Case Nos. A159320 & 159658

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION FOUR

CALIFORNIA RENTERS LEGAL ADVOCACY AND EDUCATION FUND, *et al.*,
Petitioners and Appellants,
v.

CITY OF SAN MATEO, *et al.*,
Defendants and Respondents

On Appeal from an Order Denying Petition for Writ of Mandate, Judgment, and Order Denying Motion to Vacate/Motion for New Trial
Case No. 18-CIV-02105
The Superior Court of San Mateo County
Honorable J. George Miram, Judge

APPLICATION OF HABITAT FOR HUMANITY GREATER SAN FRANCISCO, INC. FOR LEAVE TO FILE A BRIEF, AS *AMICUS CURIAE*, IN SUPPORT OF APPELLANTS AND PROPOSED BRIEF

Raymond A. Cardozo (SBN 173263)
Kathryn M. Bayes (SBN 334864)
REED SMITH LLP
rcardozo@reedsmith.com
kbayes@reedsmith.com
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Tel: +1 415 543 8700; Fax: +1 415 391 8269

Attorneys for *Amicus Curiae* Habitat for Humanity Greater San Francisco

Document received by the CA 1st District Court of Appeal.

TO BE FILED IN THE COURT OF APPEAL **APP-008**

COURT OF APPEAL FIRST **APPELLATE DISTRICT, DIVISION** FOUR	COURT OF APPEAL CASE NUMBER: A159320 & A159658
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 173263 NAME: Raymond A. Cardozo (SBN 173263); Kathryn M. Bayes (SBN 334864) FIRM NAME: REED SMITH LLP STREET ADDRESS: 101 Second Street, Suite 1800 CITY: San Francisco STATE: CA ZIP CODE: 94105 TELEPHONE NO.: 415.543.8700 FAX NO.: 415.391.8269 E-MAIL ADDRESS: rcardozo@reedsmith.com; kbayes@reedsmith.com ATTORNEY FOR (*name*): Amicus Curiae Habitat for Humanity Greater San Francisco	SUPERIOR COURT CASE NUMBER: 18-CIV-02105
APPELLANT/ PETITIONER: California Renters Legal Advocacy and Education Fund, et a. RESPONDENT/ REAL PARTY IN INTEREST: City of San Mateo, et al.	
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS (*Check one*): [X] INITIAL CERTIFICATE [ ] SUPPLEMENTAL CERTIFICATE	

Notice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed.

1. This form is being submitted on behalf of the following party (*name*): Amicus Curiae Habitat for Humanity Great San Francisco

2. a. [X] There are no interested entities or persons that must be listed in this certificate under rule 8.208.
   b. [ ] Interested entities or persons required to be listed under rule 8.208 are as follows:

	Full name of interested entity or person	**Nature of interest** ***(Explain):***
(1)		
(2)		
(3)		
(4)		
(5)		

[ ] Continued on attachment 2.

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Date: March 30, 2021

Raymond A. Cardozo
(TYPE OR PRINT NAME)

▶ ______________________
(SIGNATURE OF APPELLANT OR ATTORNEY)

Form Approved for Optional Use
Judicial Council of California
APP-008 [Rev. January 1, 2017]

Cal. Rules of Court, rules 8.208, 8.488
www.courts.ca.gov

Document received by the CA 1st District Court of Appeal.

I. INTRODUCTION AND NATURE OF INTEREST

Habitat for Humanity Greater San Francisco ("HHSF") requests leave, under Rule 8.200(c) of the California Rules of Court, to file the attached *amicus curiae* brief.

HHSF is a non-profit formed to build homes and advance affordable homeownership opportunities for families in the San Francisco Bay Area. It has been dedicated to affordable housing needs in Marin, San Francisco, and San Mateo counties for more than thirty (30) years. HHSF advocates for affordable housing at the federal, state, and local levels.

At issue in the present appeal is the City of San Mateo's denial of a proposed multifamily development that happens to be at market-rate. The Respondents erroneously have suggested that the issues in this appeal do not impact the availability of affordable housing. Amici have a keen interest in the public need for development of additional affordable housing. Amici offer this *amicus* brief to highlight the impact of the decision in this case on the availability of

Document received by the CA 1st District Court of Appeal.

affordable housing in the greater San Francisco area and on housing law more generally. This perspective on the state's interconnected legislative scheme for addressing the housing crisis is particularly important, because Respondents are asking the Court to invalidate key provisions of a housing statute as applied to charter cities, which would have knock-out impacts on other state housing laws.

