



From: [Gina Dalma](#)
To: [Council, City](#)
Subject: My Town - Revised Draft Housing Element
Date: Monday, May 8, 2023 1:12:12 PM

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Dear City Council and Planning & Transportation Commissioners,

Today you will vote on the [revised draft Housing Element](#) at the City Council/Planning and Transportation Commission joint meeting. I appreciate the staff's work on this. I also want to ensure a vibrant and diverse future for my town. Fulfilling our housing obligations with appropriate zoning (**6,086 units for 2023-2031**) provides the opportunity for this future. If you vote for anything less than that, you will be shortchanging it. I unapologetically support housing in our city. I support a Housing Element consistent with our state priorities - which are our priorities. We have declining economic activity, declining enrollment in our treasured schools.....the reason is clear. We have a housing crisis in our town and young families don't see a future in it because of it. Is that the town we want?
Not me.

Vote for a Housing Element consistent with our State obligations!

Gina Dalma
Mid-town.

--

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From: [Rebecca Sanders](#)
To: [Council, City; Planning Commission](#)
Cc: [Furman, Sheri](#)
Subject: PAN Urges Adopt Housing Element Tonight
Date: Monday, May 8, 2023 12:49:01 PM

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Dear City Council and Planning Commissioners:

Palo Alto Neighborhoods discussed the Housing Element at our May meeting and there was a consensus of neighborhood leaders to urge the Council to adopt the Housing Element tonight. Council can always fine tune the Housing Element but the priority should be to adopt the current version now.

Thank you.

Sheri Furman
Becky Sanders
Co-Chairs, Palo Alto Neighborhoods

From: slevy@ccsce.com
To: [Council, City](#)
Cc: [Lait, Jonathan](#); [Wong, Tim](#)
Subject: follow up on office space and potential conversions
Date: Monday, May 8, 2023 10:56:12 AM

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Dear Mayor Kou and council members,

Three follow up points

1) there continues to be new office developments and new proposals in the Bay Area

these are mostly intended not to add to total office space/jobs but to entice users of older less desirable office space to switch sites

it is these older office spaces that in general are the candidates to conversion

these are regional trends and I do not know their applicability in PA except that they reinforce the possibility that office space could be part of

mixed use proposals with lots of housing though R&D labs might be a better fit.

As a side note buildings do not create new jobs, companies do.

2) whatever happens in the office market or city policies toward office development does not make housing feasible on these sites

Only policies that make housing financially feasible will bring new housing proposals

This to me is the challenge and focus of our efforts to develop a compliant HE.

With regard to conversions, as the SPUR report and their earlier webinar point out, incentives and reductions of constraints are the key to success

3) I am hopeful that council and staff can also focus increasing housing incentives on the Cal Ave and downtown area where they do triple duty--supporting local businesses and reducing the need for car trips as well as adding new housing

By continuing to work with staff and HCD, I am optimistic that Palo Alto can develop a successful and compliant HE.

Stephen Levy

From: [Harris, Arielle O.](#)
To: [Council, City](#); [Lait, Jonathan](#); [Shikada, Ed](#); ComplianceReview@hcd.ca.gov; Irvin.Saldana@hcd.ca.gov
Cc: [Bradish, Margo](#); [Jesse Nelson](#); [Terezia Nemeth](#)
Subject: Request for Removal of ARE Property at 3350 West Bayshore from Palo Alto HEU
Date: Monday, May 8, 2023 9:57:03 AM
Attachments: [image001.png](#)
[2023-05-08- M.Bradish Letter to Palo Alto City Council re ARE Site in HEU\(16730030.1\)-c.pdf](#)

Some people who received this message don't often get email from aharris@coxcastle.com. [Learn why this is important](#)

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Dear Council Members,

Please find attached correspondence on behalf of ARE-San Francisco No. 18, LLC ("ARE") regarding the City's April 2023 Draft Sixth Cycle Housing Element Update. Please do not hesitate to contact our office should you have any questions with regard to the attached letter.

Arielle O. Harris



[Visit the new coxcastle.com!](#)

Cox, Castle & Nicholson LLP

50 California Street | Suite 3200 | San Francisco, CA 94111

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For more information, visit our blog [Lay of the Land](#)

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May 8, 2023

Palo Alto City Council
City Hall
250 Hamilton Avenue
Palo Alto, CA 94301

VIA EMAIL

Re: Removal of 3350 West Bayshore Road from Palo Alto's Sixth Cycle Housing
Element Update Sites Inventory

Council Members,

On behalf of ARE-San Francisco No. 18, LLC ("ARE"), I am writing to again request removal of ARE's property located at 3350 West Bayshore Road ("Property") from the Sites Inventory included in Palo Alto's Draft Sixth Cycle Housing Element Update ("HEU"), as revised in April 2023. ARE previously requested the removal of the Property from the December 2022 version of the draft HEU in a letter to Director Lait dated December 22, 2022. (See Attachment.) As stated in that letter, the Property is fully developed with an occupied laboratory/research and development ("R&D") building and accompanying parking lot and is leased through at least the year 2030. ARE made a significant investment in improvements to the property within the last five years. ARE has no intent to develop the Property for residential uses during the HEU's 2023-2031 planning period. As such, the Property is not suitable and available for residential development during the planning period, and ARE objects to the City's continued reliance on the site to meet its Sixth Cycle Regional Housing Needs Allocation ("RHNA").

The HEU relies on non-vacant sites to accommodate approximately 75 percent of the City's lower income RHNA and 80 percent of its moderate and above moderate income RHNA.¹ To demonstrate nonvacant sites included in the Sites Inventory are "suitable and available," the City must consider whether existing uses on those sites could impede residential development.² Because the HEU relies on nonvacant sites to accommodate 50 percent or more of its lower income RHNA, the Housing Element Law also requires the City to presume existing uses on nonvacant sites would impede additional residential development *unless it makes findings based on substantial evidence* that those existing uses are likely to be discontinued during the planning

¹ April 2023 HEU, pp. 3-26, 3-27.

² Government Code § 65583.2(g)(1).

period.³ The City removed approximately 30 sites from the Sites Inventory based on comments submitted on the December 2022 draft HEU, but inexplicably continues include the Property notwithstanding evidence that existing uses are *unlikely* to be discontinued during the planning period.⁴

In an effort to substantiate the inclusion of so many other non-vacant sites, the HEU includes data regarding commercial vacancy rates.⁵ This analysis, however, focuses almost entirely on office space, which is a distinct market from the lab/R&D space on the Property. The City attempts to support its inclusion of so many non-vacant sites by claiming “businesses with long-term leases may be willing to relinquish those leases given recent competition with on-line retailers and office space vacancies, as part of the negotiations included in any land purchase.”⁶ This hopeful speculation, however, does not constitute substantial evidence to support a finding that these sites are suitable and available, particularly for lab/R&D sites like the Property where tenants and landlords make substantial investments into a building specific to each R&D use. Moreover, unlike the expressions of interest the City has received from a few owners of small sites in the ROLM zoning district, ARE is not interested in residential conversion of the Property, which is fully developed with an operating lab/R&D facility that is well maintained and leased through at least 2030. ARE has no intent to redevelop the Property for residential uses during the HEU planning period.

The City Council cannot make findings supported by substantial evidence that are sufficient to overcome the statutory presumption that existing uses on the Property would impede residential development. Even without this statutory presumption, the existing long-term leases on the Property and ARE’s lack of interest in residential redevelopment would prevent the City Council from concluding the Property is suitable and available for residential development. ARE strongly objects to inclusion of 3350 West Bayshore in the HEU and again requests that the City

³ Government Code § 65583.2(g)(2); see also HCD Guidebook, p. 27 [“If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site’s existing use is presumed to impede additional residential development...”]

⁴ April 2023 HEU, p. 3-59.

⁵ April 2023 HEU, pp. 3-29, 3-59—60.

⁶ April 2023 HEU, pp. 3-27—2-38.

Palo Alto City Council Members
May 8, 2023
Page 3

Council remove the Property from the Site Inventory in the HEU being considered at today's Council meeting.

Please do not hesitate to contact me should you have any questions with regard to this request.

Sincerely,

Cox, Castle & Nicholson LLP

Margo N. Bradish

cc: Mr. Jonathan Lait, Planning Director
Mr. Ed Shikada, City Manager
HCD Housing Accountability Unit, ComplianceReview@hcd.ca.gov
Irvin Saldana, HCD, Irvin.Saldana@hcd.ca.gov
Mr. Jesse Nelson, Alexandria Real Estate Equities, Inc.
Ms. Terezia Nemeth, Alexandria Real Estate Equities, Inc.

