

From: [cbhechtman](#)
To: [Wong, Tim](#)
Cc: [Tanner, Rachael](#); [Klicheva, Madina](#)
Subject: PTC 6/8/22 Housing Element
Date: Tuesday, June 7, 2022 6:16:26 PM
Attachments: [BGH Revisions to HE 6.8.22.pdf](#)

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Tim,
Attached please find my suggested revisions to the draft housing element, to be made available to the PTC and public in advance of the 6/8/22 PTC meeting.
Bart

BGH Proposed Draft HE Changes of 6/8/22 ATC

Goals & Policies

Goal 1.0

Preserve and improve the existing housing stock and residential neighborhoods. Preserve affordable housing units in the community to maintain adequate housing opportunities for all residents.

Policy 1.1

Promote the rehabilitation of deteriorating or substandard residential properties using sustainable and energy conserving approaches. (Existing Policy H1.1)

Policy 1.2

Work with property owners and nonprofit housing providers to preserve assisted multi-family units at risk of conversion to market rents and extend the affordability covenants in perpetuity whenever feasible.

Policy 1.3

Use existing and new funding sources to fund rehabilitation loan and grant programs to assist in the preservation of affordable housing units.

Policy 1.4

Ensure the retention of ~~lower income units~~ and replacement of existing units that are identified for potential redevelopment. (revised)

Goal 2.0

Assist in the provision of safe, attainable, and sustainable housing, especially affordable housing, to meet the needs of all economic segments of the community.

Policy 2.1

Increase opportunities for affordable housing development through use of flexible development standards. (Adapted from existing Program Objective H3.1.5)

Policy 2.2

Enhance density bonuses that expand upon the density bonus and development standard concessions and incentives offered as tools to facilitate the development of more affordable housing, with a mix of affordability levels within mixed-income housing.

Policy 2.3

Achieve a ~~balance~~ ^{diversity} of rental and homeownership opportunities, including apartments, townhomes, condominiums, single-family houses, and accessory dwelling units, micro-units and alternative housing options to accommodate the housing needs of all socioeconomic segments of the community, including large families.

Policy 2.4

PENDING: [Healthy Homes / Green Buildings]

Goal 3.0

Support holistic and strategic housing development with a variety of housing types, prices, tenures, densities, and locations, to address the diverse needs of all current and future residents.

Policy 3.1

~~Support~~ the redevelopment of suitable lands for mixed uses containing housing to encourage compact, infill development. Optimize the use of existing urban services, and support transit use. (Existing Policy H2.2)

Policy 3.2

Rezone sites citywide to provide adequate sites, zoned at the appropriate densities and development standards to facilitate both affordable and market rate housing production.

Policy 3.3

Prioritize the acquisition of new housing sites near public transit and services, the acquisition and rehabilitation of existing housing, and the provision for housing-related services for affordable housing. (Adapted from Existing Program H3.4.1) ^{or replacement in kind}

Goal 4.0

Provide for a government environment that facilitates housing development.

Policy 4.1

Exempt permanently affordable housing units from any infrastructure impact fees adopted by the City. (Existing Program H3.3.2)

Policy 4.2

Provide for streamlined, timely and coordinated processing of development projects and associated environmental clearances to minimize project-holding costs.

Policy 4.3

Allow reduced development standards for accessory dwelling units.

Policy 4.4

Encourage new high-quality rental and ownership housing through the implementation of objective design standards, and architectural and green building standards, ~~in alignment with the Comprehensive Plan.~~

Policy 4.5

Heighten community awareness and ~~to~~ receive community input regarding the social, economic and environmental values of maintaining economic diversity in the City by providing affordable and mixed income higher density housing along transit corridors and at other appropriate locations.

Goal 5.0

Establish a variety of housing types and services to accommodate the diversity of persons and households with special needs.

Policy 5.1

Support the development and preservation of group homes and supported living facilities for persons with special housing needs by assisting local agencies and nonprofit organizations in the construction or rehabilitation of ~~new~~ facilities for this population. (Existing Program H3.3.4)

Policy 6.4

requirements

Enforce notification and relocation assistance for low income households displaced due to demolition, condominium conversion, and persons displaced due to code enforcement activities of illegally converted or substandard residential dwellings.

Policy 6.5

Support and provide ways to empower community members to participate in community development.

Programs & Implementing Objectives

Programs that identify adequate sites, with appropriate zoning and development standards to accommodate Palo Alto's RHNA allocation for each income level:

Program 1.1: Adequate Sites Program

Through zoning and comprehensive plan designations, the City maintains a residential site inventory that is adequate to accommodate the City's share of regional housing needs. The City's Regional Housing Needs Assessment (RHNA) is 6,086 units (1,556 units for very-low income, 896 units for low income, 1,013 units for moderate income, and 2,621 units for above moderate income).