II. *AMICUS CURIAE* AND ITS COUNSEL ARE SOLE AUTHORS AND CONTRIBUTORS

No party or counsel for a party in the pending appeal authored the proposed *amicus* brief in whole or part or made a monetary contribution intended to fund the preparation or submission of the brief.

III. REQUEST FOR LEAVE TO FILE *AMICUS* BRIEF

HHSF's counsel has read the decision below along with the parties' briefs filed to date. HHSF is familiar with the issues presented to this Court, and its proposed brief avoids repetition of points already addressed in the existing briefs. For the reasons stated above, HHSF respectfully requests that this Court accept the accompanying *amicus curiae* brief.

Document received by the CA 1st District Court of Appeal.

DATED: March 30, 2021

REED SMITH LLP

By /s/ Raymond A. Cardozo
Raymond A. Cardozo
Attorney for *Amicus Curiae*
Habitat for Humanity
Greater San Francisco

Document received by the CA 1st District Court of Appeal.

Case Nos. A159320 & 159658

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION FOUR

CALIFORNIA RENTERS LEGAL ADVOCACY AND EDUCATION FUND, *et al.*,
Petitioners and Appellants,
v.

CITY OF SAN MATEO, *et al.*,
Defendants and Respondents

On Appeal from an Order Denying Petition for Writ of Mandate, Judgment, and Order Denying Motion to Vacate/Motion for New Trial
Case No. 18-CIV-02105
The Superior Court of San Mateo County
Honorable J. George Miram, Judge

BRIEF, *AMICUS CURIAE*, OF HABITAT FOR HUMANITY GREATER SAN FRANCISCO IN SUPPORT OF APPELLANTS

Raymond A. Cardozo (SBN 173263)
Kathryn M. Bayes (SBN 334864)
REED SMITH LLP
rcardozo@reedsmith.com
kbayes@reedsmith.com
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

Attorneys for *Amicus Curiae* Habitat for Humanity Greater San Francisco

Document received by the CA 1st District Court of Appeal.

TABLE OF CONTENTS

			Page
I.	INTRODUCTION		4
II.	LEGAL ARGUMENT		6
	A.	To Address California's Historic Housing Crisis, The Legislature Enacted An Interconnected Group of Housing Law Reforms, With Reform Of City Land Use Actions Essential To The Scheme.	6
		1. California Cities' Exclusionary Land Use Actions Have Contributed To The Crisis.	6
		2. The RHNA and Housing Element Laws Require Cities To Plan For Sufficient Housing To Meet Regional Needs, But Cities Have Blunted The Impact Of The Process On The State's Housing Crisis.	7
		3. The Legislature Reformed The HAA And Enacted SB 35 To Further Combat The Housing Crisis And Increase Approval And Construction Of Housing.	8
	B.	The City Draws An Untenable Distinction Between Applying Key Provisions Of The HAA To Market Rate Housing And Doing So To Below Market Housing.	11
	C.	Respondent's Position That Local Interests Should Trump State Housing Laws Would Greatly Imperil The State's Authority To Enact Housing Laws That Promote Affordable Housing.	14
III.	CONCLUSION		15
CERTIFICATE OF COMPLIANCE			17

Document received by the CA 1st District Court of Appeal.

TABLE OF AUTHORITIES

Page(s)

Cases

Anderson v. City of San Jose
(2019) 42 Cal. App. 5th 683 .... 12, 13

Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.
(1985) 175 Cal. App. 3d 289 12

City of Watsonville v. State Dept. of Health Services
(2005) 133 Cal. App. 4th 875 12

Coalition Advocating Legal Housing Options v. City of Santa Monica
(2001) 88 Cal. App. 4th 451 12

Johnson v. Bradley
(1992) 4 Cal. 4th 389 12

Statutes

Gov. Code § 5588 7

Gov. Code § 65589.5(a)(1)-(2) 6

Gov. Code § 65589.5(a)(1)(B) 4

Gov. Code § 65589.5(a)(1)(E) 6

Gov. Code § 65589.5(a)(2)(K) 5, 15

Gov. Code § 65589.5(j) 10

Other Authorities

Legislative Analyst's Office, *California's High Housing Costs: Causes and Consequences (2015)*, https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf 6

Document received by the CA 1st District Court of Appeal.