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ATTACHMENT 1



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San Francisco, California 94111-4710
P: 415.262.5100 F: 415.262.5199

Margo N Bradish
415.262.5105
MBradish@coxcastle.com

December 22, 2022

Mr. Jonathan Lait
Planning Director, City of Palo Alto
City Hall
250 Hamilton Avenue
Palo Alto, CA 94301

VIA EMAIL to Jonathan.Lait@CityofPaloAlto.org

Re: Removal of 3350 West Bayshore Road from Palo Alto's Sixth Cycle Housing
Element Update Sites Inventory

Dear Mr. Lait,

On behalf of ARE-San Francisco No. 18, LLC ("ARE"), I am writing to request removal of ARE's property located at 3350 West Bayshore Road ("Property") from the Sites Inventory included in Palo Alto's Draft Sixth Cycle Housing Element Update ("HEU"). The Property is fully developed with an occupied laboratory/research and development ("R&D") building and accompanying parking lot and is leased through at least the year 2030. ARE has no intent to develop the Property for residential uses during the HEU's 2023-2031 planning period. As such, the Property is not suitable and available for residential development during the planning period, and the City cannot rely on the site to meet its Sixth Cycle Regional Housing Needs Allocation ("RHNA").

To satisfy Housing Element Law requirements, the HEU must include an inventory of land "suitable and available for residential development" sufficient to meet the City's RHNA.¹ Among other things, to demonstrate nonvacant sites included in the Sites Inventory are "suitable and available," the City must consider whether existing uses on those sites could impede residential development.² As described in the California Department of Housing and Community Development's Housing Element Site Inventory Guidebook ("HCD Guidebook"), the HEU's analysis of a nonvacant site's potential for residential development should consider whether existing leases or other contracts would perpetuate existing uses of the site or prevent redevelopment for residential uses.³

¹ Government Code § 65583(a)(3).

² Government Code § 65583.2(g)(1).

³ California Department of Housing and Community Development, Housing Element Site Inventory Guidebook (June 10, 2020), p. 25 [analysis of potential for existing uses to impede residential development on a nonvacant site should include "an analysis of any known existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development."]

Because the HEU relies on nonvacant sites to accommodate 50 percent or more of its lower income RHNA,⁴ the Housing Element Law also requires the City to presume existing uses on nonvacant sites would impede additional residential development unless it makes findings based on substantial evidence that those existing uses are likely to be discontinued during the planning period.⁵ As described in the HCD Guidebook, examples of substantial evidence that would support such a finding include a lease that expires early in the HEU planning period, evidence that existing buildings are dilapidated and likely to be removed, an agreement by the owner or operator to move the existing use to another location early enough to allow for residential development within the HEU planning period, or a property owner letter of intent to develop the property with residences during the HEU planning period.⁶

Under these basic requirements of the Housing Element Law, the City cannot include the Property in the Sites Inventory because it is not suitable and available for residential development during the HEU planning period. The Property is a fully developed and operational lab/R&D facility that is well maintained and leased through at least 2030.⁷ ARE has no intent to redevelop the Property for residential uses during the HEU planning period. As such, the City would be unable to make findings supported by substantial evidence necessary to overcome the statutory presumption that existing uses on the Property would impede residential development. Even without this statutory presumption, the existing long-term lease on the Property and ARE's lack of interest in residential redevelopment would prevent the City from concluding the Property is suitable and available for residential development.

During this Housing Element Cycle, HCD is scrutinizing the realistic potential for residential development on nonvacant sites. Several jurisdictions have received comments from HCD regarding insufficient analysis on this issue, including, for example, Pleasanton, San Mateo, Foster City, and Menlo Park.⁸ To avoid a similar result and given that the Property is not

⁴ Almost all sites included in the HEU's Sites Inventory are nonvacant. See HEU, p. 3-22 ["Due to a lack of vacant available parcels, the City relies on non-vacant sites to accommodate nearly all of its RHNA."]

⁵ Government Code § 65583.2(g)(2); see also HCD Guidebook, p. 27 ["If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site's existing use is presumed to impede additional residential development..."]

⁶ HCD Guidebook, p. 27.

⁷ Contrary to the Sites Inventory's characterization of the Property, it is not vacant.

⁸ Appendix to HCD Letter re: City of Pleasanton's 6th Cycle (2023-2031) Draft Housing Element (November 14, 2022), <http://weblink.cityofpleasantonca.gov/WebLink/DocView.aspx?dbid=0&id=304479&page=1&cr=1>, at 3; HCD, Appendix to HCD Letter re: City of San Mateo's 6th Cycle (2023-2031) Draft Housing Element (September 28, 2022), <https://www.cityofsanmateo.org/DocumentCenter/View/89423/September-28-2022-HCD-Response-Letter>, at 4 ["This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period."]; HCD, Appendix to HCD Letter re: City of Foster City's 6th Cycle (2023-2031) Draft Housing Element (October 3, 2022), <https://engagefostercity.org/13162/widgets/39130/documents/35836>, at 5 ["In addition, some of the sites do not have expressed interest in residential development (e.g., Franciscan, Lagoons, Eaves)"]; HCD, Appendix to Letter re: City of Menlo Park's 6th Cycle (2023-2031) Draft Housing Element (October 21, 2022), <https://menlopark.gov/files/sharedassets/public/community-development/documents/projects/housing-element->

available for residential development during the HEU planning period, we respectfully request that you remove the Property from the HEU's Sites Inventory.

We did not bring this issue to your attention sooner because ARE did not receive any notice of the proposed inclusion of the Property on the inventory and only became aware of it anecdotally through an outreach by a community member. Please do not hesitate to contact me should you have any questions with regard to this request.

Sincerely,

Cox, Castle & Nicholson LLP

Margo N. Bradish

MNB:srw

cc: Ms. Terezia Nemeth, Executive Vice President – Regional Market Director - San Francisco, Alexandria Real Estate Equities, Inc.
Mr. Jesse Nelson, Senior Vice President - Real Estate, Alexandria Real Estate Equities, Inc.

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[update/20221021hcd-review-letter-for-draft-housing-element.pdf](#), at 4 [“While the element includes a detailed description of existing uses, it must also demonstrate the potential for additional development in the planning period. In addition, the element must analyze the extent that existing uses may impede additional residential development.”]. HCD’s feedback led Pleasanton planning staff to recommend to removal of several nonvacant sites from its Sites Inventory. See City of Pleasanton, Planning Commission Agenda Report for Item 3 (December 4, 2022), <http://weblink.cityofpleasantonca.gov/weblink/0/doc/304478/Page1.aspx>, pp. 13, 16 [noting HCD inquiry regarding likelihood of redevelopment of nonvacant sites and recommending removal from Sites Inventory of several nonvacant sites questioned by HCD].

From: [Scott O'Neil](#)
To: [Council, City; Planning Commission; HeUpdate](#)
Subject: Housing Element - The Wonky Letter
Date: Sunday, May 7, 2023 9:56:47 PM

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Palo Alto City Council, Planning & Transportation Commissioners, and City Staff,

I'm a board member at Palo Alto Forward writing for myself. I've written in another letter about by-right homeless shelters in the Housing Element. This letter is about more wonky issues that I think will prevent HCD certification, and argue against adoption.

Adoption Strategy & Affirmatively Furthering Fair Housing Outreach

The city should not adopt because then the programs and policies articulated in the Housing Element are immediately subject to legal challenge. It is currently unchallengeable. While it is unchallengeable, the city should obtain HCD certification. Certification will render it essentially invulnerable, which will deter any would-be challengers. At that point, adoption is safe. Not before.

Premature adoption opens up the city to legal challenges even on issues where HCD has declined to pressure the city for changes. For example, Affirmatively Furthering Fair Housing (AFFH) outreach requirements. I believe a successful challenge on these grounds could void the years of work done by the Housing Element Working Group. There are facts around its formation that would be useful to a plaintiff in not merely establishing merits, but getting a judge to *want* to rule against us.

Another way the city could bolster the Housing Element's resistance to an AFFH outreach challenge would be identifying specific programs and policies that made it into the Housing Element based on suggestions offered in the meetings with outside groups listed in the Housing Element.

Constraints & Mitigations

One outcome of the first draft is HCD seems to be pressing the city to analyze development standards and preconstruction times as constraints. The city's strategy for this hinges on HIP for the former, and Expedited Review for the entitlement times. (I have not had time to review the audit report the city commits to implementing to address permit times and can not speak to that at this time, except to say that entitlement times are the larger problem.)

HIP is a discretionary program that has existed for four years, and I do not believe any HIP waiver has ever been issued in the four years the program has existed. In the case of 800

San Antonio, that was a PHZ project. If a HIP waiver was issued, it would have been after approval of the full council.

Expedited Review (ER) based on objective standards has been in existence for more than eleven months. It is not a discretionary program, but new verbiage in the Housing Element clarifies that to qualify one must satisfy development standards. This means height, FAR, and density. This makes the program impossible to use because these standards are economically (and sometimes physically) infeasible. I asked staff about use of this program earlier this year and again about a week ago, and have not been apprised of any attempted uses of it.

It is not too early to tell if these programs are working, as asserted in the Housing Element for the Expedited Review program. Applications can be produced in 30-90 days. Projects in the pipeline could be pulled out of an entitlement process that takes nine months or more, and resubmitted under the new 60-day version. In general, if the city actually removes a constraint, pent-up demand should induce applications very quickly. Little use after several months should therefore lead to the conclusion that the constraint stands.

The HCD letter says the city's Housing Element must be updated to reflect local knowledge. Updating it to account for local knowledge about the actual production track records of HIP and ER would help meet this requirement.

