Councilmember

GOVERNOR’S EXECUTIVE ORDER N-25-20****

On March 17, 2020, the Governor of California issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the CDC’s social distancing guidelines which discourage large public gatherings, the San Bruno City Council is now holding meetings via Zoom.

If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, you may address the Council orally during the meeting, or you may email us at mthurman@sanbruno.ca.gov. The length of all emailed comments should be commensurate with the three minutes customarily allowed per speaker, which is approximately 300 words total. Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City’s website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet becoming part of the public record for that meeting.

Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact Melissa Thurman, City Clerk 48 hours prior to the meeting at (650) 619-7070 or by email at mthurman@sanbruno.ca.gov. Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

AGENDA

SAN BRUNO CITY COUNCIL SPECIAL MEETING

July 6, 2021

5:30 p.m.

Zoom Meeting Details:

<https://sanbruno-ca-gov.zoom.us/j/98416127419?pwd=dmlUZDJSYTY5L0Y1VWZBRjkvQkhwdz09>

Webinar or Meeting ID: 984 1612 7419

Webinar or Meeting Password: 679885

Zoom Phone Line: 1-669-900-9128 (same webinar ID and password as above)

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**
Individuals allowed three minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.
4. **STUDY SESSION**
 - a. Authorize City Manager to Forward an Opposition Letter regarding City of San Bruno’s Final Draft Regional Housing Needs Allocation (RHNA) 6 Allocation.
5. **ADJOURNMENT:** The next Regular City Council Meeting will be held on July 13, 2021 at 7:00 p.m.



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: July 6, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

SUBJECT: Authorize City Manager to Forward an Opposition Letter regarding City of San Bruno's Final Draft Regional Housing Needs Allocation (RHNA) 6 Allocation

BACKGROUND:

On May 20, 2021, the Association of Bay Area Governments (ABAG) Executive Board approved the Final Regional Housing Needs Allocation (RHNA) Methodology and Draft Allocations. City of San Bruno received a total of 3,165 housing units, a significant increase since December 2020. ABAG staff explained that the increase was largely due to methodology adjustments recommended by the Plan Bay Area Blueprint 2050 and specific consideration of the San Bruno's aging shopping centers: Tanforan and Towne Center. However, staff believed that ABAG'S final draft RHNA allocation and methodology for San Bruno should have also considered noise contours and height restrictions that are imposed by the San Francisco International (SFO) Airport Land Use Compatibility Plan (ALUCP) over the City's Tanforan and Towne Center shopping centers area.

The release of ABAG's final draft allocation also initiates the RHNA appeal phase. In accordance with State laws, any jurisdiction can appeal its draft RHNA allocation to ABAG and such appeal shall be filed before July 9, 2021. Statutory basis for a jurisdiction to file an appeal are limited to the following:

1. ABAG failed to adequately consider information submitted as part of the local jurisdiction survey that ABAG conducted in early 2020 to gather information about the statutory factors that must be considered in the RHNA methodology and information about affirmatively furthering fair housing.
2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives.

ITEM 4.a.

3. A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits revision of information submitted as part of the local jurisdiction survey. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

DESCRIPTION:

Although San Bruno strongly opposes to ABAG's final draft RHNA allocation and believe that one of the three abovementioned statutory findings can be met for a formal appeal, staff believes that it is best to not file an appeal in an effort to preserve taxpayer resources. The estimated costs for consultant support to file and process the appeal is \$50,000, and the probability of a successful appeal is unknown. San Bruno is in full support of HCD's plan to produce sufficient housing for California. San Bruno understands the dire housing crisis and is committed in solving such problem. Nevertheless, staff recommends the City Council authorize City Manager transmitting a formal opposition letter to ABAG and HCD in lieu of a formal appeal. The letter requests further assistance from ABAG and HCD in resolving the ALUCP conflict and future opposition the City may receive from other regional, state, and federal agencies to achieve its RHNA allocation. The letter would also urge ABAG and HCD to support the City's next Housing Element, which will rely on new housing development in these shopping center areas.

ALTERNATIVES:

1. City Council can direct City Manager not to forward the opposition letter.

RECOMMENDATION:

Authorize City Manager to forward the Final Draft RHNA 6 opposition letter to ABAG.

DISTRIBUTION:

None

ATTACHMENTS:

1. San Bruno's opposition letter to ABAG regarding Final Draft RHNA 6 allocation

DATE PREPARED:

July 1, 2021



Jovan D. Grogan
City Manager

July 6, 2021

Association of Bay Area Governments
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

Re: Opposition to the San Bruno RHNA 6 Allocation

Association of Bay Area Governments (ABAG) Board and Staff:

The City of San Bruno wishes to express its opposition to ABAG's approval of the San Bruno RHNA 6 allocation. For context, initially, the proposed RHNA 6 allocation for San Bruno was 2,130 housing units. This number represented a substantial increase from the RHNA 5 allocation. Nonetheless, San Bruno understood it reflected the community's fair share of the region's allocation. In December 2020, however, the allocation was increased to 3,165 housing units by ABAG staff. The percentage increase is the most within San Mateo County and second highest within the Bay Area.