I. INTRODUCTION

California is in crisis due to a shortage of affordable housing. As our Legislature has described it, "California housing has become the most expensive in the nation," which "is partially caused by activities and policies of many local governments that limit the approval of housing." (Gov. Code § 65589.5(a)(1)(B).) "The lack of housing . . . is a critical problem that threatens the economic, environmental, and social quality of life in California." (*Id.* at (a)(1)(A).) Recently, the Legislature has observed that the housing crisis has reached "historic proportions." (*Id.* at (a)(2)(J).)

At the core of the housing crisis is a failure to build enough housing to meet demand. This failure is driven by local policies that disfavor the development of new housing—especially affordable housing. While California's housing deficit is a statewide concern, driven by regional job and population growth, land use policy is made in over 500 separate city halls and county halls of administration across the state. City officials are elected by local residents and answer to residents' preferences rather than the statewide housing needs of future residents. Each city works to minimize new housing within its borders while reaping the benefits of regional economic growth, assuming that a neighboring jurisdiction will shoulder the burden of housing the region's workers. The result has been disaster.

Document received by the CA 1st District Court of Appeal.

The widespread adoption of inadequate policies by California cities has drawn the Legislature into a decades-long game of housing policy whack-a-mole. For fifty (50) years now, the state has required cities to enact land use policies that consider regional housing needs. While some cities embraced the challenge, many have not done enough. With these hurdles layered on the already difficult task of financing and building affordable housing, affordable housing developers face an unenviable task in California.

San Mateo's denial of the proposed multifamily housing development at issue despite its compliance with the City's objective standards exemplifies this crisis. The City argues the Court should find a key provision of the Housing Accountability Act ("HAA") unconstitutional, which would permit the City—and all other charter cities—to justify denials of badly needed housing developments based on subjective concerns. The Legislature enacted the HAA specifically to prevent such action, espousing an intent "to significantly increase the approval and construction of new housing *for all economic segments of California's communities*." (Gov. Code § 65589.5(a)(2)(K) [italics added].)

San Mateo's and the trial court's interpretation of the HAA, and claims of unconstitutionality would gut the Act's key feature—reducing locally created impediments to new housing approvals. Those features of the Act must be

Document received by the CA 1st District Court of Appeal.

enforced for market rate and below market rate developments alike because this crisis cannot be alleviated without significant expansion in the housing supply at all segments of the market, as the HAA expressly declares.

II. LEGAL ARGUMENT

A. To Address California's Historic Housing Crisis, The Legislature Enacted An Interconnected Group of Housing Law Reforms, With Reform Of City Land Use Actions Essential To The Scheme.

1. California Cities' Exclusionary Land Use Actions Have Contributed To The Crisis.

For decades, California has experienced a significant housing access and affordability crisis, which has reached "historic proportions." (*see* Gov. Code § 65589.5(a)(1)-(2).) California's Legislative Analyst's Office estimates that the state should have been building approximately 210,000 units a year in major metropolitan areas to meet housing demand. Instead, it has built approximately 120,000 units per year.[1] Today, California ranks 49th out of the 50 states in homeownership and existing housing units per capita. (Gov. Code § 65589.5(a)(1)(E).)

---

1 Legislative Analyst's Office, *California's High Housing Costs: Causes and Consequences (2015)*, available at https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf, at p. 21.

Document received by the CA 1st District Court of Appeal.

California housing is "the most expensive in the nation," which has been caused in part "by activities and policies of many local government that limit the approval of housing." (*Id.* at (a)(1)(B).) The term "NIMBY"—or "Not in My Backyard"— is used to describe these policies. NIMBY policies are used across California to delay, reject, and downsize housing development projects, especially projects that might increase access to affordable housing. NIMBY policies are also used to combat market rate housing developments, which is what happened in this case.

The Legislature has attempted to address this issue through interconnected housing law reforms, including the Regional Housing Needs Allocation ("RHNA"), the Housing Element system, the HAA, and SB 35.