Tree Ordinance

The city says that if a project can prove keeping a tree costs the project twice replacement value of the tree, then the preservation ordinance can be bypassed. The city says the twice replacement value threshold will prevent the tree ordinance from becoming a constraint. Replacement of mature trees -in contrast with merely *planting* a new one- involves [finding a comparable tree, moving it to the location, and ensuring it survives](#).

Accordingly, using double replacement value for the relief threshold should make it very difficult -not easy- to qualify for relief. With this offered as the main argument that the tree ordinance is *not* a constraint, the natural conclusion to reach is that it is.

In a future draft it would be helpful to see some lots with trees in the Chapter 4 feasibility analyses.

Commitments in Programs

The city provides Programs to monitor and update HIP, and other programs, but the HCD letter makes very clear that the city must go beyond such activities and offer concrete commitments. Instead, this Housing Element seems to be relying on unused programs to excuse itself from producing concrete commitments.

One exception is the specification of 90 du/acre in Program 1.1 for GM and ROLM sites.

This is confusing because elsewhere the number seems to be 65, and the city has indicated that 90 units/acre was in error in draft 1. I believe the Programs section is binding. The city need not plan for 90 in the inventory, but if the density is 90 in Programs, then the city is committing to updating development standards to 90.

More such specificity is needed for development standards in other programs. To the extent the city does not need a specific updated commitment to meet RHNA or mitigate constraints, “study” and “monitor” are fine. To the extent the city needs to change policy to mitigate constraints and meet RHNA, specific numeric commitments should be listed in Programs that credibly meet those ends.

Changes necessary to achieve physical feasibility identified in Chapter 4 should be included as specific updates in the Programs section -not alluded to by reference- so it is unambiguous what is committed as opposed to illustrative.

HIP cannot be used to meet RHNA for several reasons. It is discretionary, and it precludes use of State Density Bonus Law. (See the December Palo Alto Forward letter for citations to HCD guidance on those matters.) The lack of production record is also disqualifying. If the city wanted to use the program to meet any part of RHNA, it would need specific Program commitments that transform the program into one that can credibly produce RHNA.

The path of least resistance lies through updating base zoning.

Feasibility

The HCD letter asks to analyze feasibility in all zones. The CC, CC(2), CS, CD-C, CD-N, and CD-S zones all have sites in the inventory but are not included in the physical analysis.

The analysis shows physical feasibility below zoned density in most cases. IE: 18 du/acre is supported for RM-20. Many inventory sites are above the densities the city illustrates in Chapter 4.

For some of these zones, the city is relying on HIP to just to reach physical feasibility. This would be easier to support if HIP had a track record of producing waivers to the required FAR levels on similar lots.

Zoned FAR in many of these zones is sensitive to project size due to the thresholds specified in SB-478 which seem to have been adopted directly by the city. For example: for projects over 11 units FAR drops from the 1.0+ required in some of the examples, to .5 in RM-20, and .6 in RM-30. Many sites in the inventory are large enough to yield unit counts above 11, would be subject to the lower FAR values, and would likely become physically infeasible.

The physical analysis does not address economic constraints, which -per the December Palo Alto Forward letter- will likely show much more FAR, height, and density are required to mitigate.

Nonvacant Sites

Perhaps the most challenging finding in the HCD letter was that the city did not present a nonvacant sites analysis in December, at all. This analysis is where the city demonstrates that existing uses do not impede conversion to housing. I believe it still has not produced a nonvacant sites analysis.

HCD has essentially recognized two ways of doing an inventory. Most cities do a highly site-specific inventory that showcases the strengths of specific sites or tightly colocated groups of sites. HCD seems to allow this detailed treatment to allow the city to model these sites as converting to housing with a probability very close to one. This custom chagrins many of us advocates, and is so favorable that almost all cities seem to do this. Palo Alto still has not started.

The city offers instead a holistic argument about commercial development in the city. Los Angeles is a city that has reached certification based on non-local arguments about nonvacant sites. Los Angeles' inventory looks very different. For a RHNA of ~230k units, Los Angeles presented almost 200k sites. They use a model that showed probabilities of conversion. The precedent this sets is that to use a holistic approach to nonvacant sites, it is not the mere fact of conversions that matters, it's what you can prove that predicts about conversion. From there, you can change the city's aggregate zoning to make its track record meet RHNA.

In principle, I would enthusiastically support the city pivoting to a more rigorous approach like this, if the challenge of determining credible production track records for zones could be overcome given lack of history of production to zoned development standards. Such a project would dovetail nicely with comprehensive land use reform and zoning rationalization. Unfortunately, the path of least resistance remains through the site-specific approach.

It would be unfair for HCD to allow Palo Alto to use a single holistic argument to relieve it of the burden of examining the merits of its individual sites. Even on its own terms, the city has no track record of conversion in some parts of the inventory. I.e: SE of Charleston and San Antonio. The extensive use of spot-zoning outside the GM and ROLM areas further motivates the need to go beyond city-wide statements and establish that those *specific* sites will convert.

Transparency

The city should include complete data on the track records for all existing city programs and policies being relied upon to meet RHNA or address constraints.

Recognizing Progress

Analyzing physical feasibility is very helpful and an important first step in analyzing feasibility in a more comprehensive way. I look forward to seeing economic feasibility analysis in a future draft.

The Missing Middle (SB-9 expansion) program is a valuable step forward, and a good example of a Program with a concrete and credible commitment.

The additional specificity and clarity in much of the document is appreciated.

Thank you!

-Scott O'Neil

From: [Mark Michael](#)
To: [Council, City](#); [Lauing, Ed](#); [Nose, Kiely](#); [Lait, Jonathan](#); [Neilson Buchanan](#)
Cc: [Planning Commission](#)
Subject: Re: worth reading today
Date: Sunday, May 7, 2023 3:24:30 PM

Some people who received this message don't often get email from mark_d_michael@yahoo.com. [Learn why this is important](#)

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Hi Neilson, this is a thoughtful statement with serious suggestions. Not all of these are within the control of individual communities seeking to achieve housing goals. With respect, the question you pose may not be the ideal way to frame the debate. Rather, are Palo Alto residents serious about housing goals? Note that the Comprehensive Plan continues to stress preserving the existing character of neighborhoods. For much of Palo Alto that implies R-1 zoning with height limits and low density. Consequently, since Palo Alto is 99.9% built out, with no room to expand city borders, increasing residential units may require a revision to the zoning map to re-allocate more residential space from R-1 to multi-family. Going through a process of a Precise Plan for Downtown and another for California Avenue might lead to modification of the height limit and approval of more mixed use development. Meanwhile, after three years of global pandemic and the explosion in remote work and hybrid schedules, reconsideration of land use policy that has resulted in excess vacant commercial space might provide further opportunities to regenerate residential optimization. And yes the Burlingame white paper has good ideas for action at the State level. Sincerely, \Mark

[Mark Michael](#)

*1215 Parkinson Ave., Palo Alto, CA 94301
650 380-1861(c)*

On Sunday, May 7, 2023 at 12:48:12 PM PDT, Neilson Buchanan <cnsbuchanan@yahoo.com> wrote:

If Californians and our legislature are serious, then what is next direction for housing policy?

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484

650 537-9611 cell

cnsbuchanan@yahoo.com

From: [Neilson Buchanan](#)
To: [Council, City](#); [Lauing, Ed](#); [Nose, Kiely](#); [Lait, Jonathan](#)
Cc: [Planning Commission](#)
Subject: worth reading today
Date: Sunday, May 7, 2023 12:48:33 PM
Attachments: [If the State Really Wants More Housint, Then..... Opinion Brownrigg and Colson SMDJ May 7 2023.pdf](#)

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If Californians and our legislature are serious, then what is next direction for housing policy?

Neilson Buchanan
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https://www.smdailyjournal.com/opinion/guest_perspectives/if-the-state-really-wants-more-housing/article_158cb5ae-eae8-11ed-9dfa-57562b61d09c.html

If the state really wants more housing

By Michael Brownrigg and Donna Colson

May 5, 2023



We recently critiqued the state housing element process, noting that Sacramento's reporting requirements result in many hypothetical housing units but few real ones. Here we outline how the state could get more affordable housing actually built in cities.