Time Frame:	PENDING
Responsible Agency:	Planning and Development Services
Funding Source(s):	General Fund
Target Housing Population:	All income levels
Implementing Objective:	A. Where necessary, rezone property identified as meeting the City's lower-income housing RHNA requirement to achieve at least 30 units per acre and allow at least 16 units per site.
<input type="checkbox"/> HCD Requirement	<input checked="" type="checkbox"/> State Legislative Requirement <input type="checkbox"/> Local Policy Initiative

Program 1.2: Site Inventory Monitoring Program

In 2017, Senate Bill 166 (SB 166), otherwise known as "no net loss", was passed to ensure that cities and counties "identify and make available" additional adequate sites if a housing project is approved at a lower density or with fewer units by income category than what is identified in the Housing Element. In conjunction with the Adequate Sites Program above, the City will further implement a monitoring program that evaluates the current capacity of housing sites for all income levels throughout the duration of the planning period. The City commits to tracking its available housing sites database to ensure ~~the~~ it remains in compliance with State law and provides sufficient housing sites at all income levels during the Sixth Cycle.

that

property shall include a plan to protect or mitigate tenant displacement.
(revised – added specificity, Housing Element Working Group (HEWG) did not discuss height limit but was generally ok w/six or seven stories)

B. For the property located at 3000 El Camino Real (Palo Alto Square), amend the Planned Community ordinance that applies to the site to allow, in addition to the existing improvements on the property, a housing development up to 30 units per acre (approximately 450 units) with a transitional building height ranging from 50 feet nearest El Camino Real and up to 75 feet in height set back from the street. *(revised – added specificity, HEWG did not discuss height)*

at least —'

C. For the housing opportunity site located at 3128 El Camino Real (McDonald's), as an alternative to the State Density Bonus law, amend zoning regulations to allow at least 125 housing units with a transitional building height ranging from 50 nearest El Camino Real and up to 75 feet in height set back from the street; allow a minimum of 315 housing units if combined with an adjacent property. *(revised – HEWG recommendation: 144 units at 50 feet)*

at least —'

D. For the housing opportunity site located at 3300 El Camino Real, as an alternative to the State Density Bonus law, allow up to 200 housing units, up to a 1.4:1 floor area ratio (FAR) and approximately 65 feet in height with a 20% inclusionary housing requirement consistent with the City's Planned Home Zoning process; commercial office approved or permitted on this property is in addition to the floor area allowed for the future housing project. *(revised – HEWG supported initial staff recommendation of 40 units/acre or realistic yield of 92 units)*

E. Encourage affordable housing development at 27 University Avenue (Palo Alto Transit Center) by amending the zoning code to establish affordable housing as a permitted land use with building heights up to 85 feet and a minimum of 270 housing units. *(revised – added specificity, HEWG recommendation previously modified by PTC)*

dialogue discussion

F. Engage Stanford University in a ~~conversation~~ about future multi-family housing opportunities within the Stanford Research Park. Identify locations suitable for housing and mixed-use development and zoning modifications and housing incentives as appropriate for consideration in the Seventh Cycle Housing Element Update.

housing-related

G. Engage Stanford University and long-term leaseholder Simon Properties for possible redevelopment opportunities at the Stanford Shopping Center for consideration in the Seventh Cycle Housing Element Update.

HCD Requirement

State Legislative Requirement Local Policy Initiative

to: density increases, height, parking requirements, floor to area ratios.

(delete: new implementation objective added to Program 3.5)

- F. Provide incentives and remove constraints for multifamily housing in the Downtown (CD-C), Cal Ave., (CC(2)/PTOD) and El Camino Real (CN and CS) districts. *(delete: new implementation objective added to Program 3.5)*

G.

HCD Requirement

State Legislative Requirement

Local Policy Initiative

Program 3.4: Mixed-Use Development *(revised)*

Mixed-use projects ^{are} can make housing development more profitable and therefore more likely to be constructed and ~~is~~ appropriate in certain areas. Mixed-use development downtown or near reliable, high quality transit and rail service can enhance the local economy and support small businesses by increasing its customer base and extending service hours beyond the daytime worker population. Mixed-use projects can also serve individuals and families who are less mobile or who have adopted a car-light lifestyle. Mixed-use projects, however, often generate a greater demand for housing than is provided by the project potentially impacting a jurisdiction's or region's jobs/housing balance. Palo Alto will continue to focus on proactive solutions that better align housing needs generated by new job growth and strive to reduce its existing jobs/housing imbalance with development standards that incentivize greater housing production and temper the strong market demand for commercial development, which often outcompetes the community's home building interests.