2. The RHNA and Housing Element Laws Require Cities To Plan For Sufficient Housing To Meet Regional Needs, But Cities Have Blunted The Impact Of The Process On The State's Housing Crisis.

The RHNA system is a process for assessing and allocating housing targets on a periodic basis. (Gov. Code § 5588.) First, the Department of Housing assesses statewide housing needs and allocates the state's anticipated housing needs on a region-by-region basis, at different levels of affordability, based on established criteria. (*Id.* §§ 65584.01, 65588.) This need is then meted out to individual localities by

Document received by the CA 1st District Court of Appeal.

a regional council of governments. (*Id.* § 65584.05.) The regional councils and the individual localities each have an opportunity to challenge these allocations. (*See id.* §§ 584.01, 65584.05.)

Once the allocations are final, each locality is tasked with developing an action plan (the Housing Element) to enact land use policies that will produce enough housing to meet its RHNA goals. (*Id.* §§ 65583, 65583.2.) The Housing Element must provide an inventory of sites available for residential development and assess constraints and market realities that affect the likely development activity at those sites, including local land use regulations. (*Id.*) Localities must make changes to their land use rules, including by rezoning, if needed to accommodate housing sufficient to meet their RHNA goals. (*Id.* §§ 65583(c), 65583.2(h).)

But because localities control most of the RHNA and Housing Element process, the process requires their good faith cooperation to succeed. Many cities instead incorporate vague and subjective standards into their policies. Some cities require discretionary approvals for zoning-compliant housing development projects, subjecting those projects to a duplicative review under the California Environmental Quality Act ("CEQA"), which is costly, can take years, and opens up the project to the risk of CEQA litigation.

Document received by the CA 1st District Court of Appeal.

Through these efforts, many cities have successfully subverted the RHNA and Housing Element planning process and have continued to engage in land use policies designed to exclude new housing construction. In recent years, the Legislature has responded with an expansive package of housing-related bills. Among these were SB 35 and key enhancements to the HAA. Properly enforced, these laws will curtail local exclusionary land use practices and help California make progress toward ending its housing crisis.

3. The Legislature Reformed The HAA And Enacted SB 35 To Further Combat The Housing Crisis And Increase Approval And Construction Of Housing.

The HAA limits the right of localities to reject zoning-compliant housing development projects. Prior to its revision in 2017, the HAA was rarely invoked. The enhancements to the HAA added additional penalties for non-compliance, changed the burdens and standards of proof, and provided a statutory right of action for housing organizations to sue to enforce the law. (Stats. 2016 c. 420 [AB 2584] § 1; Stats. 2017 c. 378 [AB 1515] § 1.5.) The HAA limits local review of zoning-compliant housing development projects in three key ways:

- The HAA requires cities to apply objective rather than subjective criteria to determine whether a project qualifies as zoning-compliant. If a city considers a

Document received by the CA 1st District Court of Appeal.

project out of compliance with objective zoning and land use policies, it must make specific findings to that effect within a prescribed period. Otherwise, the project is deemed compliant. (Gov. Code § 65589.5(j).)

- The HAA requires cities to treat a project as zoning-compliant "if there is substantial evidence that would allow a reasonable person to conclude" that the project is in compliance. (*Id.* § 65589.5(f)(4).) That means that a city must err on the side of finding that a project conforms to objective zoning criteria if there is room for disagreement.
- The HAA has special provisions that make it harder to reject housing development projects with designated affordable housing components. (*Id.* § 65589.5(d).)

These limits have the effect of requiring cities to adopt high-quality, specific land use rules that housing developers can use to guide their plans. And they eliminate some common forms of project-specific veto retained by cities, particularly for affordable housing projects.

In 2017, the Legislature enacted SB 35, which allows developers of affordable housing projects to apply for ministerial approval—and therefore bypass a review under CEQA—when a city's policies have not produced enough housing to meet its RHNA goals. SB 35 is an important streamlining law that is used almost exclusively by non-

Document received by the CA 1st District Court of Appeal.

profits seeking to build below market rate housing developments.

Together, the periodic RHNA and Housing Element process, the HAA, and SB 35 form a coherent system to establish objective standards that facilitate homebuilding. The RHNA rules require cities to assess their land use policies to ensure they accommodate necessary additional housing, including affordable housing—and to make changes if necessary. The HAA ensures that cities live up to those land use rules in the years that follow, and that the rules set forth objective criteria that housing developers can understand and to which they can conform their proposals. SB 35 accelerates affordable housing production when a city's planning efforts turn out to be ineffective in practice.