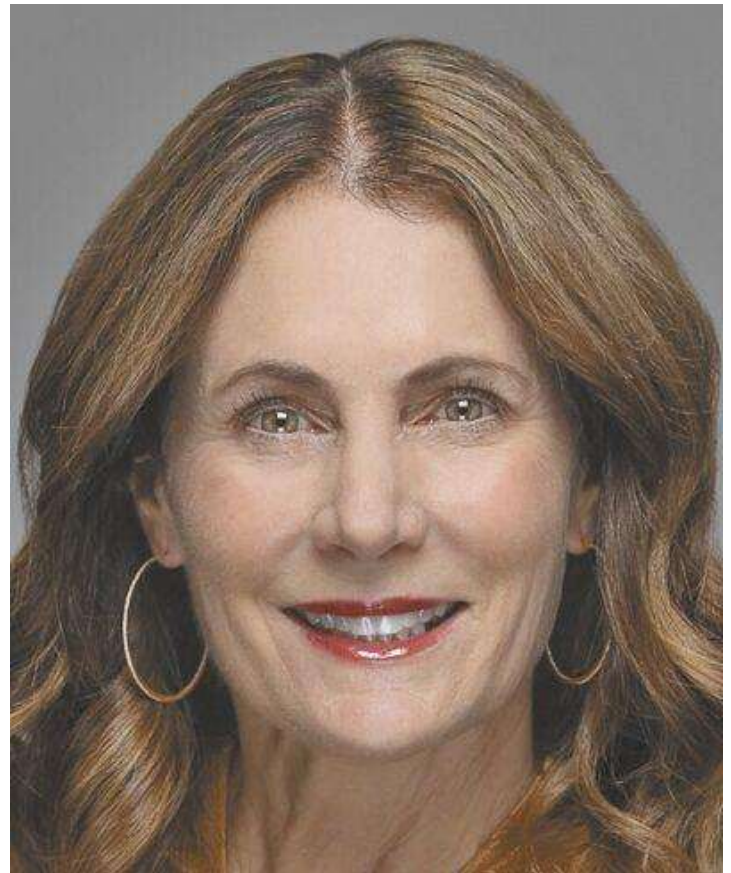
First, the transition being demanded of suburbs across the nation is profound. America's suburbs were created as low-density, single-family homes with backyards for kids; planners put apartment buildings in cities where the jobs were. Creating housing back then was easy — builders just exploited low-cost nearby farmland and connected to city jobs with a highway.



Michael Brownrigg

That model is now broken. Inexpensive nearby farmland is mostly gone. So suburbs like ours have to grow up — literally — to accommodate housing. And that's hard.

Still, plenty of elected officials on the Peninsula know we need bigger, denser buildings and are trying to make it happen. But notwithstanding finger pointing by Sacramento, cities cannot build housing because there's so little public land. Burlingame contributed a parking lot to build 132 units of deeply affordable housing for working families and seniors, which we will proudly open this year, but this is a limited resource.



Donna Colson

Most land is privately owned. That means redevelopment/housing projects need to make financial sense to the land owner and developer. And with rising interest rates and increasing construction costs, financial feasibility is slipping away.

So here are some concrete ideas for state legislators if they want to stop playing the blame game and actually help affordable housing get built. Spoiler alert: Most require money.

- Sacramento could waive capital gains taxes for property owners who sell land to affordable housing developers. This could incent land owners, especially of commercial properties, to finally sell their long-held, low-tax properties.
- The state could streamline eminent domain for housing on underutilized parcels and then subsidize a city's acquisitions. We have a two-third-acre lot in Burlingame vacant for 25 years because the overseas owner has an unrealistic view of value. That site could be housing 50 families in three years. But we don't have the tools or money to make that happen.



- The current housing finance system is creating balkanized projects, in which residents are either 100% below area-median-income (due to tax credit finance requirements), or are 90% market rate or higher because developers won't build without a profit. All social research indicates economic integration leads to better outcomes for kids. The state should help market-rate builders include more affordable housing units with tax rebates or direct cash subsidies.
- Faster than cities can create affordable units, we are losing even more “naturally affordable” units in older buildings when they get sold. For example, there's a 70-unit building for sale whose units average 40% below market; new owners/investors will certainly work hard to raise those rents to market. Our county's affordable housing agency, HEART, wants to buy and preserve older buildings but there are no state programs to subsidize such acquisitions. Indeed, the state does not even count a deed-restricted preserved affordable unit toward a city's Regional Housing Needs Allocation requirements. That has to change.

The state should also create incentives to reward cities for housing, for example:

- The state's housing targets seek a 15% increase in Bay Area housing. Punitive and prescriptive state housing mandates should be waived for cities issuing building permits exceeding a 10% increase in units. Their concrete success demonstrates those cities are serious, so let them figure out how to do build housing in ways that work for their communities, free from Sacramento's dictates.

- Water allowances should be prioritized for cities that undergo a 10% increase in actual occupied housing units. Water restrictions may put a serious cramp on quality of life in the future, so let cities that are creating housing get first dibs on water allocations to accommodate their businesses and residents.
- Infrastructure spending should be directed to communities that are getting housing built. Cities whose residential populations grow by 10%-20% need more parks, libraries and traffic amenities.
- And for social mobility, let's reward cities that create more affordable family units (two bedrooms or more). The fastest way to create units for RHNA is to permit studios, but with larger units we can embrace more low-income families so that their kids can have the benefits of the Peninsula's great schools, parks and open space.

This isn't easy, building new housing in built-out towns and suburbs. But we can do it with a mix of muscular financial help from Sacramento and rewards for communities doing the hard work. That's how we move from hypothetical housing reports and finger-pointing to getting families into homes, enjoying life and all that it has to offer.

Michael Brownrigg and Donna Colson are the mayor and vice mayor of Burlingame, respectively.



Please Contact the Clerk's Office
to View Additional Pages,
Attachments, or Images Related

From: slevy@ccsce.com
To: [Council, City](#)
Cc: [Lait, Jonathan](#); [Wong, Tim](#)
Subject: attachments left off my comment letter
Date: Sunday, May 7, 2023 12:35:44 PM
Attachments: [Community Meeting Presentation Final for web 04-2023.pdf](#)
[SPUR Office-to-Residential Conversion in SF.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

From: slevy@ccsce.com
To: [Council, City](#)
Cc: [Lait, Jonathan](#); [Wong, Tim](#)
Subject: comments for Monday's review of the revised Housing Element
Date: Sunday, May 7, 2023 11:18:12 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mayor Kou and council members,

Staff has made progress in moving us toward a compliant Housing Element (HE) in this latest draft.

Below are my comments and suggestions for finishing the job. And I am including two attachments that may be of interest--the consultant presentation on the Cal Ave/Ramona street vibrancy work and a SPUR report on converting office space to housing.

1) Submit the next version as a second draft

a) HCD has informed all jurisdictions that Housing Elements are compliant based on HCD review and acceptance and that they should await HCD certification that their HE is compliant.

b) Successful cities like Mountain View, Redwood City, Oakland and Berkeley have gone through multiple rounds of working with HCD to achieve complinace and earlier memos from staff

set out the expectation that the same would be true for Palo Alto

c) Staff has two consultant studies on key issues regarding the financial feasibility requirements for housing here and we should see their findings and recommendations even if preliminary before deciding what additional changes are needed to our HE

2) Modify our base zoning based on our experience and the feasibility findings

While the site inventory may be capable of housing the required number of new units, physical capacity is not the same as economic feasibility.

a) Staff has documented in the HE draft and council knows from experience that most or all large housing projects approved or proposed recently have included some of the following--increases in density, FAR and height and decreases in parking and retail requirements. My reading of staff's table is that densities in the range of 80--100+ are usual in these projects.

b) It is true that council and staff have discretionary programs like the PHZ and expanded Housing Incentive Program (HIP) but these are 1) discretionary and create uncertainty and b) the discretionary nature adds time and cost to developers in using these approaches.

c) As mentioned above, it will be helpful to see what the consultants suggest re creating feasible zoning/development standards

3) Clarify the scope of mixed use projects mentioned prominently in the HE as a positive approach to adding housing

a) For example, staff has been discussing with an interested party a possibility of adding housing in the GM/ROLM area. But their proposal to achieve possibly hundreds of new housing units will include some expansion of uses that add new jobs.

b) Mixed use with job producing uses has been a prominent feature of adding housing in

neighboring cities like Redwood City, Mountain View, Sunnyvale and San Jose.

c) My sense as a regional economist is that adopting a no new non retail jobs approach conflicts with success in incentivizing feasible housing proposals in specific circumstances- not across the board and am interested to hear what the consultants say about the scope of mixed use projects in certain areas of town.

4) Reexamine the requirements for success and mix of uses in the GM/ROLM area

a) Building on point 3 above learn from property owners what is needed to incentivize them to convert existing uses.

The HE has a large number of units and an especially large number of units for low income households sited in this area with little evidence yet of interest under the existing zoning.

I am confident that discussions and policy changes can lead to mixed use/market rate housing proposals (with 15-20% BMR included).

However, I do not understand how the 1,000 plus BMR deed restricted units will happen as stand alone projects. Has the staff consulted with Non-profit developers about what would be needed.

5) Expand the relaxation of the Retail Preservation Ordinance

thanks to staff for the new relaxations proposed.

I am in favor of expanding incentives for housing in downtown and around Cal Ave. Making housing feasible in these areas take additional incentives beyond simply making office (where there is already declining demand) less feasible.

I am uncertain as to the best way to proceed but here is what I know and believe.

I think there is a strong connection between the HE and the city's work on economic development and street policies primarily in downtown and around Cal Ave. I have closely followed the ED and street vibrancy projects and believe further relaxation of the ordinance in these areas will have the following benefits.

a) it will make it easier to fill vacant spaces and provide more customers for existing retail spaces.

b) both the ED consultant and the street consultant for Cal Ave and Ramona reported that adding housing will help efforts for increased economic activity and street vibrancy.

c) To the extent that housing can be added in these areas, it will make the HE more robust and minimize new housing needed in other areas.

