



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: August 22, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, City Manager

PREPARED BY: Peter Gilli, Community Development Director
Ashley Crociani, Management Analyst

SUBJECT: Approve City of San Bruno Response Letter to the San Mateo County Civil Grand Jury Report "Accessory Dwelling Units: Affordable Housing's Panacea or Prevarication?"

BACKGROUND:

On June 12, 2023, the San Mateo County Civil Grand Jury released a report entitled "Accessory Dwelling Units: Affordable Housing's Panacea or Prevarication?" The purpose of the report is to determine if communities in San Mateo County are misusing Accessory Dwelling Units (ADU) to avoid the construction of multifamily low-income housing over the next eight years. Within the report, the Grand Jury developed seven total findings and six total recommendations.

The Grand Jury requests responses from the San Mateo County Board of Supervisors, County Sheriff, and all 20 cities and towns' governing bodies for each finding and recommendation. By law, responses must be submitted within 90 days and must meet the following requirements:

Response to Findings. For all findings made by the Grand Jury, the City shall indicate the City "agrees" with the finding, "wholly disagrees" or "partially disagrees", and specify the portion of the finding that is disputed and include an explanation for the reasons.

Response to Recommendations. For all recommendations made by the Grand Jury, the City shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action;
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation;
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months; or
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Responses to Grand Jury Reports are filed with the Superior Court and are placed on the Grand Jury website. The City of San Bruno's responses to this Grand Jury Report is due by September 10, 2023.

DISCUSSION:

The Grand Jury Report “Accessory Dwelling Units: Affordable Housing’s Panacea or Prevarication?” calls for County jurisdictions to modify their approach to the Housing Element as it relates to ADUs until monitoring and verification programs are developed. The draft response letter is provided in Attachment 1, and the Grand Jury Report is Attachment 2.

The seven findings are referenced as F1 through F7 in the Grand Jury Report, and cover statements about State laws, the Housing Element Regional Housing Needs Allocation (RHNA) process, jurisdiction’s work with the State Department of Housing and Community Development (HCD). The draft response agrees with four findings, wholly disagrees with two findings, and has no comment for one finding that has no relevance to the City of San Bruno.

The six recommendations are referenced as R1 through R6 in the Grand Jury Report, and call for the City to immediately stop using ADUs to meet RHNA, develop monitoring and verification systems for how ADUs are developed, adopt incentives for ADUs, develop new formulae for projecting ADU affordability, and that all County jurisdictions work cooperatively on a monitoring system.

The draft response includes varied responses, with recommendations that are required by law or applicable to the City being implemented at some point, recommendations that are not applicable to the City, and recommendations that are not warranted that will not be implemented.

In summary, staff agrees with the Grand Jury’s high-level concern that jurisdictions act responsibly to fulfill their Housing Element commitments, particularly the RHNA targets. The City is diligently working with HCD to achieve appropriate monitoring and reporting, which will implement the spirit of the Grand Jury Report.

FISCAL IMPACT:

There is no new fiscal impact associated with preparing this response to the Grand Jury Report.

ENVIRONMENTAL IMPACT:

The approval of a response letter to a Grand Jury Report is not considered a “Project” per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION:

Approve the City of San Bruno Response Letter to the San Mateo County Civil Grand Jury Report “Accessory Dwelling Units: Affordable Housing’s Panacea or Prevarication?”

ALTERNATIVES:

Approve a modified version of the response letter.

ATTACHMENTS:

1. Response of the City of San Bruno to the San Mateo County Civil Grand Jury Report
2. San Mateo County Civil Grand Jury Report