B. The City Draws An Untenable Distinction Between Applying Key Provisions Of The HAA To Market Rate Housing And Doing So To Below Market Housing.

San Mateo essentially argues, in part, that section (f)(4) of the HAA should be struck down as unconstitutional only as it is applied to market rate housing, but can be upheld as to applying to below market rate housing. However, such an interpretation of the HAA is untenable.

"[A] state law regulating a matter of statewide concern preempts a conflicting local ordinance or regulation if the

Document received by the CA 1st District Court of Appeal.

state law is reasonably related to the resolution of the statewide concern and is narrowly tailored to limit incursion into legitimate municipal interests . . . even where the local measure involves a traditionally municipal affair." (*City of Watsonville v. State Dept. of Health Services* (2005) 133 Cal. App. 4th 875, 883 [citing *Johnson v. Bradley* (1992) 4 Cal. 4th 389, 404].) The courts have consistently held that the development of adequate housing is a statewide issue and that state legislation in this area validly preempts contrary charter city laws. (*See Anderson v. City of San Jose* (2019) 42 Cal. App. 5th 683; *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88 Cal. App. 4th 451, 458; *Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.* (1985) 175 Cal. App. 3d 289, 306-07.)

San Mateo takes the position that the Court should strike down a key provision of the HAA, in part, because the housing development at issue was intended to be market-rate housing, and therefore not subject to the enhanced protections of section (d) of the HAA. The City appears to take the position that the housing crisis is only a crisis as pertaining to *below market rate* housing, and a City's subjective denial of *market rate* housing is constitutionally immune from state legislation. However, this position would require the Court to reject the Legislature's express recognition that the manifest statewide concern in remedying the housing crisis is furthered by a goal "to

Document received by the CA 1st District Court of Appeal.

significantly increase the approval, development, and affordability of housing *for all income levels*." (Gov. Code. § 65589.5(a)(2)(J).) This express declaration is reasonable because it recognizes that an undersupply of housing is alleviated by expanding the housing stock at all levels.

In *Anderson*, the Sixth District rejected the same argumentative sleight of hand that the City of San Mateo offers in this appeal. In *Anderson*, the City of San Jose claimed that the Surplus Land Act was unconstitutional as applied to a charter city. That Act requires local governments to "prioritize surplus land for the development of low- and moderate-income housing," in service of the statewide interest in the "shortage of sites available for housing for persons and families of low and moderate income." (*Anderson*, supra, 42 Cal. App. 5th at pp. 693-94.) Although the Legislature clearly identified the shortage of sites available for affordable housing as the statewide interest furthered by the Act, San Jose instead argued that the Act's constitutionality should be assessed in terms of the state's interest in controlling the city's disposition of its property. The Court of Appeal rejected the city's argument that because there is no statewide interest specifically in the municipal disposition of surplus property, the Surplus Land Act could not constitutionally be applied to charter cities.

Document received by the CA 1st District Court of Appeal.

This Court should likewise reject San Mateo's attempt to reframe the statewide interest advanced by the HAA as pertaining only to low-income housing. The Legislature has made clear that the statewide interest the HAA addresses is not limited only to affordable or low income housing, but instead addresses California's sweeping housing crisis in its entirety, at multiple economic levels.

C. Respondent's Position That Local Interests Should Trump State Housing Laws Would Greatly Imperil The State's Authority To Enact Housing Laws That Promote Affordable Housing.

Non-profit groups, such as HHSF, attempting to build below market rate housing in the greater San Francisco area already face significant delays and costs from approval processes. As such, any law that helps to streamline the process of building housing developments is valuable. It is particularly important that when non-profits such as HHSF are gathering funds for affordable housing developments that they can rely on the fact that if their design comports with the objective standards set by a city for such development, that the development will not be denied based on subjective reasons and/or as a result of NIMBY policies.

Section (f)(4) of the HAA is intended to prevent such denials. The Legislature has made clear that avoiding these situations is of utmost importance in combatting the

Document received by the CA 1st District Court of Appeal.

statewide housing crisis at both the market rate and below market rate levels:

> "The Legislature's intent in enacting this section . . . was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects . . . ."