6) Continue the work to shorten the timeline for project review and approval, study the impact that fees and the Tree Ordinance have as constraints to housing and engage property owners and developers in understanding how to incentivize housing.

Stephen Levy

From: [Adam Schwartz](#)
To: [Council, City](#)
Subject: Public comment re Housing Element
Date: Sunday, May 7, 2023 10:25:56 AM

Some people who received this message don't often get email from adamdschwartz@yahoo.com. [Learn why this is important](#)

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Greetings to the Palo Alto City Council:

I write regarding Palo Alto's Housing Element, which the Council will consider at a meeting on Monday May 8. I am a resident of Palo Alto, since 2015, along with my wife and two kids. My kids, who have just started college, want to stay in Palo Alto, and my mom wants to move here -- but this is very hard to plan for, because of our city's severe housing shortage.

So please take strong action to change the city's zoning and other laws to allow construction of new housing. Such action is needed to satisfy our city's obligations under state law to plan for our RHNA of 6,086 new homes. The city's original draft Housing Element was not strong enough, and neither is the new draft.

Most importantly, our city needs better zoning for larger, economically viable projects. This means increased height and FAR at housing sites, compared to current zoning and what is contemplated in the current draft Housing Element. Also, we should remove density limits and parking requirements. Likewise, we must simplify and shorten our project review process, which is one of the longest in the entire state.

Additionally, we need more units near transit, including CalTrain and regular busses. We need this to support our climate goals, our schools, and to bolster local retail. This means we need to plan for a lot more units near California Ave and University Ave, as well as El Camino Real. For these same reasons, we should not pack most of our new housing into the southeast corner of city, which is far from current transit and amenities.

In sum, please ensure that our city's Housing Element is strengthened, far beyond the current draft, to ensure we meet our RHNA obligation and successfully build new housing for all income levels.

Sincerely,

Adam Schwartz
523 Channing Ave., Palo Alto
adamdschwartz@yahoo.com

From: [Scott O'Neil](#)
To: [Council, City; Planning Commission](#)
Subject: Housing Element - Shelters
Date: Saturday, May 6, 2023 7:12:11 PM
Attachments: [Housing Element - Shelters .pdf](#)

Some people who received this message don't often get email from scottoneil@hotmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Palo Alto City Council, Planning & Transportation Commissioners, and City Staff,

Please find attached a letter about our by-right homeless shelter policy in the Housing Element.

-Scott

Palo Alto City Council, Planning & Transportation Commissioners, and City Staff,

I'm a board member at Palo Alto Forward, whom you'll be hearing from separately. In this letter I am writing only for myself.

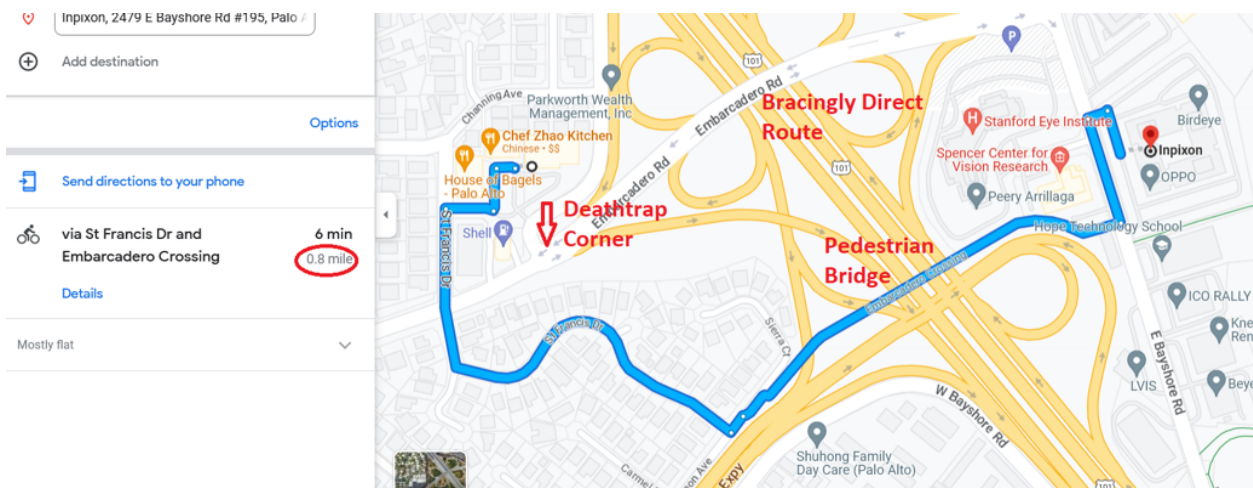
I believe that when a homeless shelter or transitional housing project is advanced, it should usually be supported because proposals are rare and the service is needed. There is a different dynamic at play in the Housing Element, where the city is required to identify a location where housing shelters are legal by-right, *a priori*. Here, the city should attempt to find a location that is good for homeless shelters. So I was excited to see the city substantiate its claim in the latest Housing Element draft that the ROLM(e) area East of 101 is close to important amenities.

It identifies a supermarket there, called "The Market at Edgewood" which seems to serve mostly clients too discerning for Whole Foods. A jug of milk will run a single mom trying to put her life back together just \$9-\$10 dollars. I stopped by Midtown Safeway to compare and it was \$5-\$6.



The Housing Element says the *The Market* is about half a mile from the ROLM(e) zone. This is true, if you start measuring at the very edge of the zone, and take the vehicle overpass.

Unfortunately, it is unlikely that a proposed shelter would land exactly on the edge of the zone closest to *The Market*. Even more unfortunately, this route is a pedestrian deathtrap. The sidewalk ends with no crosswalk, right as cars coming off the freeway are making a hairpin turn into any street crossers. I felt vulnerable just standing to take a picture. There is a safe route via a pedestrian overpass, but that makes the trip longer than the city claims, as the path winds through neighborhoods.



Having visited the area and the amenities claimed in the Housing Element, I am concerned the ROLM(e) area may not have ever been the best location in the Palo Alto to put a homeless shelter. Even when there was a Lucky's, the location had other problems. Today, served only by a gourmet grocer –it's unsupportable.

However, I am optimistic that we have a PTC and Council that will move to rectify. I would recommend anchoring the by-right shelter area around the Life Moves Opportunity Center on Encina. It's a critical resource for Palo Altans interested in transitioning out of homelessness. The area is close to both the El Camino bus routes and Caltrain, making it vastly better from a transit perspective. The nearby grocery store is Trader Joe's, which is much more affordable. Healthcare services include both pharmacies and hospitals. Banking services are also nearby.

Thank you for your consideration.

-Scott O'Neil

From: [Henry Etzkowitz](#)
To: [teamjulieforpaloalto@gmail.com](#); [angelahe101@gmail.com](#); [Beckie Eveline Leigh](#); [Khonika Gope](#); [Marty Wasserman](#); [Jinx Lobdell](#); [daisy law](#); [Hersh Jim](#); [Orna Rosenfeld](#); [Dorien jacque](#); [Christiane Gebhardt](#)
Cc: [Council, City](#); [Roberta Ahlquist](#); [Rebecca Eisenberg](#); [Kristina Loquist](#); [brennan.robins@mail.house.gov](#); [provost@stanford.edu](#)
Subject: Re: Look At How Much We Can Do Together
Date: Saturday, May 6, 2023 7:55:50 AM

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Dear Julie

Appreciate the good work you are doing, your generous spirit and strongly oppose the effort to in effect remove you from office by undermining your ability to support your family by subjecting you to irrelevant conflict of interest charges. However, suggest rethink your apparent support for building housing in isolated areas, requiring new infrastructure, going against principles of social and environmental sustainability that underpin your excellent books

Instead, suggest take the lead, building upon your perspicacious “third place” initiative to build on existing infrastructure, like shopping centers and research parks, nearby transportation. Unbuilt land should be green belted; iconic Bauhaus Eichler and oak creek apartments should be landmarked to preclude inevitable destruction to create larger structures as a recent letter to the editor noted.

Rethink Palo Alto’s housing element based on principles of sustainability, social and environmental.

All persons who work in Palo Alto: teachers, police, janitors, manicurists should have the opportunity to live in Palo Alto rather than commuting from more than an hour away as is often the case. A member of the security staff that Saris-Regis, Stanford’s management agent called in a week ago to the Friday gambling night at the Oak Creek Clubhouse where representatives of the Community of Oak Creek Residents and Low Income Housing Organizations were exercising their first amendment rights to petition for restoration of evening and Sunday Clubhouse hours and rent stabilization, interviewed, said he would like to live in Palo Alto, even in the housing complex he was protecting, but could not afford

Bring housing in line with jobs, eliminate the imbalance. Let’s move forward to attain housing justice, with shelter a human right rather than viewing the house as a “wealth machine,” the practice you implicitly criticized, receiving sharp pushback, in positively noting a recent modest decline in house prices; itself vitiated by mortgage rate increases!