Subsequently, City of San Bruno staff met with ABAG staff on several occasions to better understand the justification for this substantial RHNA increase. ABAG staff stated that the increase was due to final Plan Bay Area Blueprint 2050 adjustments and specific consideration of the City's aging shopping centers, Tanforan and Towne Center. Further, ABAG staff noted that while the December 2020 allocation resulted in a significant increase for San Bruno, San Bruno's overall increase from the RHNA 5 allocation to the RHNA 6 allocation is not outsized compared to communities with a similar profile. While we appreciate the overall perspective, we wish to reiterate our position that ABAG'S methodology should have considered existing noise contours and height restrictions over the City's Tanforan and Towne Center shopping centers, which are covered by the San Francisco International (SFO) Airport Land Use Compatibility Plan (ALUCP).

ABAG's previous response to San Bruno's ALUCP concerns has been highlighted in Public Utilities Code - PUC § 21675.1, which provides the San Bruno City Council with the ability to override the housing land use limitation relating to noise compatibility. However, following the discussions with ABAG, we received different direction from HCD staff, who indicated the land area is likely not suitable for housing due to the ALUCP conflict. While HCD staff was sympathetic to San Bruno's situation, and were very responsive to City staff's questions, they noted that a back-up plan to the Tanforan and Town Center housing sites would need to be identified. In addition, SFO staff has expressed concern with housing under the flight path. Further, Caltrans (Aeronautics Division), which has specific ALUCP responsibilities, has submitted written opposition to housing in nearby, less restrictive areas of San Bruno during past land-use planning processes. Thus, the City faces a complicated and frustrating situation due to conflicting regional and state agency policies that hamper the City's ability to submit a compliant Housing Element and meet its RHNA allocation.

Finally, in defense of its RHNA 6 allocations, ABAG has stated that their role is to allocate a community's fair share of the regional housing need and clarified cities and counties can select alternative sites for housing production if a specific parcel identified through the RHNA process cannot accommodate the projected housing units. In this case, however, ABAG increased the allocation specifically due to the large size and potential of these two shopping centers. Similar sites simply do not exist in San Bruno. While it may be feasible for large communities to find alternative sites, it is not feasible in many small to medium size communities that are built out. This is especially true in San Bruno, where there are not alternative sites to accommodate the thousands of estimated units that the RHNA 6 process has allocated to our Tanforan and Towne Center shopping centers.

The City of San Bruno is not a NIMBY (not in my back yard) community. The San Bruno City Council has adopted long-range planning documents including a General Plan and Specific Plans, and San Bruno voters have supported multiple initiatives to increase transit-orientated housing development.

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

San Bruno's TCP provides a blueprint for the transformation of the City's downtown and adjacent nearby commercial corridors into a walkable, mixed-use district capitalizing on proximity and access to transit. The City is working diligently with various property owners and developers to realize this vision.

In 2019, San Bruno was placed in the spotlight for not supporting a mixed-use development with 425 housing units. However, it is important to note that the primary issue was related to the commercial portion of the project, not the residential units. In 2020, a negotiated revision to the project was approved with more residential units than were initially proposed at a deeper affordability level than required as well as a 45-year requirement to maintain their affordability (as rental or for-sale units if converted to condominiums).

In another display of San Bruno's commitment to incentivizing the development of housing, the City recently hired a consultant to work directly with the current owners and prospective buyers of the Tanforan Mall to prepare a land-use vision that identifies new housing on the site as a priority.

Having analyzed ABAG's RHNA appeal process and determined the significant time and financial commitment involved in pursuing a formal appeal to San Bruno's RHNA 6 allocation, we have elected not to file an appeal in an effort to preserve taxpayer resources. However, the City of San Bruno requests that ABAG re-examine its methodology in light of the aforementioned information and provide an offsetting credit or reduction to the City of San Bruno in future RHNA allocation cycles.

Additionally, the City of San Bruno requests ABAG and HCD's assistance in resolving the ALUCP conflict and opposition we may receive from other regional, state, and federal agencies to allow housing on the sites that ABAG has identified through its RHNA 6 allocation process. We also request ABAG and HCD support of the City's Housing Element, which will rely on new housing development in these shopping center areas.

Thank you for your consideration. If you have any questions or would like to discuss San Bruno's RHNA allocations further, please contact me at citymanager@sanbruno.ca.gov or (650) 616-7056.

Sincerely,

Jovan D. Grogan, City Manager

cc: San Bruno City Council
San Mateo County Supervisor David Pine
San Mateo County Supervisor Dave Canepa
California State Assemblymember Kevin Mullin
California State Senator Josh Becker
United States Congresswoman Jackie Speier

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