(Gov. Code § 65589.5(a)(2)(K).)

Accepting San Mateo's argument and striking down section (f)(4) would strike a blow to the heart of the Legislature's attempt to combat the housing crisis.

Further, acceptance of San Mateo's argument that local interests can trump state housing laws such as the HAA would imperil the State's ability to enact other housing laws to promote affordable housing. It would also create even more barriers to non-profits, like HHSF, in providing affordable housing.

III. CONCLUSION

For the reasons specified in this brief and those specified in the Appellants' and Intervener's Opening and Reply briefs, we urge this Court to reverse the decision of the trial court.

Document received by the CA 1st District Court of Appeal.

DATED: March 30, 2021

REED SMITH LLP

By /s/ Raymond A. Cardozo
Raymond A. Cardozo
Attorneys for *Amicus Curiae*
Habitat for Humanity
Greater San Francisco, Inc.

Document received by the CA 1st District Court of Appeal.

CERTIFICATE OF COMPLIANCE

Pursuant to California Rule of Court 8.204(c)(1), the foregoing brief of is produced using 14-point Roman type including footnotes and contains approximately 2,482 words, which is less than the total words permitted by the Rules of Court. In preparing this certificate, I relied on the word count generated by MS Office Professional Plus 2016.

Executed on March 30, 2021, at San Francisco, California.

/s/ Raymond A. Cardozo
Raymond A. Cardozo

Document received by the CA 1st District Court of Appeal.

PROOF OF SERVICE
California Renters Legal Advocacy and Education Fund, et al. v
City of San Mateo, et al.,
First Appellate District, Division Four, Nos. A159320 & A159658,
San Mateo Superior Court No. 18-CIV-02105

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On March 30, 2021, I served the following document(s) by the method indicated below:

APPLICATION OF HABITAT FOR HUMANITY GREATER SAN FRANCISCO, INC. FOR LEAVE TO FILE A BRIEF, AS *AMICUS CURIAE*, IN SUPPORT O APPELLANTS AND PROPOSED BRIEF

☑	by causing e-service through TrueFiling to the parties listed below:

Sarah M. Hoffman Emily Lowther Brough Zacks, Freedman & Patterson PC 235 Montgomery Street, Suite 400 San Francisco, CA 94104	Attorneys for Petitioners and Appellants California Renters Legal Advocacy and Education Fund, Victoria Fierce, and John Moon
Jennifer L. Hernandez Daniel Ryan Golub Holland & Knight LLP 50 California Street, 28th Floor San Francisco, CA 94111	Attorneys for Petitioner and Appellant California Renters Legal Advocacy and Education Fund, Victoria Fierce, and John Moon
Barbara E. Kautz Dolores Bastian Dalton Goldfarb & Lipman LLP 130 Clay Street, 11th Floor Oakland, CA 94612	Attorneys for Respondents City of San Mateo, San Mateo City Council and City of San Mateo Planning Commission
Vaneeruk Winnie Tungpagasit Finkelstein Bender & Fujii LLP 1528 South El Camino Real, Suite 306 San Mateo, CA 94402	Attorneys for Real Parties in Interest Tony Mehmet Gundogdu and Aynur V. Gundogdu
Jonathan Michael Eisenberg Office of the Attorney General 300 South Spring Street, Suite 1702 Los Angeles, CA 90013	For Xavier Becerra, Attorney General of California

Document received by the CA 1st District Court of Appeal.

David Pai Office of the Attorney General 1515 Clay Street, 20th Floor P.O. Box 70550 Oakland, CA 94612	For Xavier Becerra, Attorney General of California
Christopher Stein Elmendorf U.C. Davis School of Law King Hall 400 Mrak Hall Drive Davis, CA 95616-5201	Amici Curiae Christopher S. Elmendorf, Michelle Wilde Anderson, Anika Singh Lemar, Dave Owen, Darien Shanske, and Kenneth Stahl

☑	by causing the document(s) listed above to be placed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

San Mateo Superior Court – Main 400 County Center Redwood City, CA 94063	Trial Court

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 30, 2021, Richmond, California.

/s/ Eileen Kroll

Eileen Kroll

Document received by the CA 1st District Court of Appeal.