With all best wishes,

Henry

Community of Oak Creek Residents, co-organizer

[Www.triplehelix.net](http://www.triplehelix.net)

Sent from my iPhone

On May 5, 2023, at 6:26 PM, Julie Lythcott-Haims <teamjulieforpaloalto@gmail.com> wrote:



Climbing the Mountain of City Work



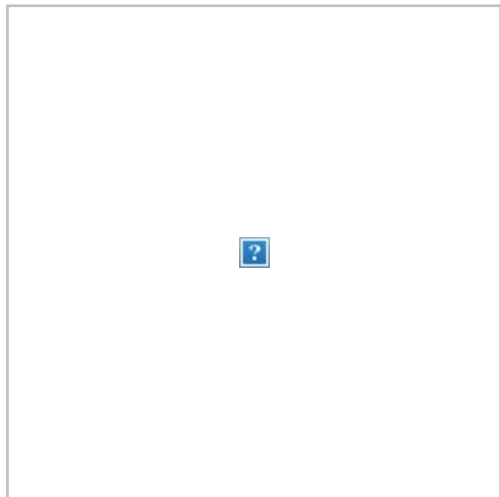
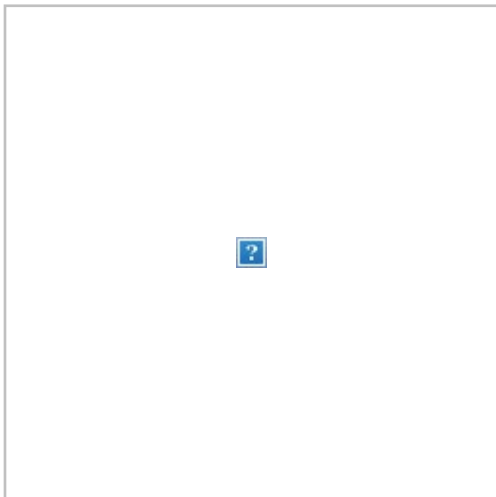
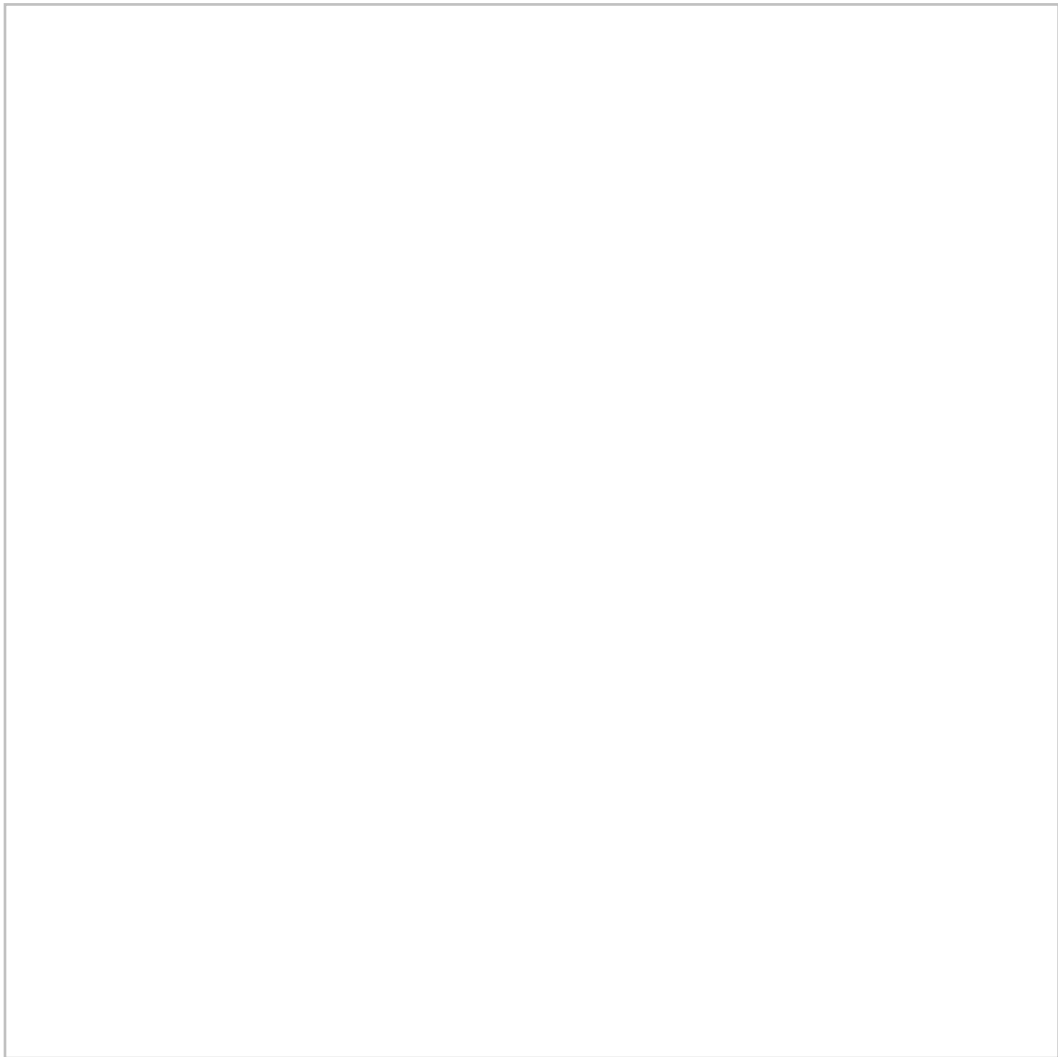
If you've run into me recently, I've probably told you how much I love doing the work of the city. Every week, I get to learn about new stuff, from contracts with

vendors, to labor negotiations, to individual residents' concerns over things that matter dearly to them. My brain especially lights up with the discovery of stuff I had no reason to know about or even think about before.

I also look for patterns and seek logical connections between issues. And this week is prime fodder for that. We've got next year's proposed budget in front of us - which tells the narrative of what matters to the city in numerical terms. And we've got our revised Housing Element which tells the state where we reasonably plan to put 6,086 new housing units over the next eight years. Both are enormous topics. That we're confronting them simultaneously is both burdensome as a matter of workload and yet laden with potential for visionary decision-making. For example, if we're planning for approximately 2,000 housing units in South Palo Alto around San Antonio and Charleston, we need to prepare for those new neighbors: They'll need good roads, a suitable electric grid and other utilities, a tree canopy, safe routes to schools, proximity to grocery and other markets, amenities, and recreation just like any other Palo Alto. Right?

All of this takes dollars. And vision. And if I can get through these documents, hopefully I'll be able to see and then address some of these higher-level synergies. It's hard work. But it's good work. And I'm honored by the faith you show in me by supporting me as an elected representative.

The Kids are All Right



I want to thank all of you who came out for our first ever "Young Minds Celebrated" event on Ramona Street last Friday afternoon. We had a great turnout, and we heard from eleven tremendous youth ranging in age from 11 to 18 who regaled us with their tales of what matters to them, or performed an

inspiring song. (The top photo above is me thanking them all together at the end.)

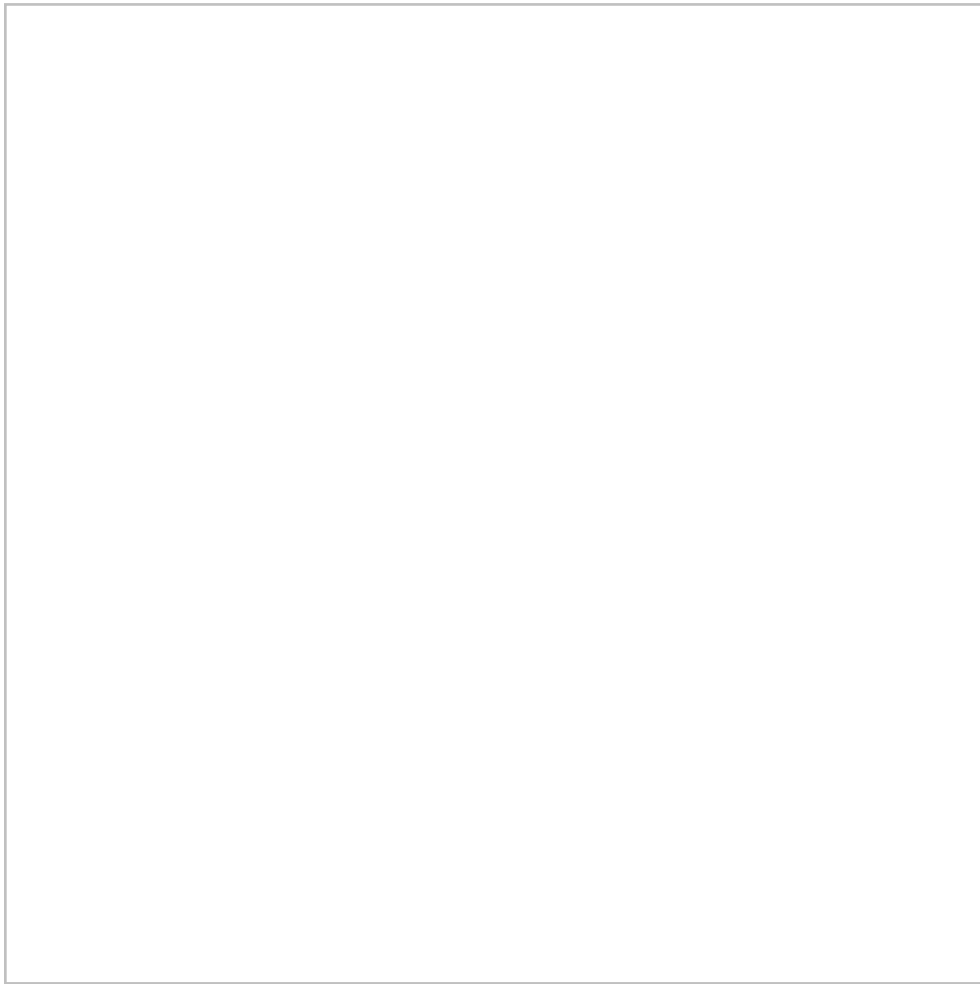
Feedback:

- "made me feel closer to Palo Alto"
- "seeing kids talk passionately makes me happy beyond words"
- "great location, variety of presenters- perfect!"
- "there was so much diversity in all the different acts"
- "young individuals were provided with a safe and welcoming setting where they could exhibit their skills before a live crowd"

So y'all, I think we'll do this again. Maybe on Cal Ave? Maybe MidTown? Maybe at Mitchell Park? We'd do it in partnership with a cafe or restaurant (this time it was the amazing Coupa Cafe) so I welcome your thoughts on what locale/venue would be great!

I also want to thank our many co-sponsors, without whom this event simply would not have been possible: Coupa Cafe, Palo Alto Chamber of Commerce, Palo Alto Youth Council, Project Safety Net, Youth Community Service, allcove Palo Alto, and Creatrix Institute. Every kid went home with a \$25 gift card courtesy of Coupa. Yay! (YCS executive director Mora Oommen and Coupa founder Nancy Coupal are pictured together above.)

**And Now for Even MORE Fun:
May Fête is Saturday (Tomorrow)!**



I'm so very fond of parades. There's something innocent, precious even, and reassuring about them that brings up a lot of emotion in me. I recently wrote a piece reflecting on how I feel when a band begins to play in a parade. You can read it [here](#).

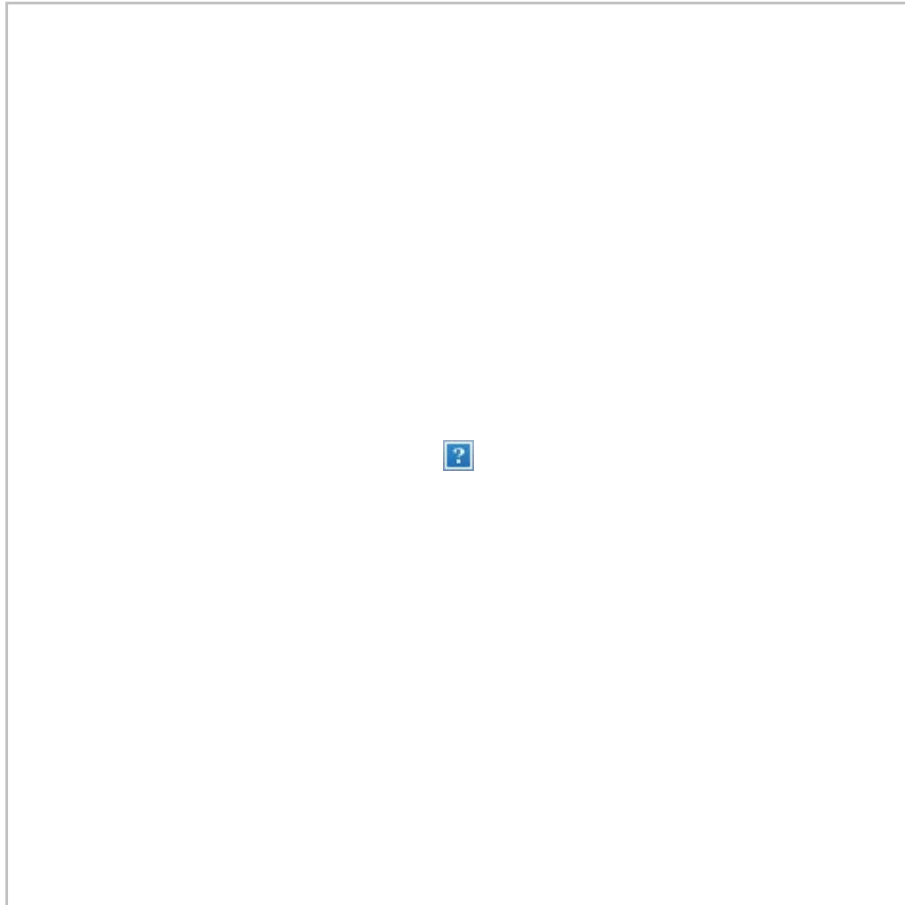
So join me tomorrow morning at our wonderful annual May Fête parade down University Avenue (Saturday, May 6) whose theme this year is "Empowering Wellness Through Community." The parade begins at 10am at the corner of Emerson St. and University Ave. and ends at Heritage Park on Waverley. See a map of the parade route [here](#) along with street closures. Fingers crossed that the rain stays away.

Immediately after the parade is our community gathering at Heritage Park where you'll find more than 30 local community booths, games, food trucks, music, and more fun to be had with your Palo Alto neighbors! Read more details [here](#).

I hope you'll come out for it. It'll be my first time being in the parade since I led

the Juana Briones Elementary School float effort long ago when my kids were quite young. I'll be the one wearing awe and gratitude and probably welling with tears every now and then!

It's Bike Month ♂ **And Palo Alto is Counting on YOU**



The world is trying to get me on a bike, yall. May is Bike Month, for starters, where local cities compete to have the most people pledging to ride a bike in the month of May, and I've made an unofficial friendly wager with the mayor of Menlo Park that we are going to beat them. I have no idea how we're going to accomplish that and I'm counting on all of you to figure it out. Lol! If you haven't already pledged to ride a bike in May, sign up [here](#).

You see, I'm not really a bike rider. Back in the day when I worked at Stanford, I would often ride to work. But that was 13 years ago. And let's just say things have changed! Including a chronic knee problem from an injury early in the pandemic when I was upping my workout game and my left knee wasn't having any of it!

Still, I'm grateful to all of you who are trying to get me out on a bike, including longtime Palo Alto resident Deb Goldeen who dropped off an E bike for me to borrow this month. Who knows maybe I'll even ride it in the aforementioned May Fête parade!



To get YOUR bike game on, join the Silicon Valley Bicycle Coalition on May 18 for the **Bike Bash Palo Alto!** Come as you are and enjoy food, beverages and merriment with your fellow bike commuters at the Palo Alto location. SVBC's team of bike parking professionals will be on-site providing FREE bicycle valet service there!

Complimentary food and non-alcoholic beverages are sponsored by Stanford Research Park. Beer and wine available for purchase from Coupa Café at happy hour pricing.

The Bike Bash party is open to any SVBC supporter — a donor during the past year or a member. If you are not yet a supporter, no worries, please donate using the ticket for non members. Any additional donations are welcome. Tickets and more information found [here](#).

What's Your Story?



Believe it or not, I didn't dare to call myself a writer until I was 44. But since that time, I've managed to publish three books. Yay! (I'm 55 now.)

Where are you in your writing journey? If you're thinking about maybe being a writer, or you're actively working at writing, or even publishing, I applaud you.

For those who write fiction, it's time for the *Palo Alto Weekly's* annual short story contest which is open to teens and adults. If this feels like it's beckoning you, I encourage you to go for it. And be sure to spread the word to the fiction writers in your life!

The contest is open to anyone who lives, works or attends school in Palo Alto, East Palo Alto, Menlo Park, Atherton, Redwood City, Stanford, Portola Valley, Woodside, Mountain View, Los Altos, or Los Altos Hills. There are cash prizes and gift certificates for 1st-3rd place in both the teen and adult categories. The deadline to submit is May 10.

Find out all the details on how to submit your short story [here!](#) Writing is a

special kind of torture that's oh-so-worth it

Love Me Some Live Music: More Goodness from Earthwise



[Earthwise Productions](#) is offering a bunch of concerts in May:

Thursday May 11, 8-10pm

Raffi Garabedian Octet

Palo Alto Art Center Auditorium

FREE

Sunday May 14, 7pm

Laurie Lewis and Men of Note

Mitchell Park Community Center

\$20

Sunday May 21, 7:30pm

Amendola vs. Blades, JoVia Armstrong Destiny Muhammad

Mitchell Park Community Center

\$20

Friday May 26, 8pm

Sonny and the Rhinestone Sunsets

Mitchell Park Community Center

\$20

For more information on these awesome events, check out the Earthwise website [here](#).

An Update on My Legal Battle (Whether I Can Continue to Earn My Living From Public Speaking)

Haters gonna hate, and I'm gonna keep going. If you catch flak for supporting me, or want to affirmatively counteract some of the critique being thrown around out there, you can say:

- Julie did the right thing and sought legal advice before running for office.
- The regulation wasn't meant to cover people whose legitimate business includes public speaking.
- Why would a speech she gives on parenting, race, or youth development in places like Minneapolis, Nashville, or Boston be considered a conflict with her work for the city?
- The regulation was meant to limit the extent to which people earn honoraria "in the jurisdiction" in which they serve, and Julie doesn't take money for speeches given in Palo Alto. In fact she's recently spoken to parents and/or kids at Paly, Gunn, Escondido, and Kehillah, all for free!

We hope to have a hearing on the matter in June. I'm very optimistic about our chances, and I appreciate your continued support and encouragement.



That's it for now, y'all. Try to stay dry in this weird May weather. Keep being awesome. And thanks for reading my stuff.

xo



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Julie Lythcott-Haims for Palo Alto City Council 2022

julieforpaloalto@gmail.com | 3790 El Camino Real #2022 Palo Alto, CA 94306

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From: [LWV of Palo Alto](#)
To: [Council, City](#); [HeUpdate](#); Irvin.Saldana@hcd.ca.gov
Subject: Comment on Palo Alto's first revision to Draft Housing Element
Date: Friday, May 5, 2023 10:38:48 AM
Attachments: [LWVPA comments rev HE.v.3.docx](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Please find attached the League of Women Voters of Palo Alto's public comment on the city's first revision to its Draft Housing Element.

Sincerely,
LWV of Palo Alto

--

League of Women Voters of Palo Alto
3921 E. Bayshore Road
Palo Alto, CA 94303

Phone: (650) 903-0600
Web: www.lwvpaloalto.org
Facebook: www.facebook.com/PaloAltoLeague/
Twitter: www.twitter.com/lwvpaloalto



Date: May 5, 2023

To: Dear Mayor Kou, Vice Mayor Stone, Palo Alto City Council and City Staff

Cc: Dept of Housing and Community Development (HCD)

Re: Comment on First Revision to Housing Element

The League of Women Voters of Palo Alto has studied the city's revision to its Housing Element and the HCD's letter finding the HE insufficient. These comments are directed to the issue of Affirmatively Furthering Fair Housing. Our comments are based on our local League's Housing policy which supports policies and actions by the City of Palo Alto towards improving the diversity of housing opportunities for all economic levels, ages and ethnicities; and ensuring that all housing is open to everyone without discrimination, and on state and national League policies:

- [Housing and Homelessness](#)
- [Meeting Basic Human Needs](#)

The League applauds the city's intent to use SB 9 to increase the mobility of low-moderate households into areas of concentrated affluence in the ten census tracts which currently exclude them.

The Housing Element Should Adopt Concrete Goals and Actions to Affirmatively Further Fair Housing.

The HCD review letter ordered Palo Alto to add goals and actions to affirmatively further fair housing. These actions, according to HCD, should include protecting existing residents from displacement.¹

The consequences of displacement are severe, forcing long-term residents out of their neighborhoods, uprooting people from their jobs, children from their schools, seniors from their long-time neighbors and family, and teachers and public employees from the community they serve. It increases homelessness in circumstances when alternative housing is unavailable or the costs of moving to less expensive areas is prohibitive.

Displacement also significantly increases greenhouse gas emissions. A California Air Resources Board White Paper on Anti-Displacement Strategies concludes that preservation of housing

¹ https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf#page=7 p. 13.) (AFFH Document Final) and AB 686.



affordable to low- and moderate-income households, along with renter protections, is key to reducing greenhouse emissions.²

Naturally occurring affordable housing stock accounts for most affordable housing in our community and its preservation is especially critical. The city has identified three census tracts at risk of displacement: one tract where 50-75% of the households are low-moderate income; and two census tracts where 10-25% of the population is below poverty level (HE, Appendix C, Fig. C-44, p. 71.) Higher cost-burdened households are also found in other parts of the city, (Appendix. C, Fig. C-37, C-38.) The Urban Displacement Project found seven census tracts where the majority of renters are cost-burdened. These census tracts are listed in LWV Palo Alto's 12/7/2022 HE comment letter to HCD and the city. Programs, Actions, Timelines, Geographic Targets, and Metrics should be aimed at these seven census tracts.

Some concrete goals and action the HE could take would be to generate a list of older multi-family rental properties for potential acquisition/rehabilitation and conversion to deed-restricted affordable housing, working with property owners and affordable housing providers to determine ways to preserve the units as affordable, and securing funding from CDFIs, BAHFA, CDBG, a real estate transfer tax, joint powers bond funding, a local bond, and/or City's general fund to assist affordable housing developers or tenants to acquire, rehabilitate and convert at-risk units to permanently affordable housing. The HE could also commit to dedicate staff to a new preservation program by 2026 and secure at least \$1million in funding by 2027. These actions are suggested in ABAG's toolkit for Affirmatively Furthering Fair Housing.³

Because displacement typically follows when owners sell NOAH properties to others who seek to refurbish the property and raise rents, local preservation strategies that center renters and current owners can combat this cycle and preserve affordability. In addition to the funding sources mentioned by ABAG, grants and low-interest loan programs for energy efficiency and functional upgrades may be available from the state and federal government. The City can consider copying programs such as the Small Building Program in Washington, D.C., which provides grants for small property owners to improve conditions through maintenance repairs and requires an affordability covenant that restricts the maximum allowable rent and income eligibility limits per household.

² Chapple, Karen, and Anastasia Loukaitou-Sideris. 2021. White Paper on Anti-Displacement Strategy Effectiveness. Sacramento, CA: California Air Resources Board. Available at: <https://www.urbandisplacement.org/wpcontent/uploads/2021/08/19RD018-Anti-Displacement-Strategy-Effectiveness.pdf>.

³ https://abag.ca.gov/sites/default/files/documents/2022-08/ABAG_AFFH_Policies_Toolkit_Sept_2022.pdf (Appendix A).



Low-moderate Income housing Must Be Dispersed Throughout the City, Not Isolated

Under its duty to affirmatively further fair housing, the HE must not isolate new low-moderate income households in one section of the city.⁴ The draft Housing Element calls for producing the majority of the RHNA's new low-moderate income housing on the eastern leg of San Antonio Road, rather than dispersing these units through the city in diverse areas. The HE should analyze whether east San Antonio RHNA sites would result in a significantly higher proportion of low-income census tracts than the community-wide average, and if so, should select other sites, such as the downtown transit center and city parking lots, which are already slated for housing development, are close to amenities such as shopping, retail, public transportation and are walkable neighborhoods, reducing reliance on cars and the production of green-house gas emissions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Liz Kniss".

Liz Kniss

President

League of Women Voters of Palo Alto

Lisa Ratner

LWVPA Action/Advocacy Chair

⁴ https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf#page=7 p. 45.) (AFFH Document Final) and AB 686. The HE should analyze whether the percentage of low-moderate income households proposed in the east San Antonio census or bloc tracts would be significantly higher than the community-wide average.

From: [Hamilton Hitchings](#)
To: [Council, City](#); [Planning Commission](#); [HeUpdate](#)
Subject: Please Adopt the Latest Housing Element
Date: Thursday, May 4, 2023 8:11:28 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council, PTC & City Staff,

I support the Council adopting the Latest Housing Element at Monday's Council Meeting. This will limit the City's exposure to buildings remedy projects and HCD continuing to delay until the first phase of penalties kicking in.

One other thought on this latest version of the element:

Stanford continues to contribute to the housing shortfall by hiring more professors, staff and graduate students than they produce housing for who then compete for housing in Palo Alto and surrounding cities, further driving up rents. In addition, they are now buying up the houses in the city. Program 1.5 was supposed to address Stanford providing its fair share of housing in the next housing element. However Program 1.5 B is even more watered down in this reversion by not requiring housing at Stanford Shopping Center unless both Stanford and its tenant decide they want it. Currently the tenant wants a hotel instead. No meaningful programs requiring Stanford to build their fair share of housing in the next housing element are included in Program 1.5.

Hamilton Hitchings

From: [Henry Etzkowitz](#)
To: brennan.robins@mail.house.gov
Cc: [John Marlin](#); provost@stanford.edu; [Roberta Ahlquist](#); [Marty Wasserman](#); [Jinx Lobdell](#); [Khonika Gope](#); [Rebecca Eisenberg](#); [Council, City](#); [Hersh Jim](#)
Subject: Housing Justice in Silicon Valley
Date: Thursday, May 4, 2023 9:51:59 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Brennan

Thank you for your invitation to write. Rather than wait until I synthesize previous writings that address housing justice in nucleo through the effect of Stanford's takeover of the 759 unit oak creek community, putting Seniors against PhD students and post-docs as the university attempts to address its housing crisis without consideration of the effects of their actions on others in effect, it creates a zero sum game, a struggle over existing housing stock rather than address the "invisible elephant in the room," the factors and forces that create scarcity with inevitably escalating house prices and rents when the house is treated as a "wealth machine" rather than a human right to shelter. This is the problem. Representative Eshoo's potential role in addressing it; the issue. Your take, please? Next mail and/or meetup; available

Best
Henry
community of oak creek residents, co-organizer

[Www.triplehelix.net](http://www.triplehelix.net)

Sent from my iPhone