Time Frame:

Responsible Agency:

Funding Source(s):

Target Housing Population:

Implementing Objectives:

PENDING

Planning and Development Services

General Fund

All Income Levels

- A. Continue to implement land use policies, such as commercial office growth restrictions to promote an improved jobs to housing balance.
- B. At strategic locations, amend the City's municipal code to reduce commercial floor area allowances or other commercial incentives to shift the economic benefit of redevelopment toward home building. *(revised and moved from another Program)*
- C. For housing opportunity sites subject to the City's retail preservation ordinance, allow retail/retail-like uses to be reduced to 1,500 square feet of gross floor area and exempt from commercial parking requirements. For the purposes of this implementing objective, retail preservation is distinguished from local requirements related to the ground floor (GF) and retail shopping (R) combining districts. *(revised)*
- D. Amend the City's municipal code to allow housing up to at least 30 units per acre, increase the floor area ratio to ___:1.0, and increase building height to ___ feet. Consider other code amendments that encourage neighborhood services commercial uses and other residential amenities as appropriate.
- E. Review the City's Workforce Housing Overlay regulations and consider amendments to better align the target housing population (120%+ to 140% AMI) with a housing typology that provides clear rental subsidy compared to market rate rents for a comparable unit. *(new)*

Target Housing Population:
Implementing Objectives:

PENDING

- A. Coordinate with the County shared housing program or HIP Housing to provide a shared housing arrangement facilitation.
- B. Encourage innovative housing structures, such as micro-unit housing and new shared and intergenerational housing models to help meet the housing needs of aging adults, students, and lower-income individuals citywide.
- C. Review and amend the Zoning Ordinance to review and amend definitions and allowances of uses for the definition of family, Employee Housing, Residential care facilities, Group Homes and/or Boardinghouses to review regulations to be consistent with California Law for six or fewer residents.

HCD Requirement

State Legislative Requirement Local Policy Initiative

Program 6.9: Fair Housing Services

The City of Palo Alto is committed to providing equitable opportunities to all residents of Palo Alto in order to expand access to housing and increase housing mobility. To achieve fair housing goals, the City will continue to partner and support Project Sentinel who provides a variety of fair housing services including but not limited to: tenant/landlord services, including mediation, information, investigation, counseling, and referral services. The City will take actions to overcome patterns of segregation, address disparities in housing needs and access to opportunity, and foster inclusive communities.

Time Frame:
Responsible Agency:
Funding Source(s):
Target Housing Population:
Implementing Objectives:

PENDING

Planning and Development Services

General Fund

PENDING

On

- A. Distribute educational materials to property owners, apartment managers, and tenants relative to fair housing requirements, regulations, and services.
- B. On an ongoing basis, continue to provide multi-lingual fair housing information to the public regularly as needed via the public counters, message boards, City website, neighborhood watch, and in response to telephone inquiries.
- C. Continue to provide referral to Project Sentinel, State Fair Employment and Housing, HUD Fair Housing and Equal Opportunity division, and other legal services as appropriate.
- D. Allocate annual funding for fair housing services through the Action Plan process for the use of CDBG funds.
- E. Work with Project Sentinel and renter organizations to educate tenants and landlords about fair housing requirements.

HCD Requirement

State Legislative Requirement Local Policy Initiative

Program 6.10: Affirmatively Furthering Fair Housing

To address the requirements of AB 686, the City participates in the 2020-2025 Santa Clara County Consolidated Plan (ConPlan). The County's ConPlan identifies eight housing goals for the County and each of its participating jurisdictions including Palo Alto. Additionally, the ConPlan identifies regional and local barriers to fair housing around the region, with heavy emphasis on

From: [Rebecca Eisenberg](#)
To: [Aram James](#)
Cc: [mark weiss](#); [Lydia Kou](#); [Greer Stone](#); [Council, City](#); [Shikada, Ed](#); [Andie Reed](#); [Kerry Yarkin](#); [Pat Burt](#); [Tom DuBois](#); [tom.dubois@gmail.com](#); [Filseth, Eric \(Internal\)](#); [Lait, Jonathan](#); [Planning Commission](#); [Roberta Ahlquist](#); [Curtis Smolar](#); [Alison Cormack](#); [greg@gregtanaka.org](#); [Vara Ramakrishnan](#)
Subject: Re: Kol Emeth
Date: Wednesday, May 25, 2022 3:34:24 PM

You don't often get email from rebecca@privateclientlegal.com. [Learn why this is important](#)

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

Thanks, Mark and Aram.

Aram - I remember how hard you worked to open the process before Jonsen was hired. You had easily uncovered much evidence of alleged misdeeds committed by Jonsen during his previous job in Menlo Park. You had brought those matters to the attention of the City Council, by emailing, speaking out, and also publishing editorials in the press. But the City Council ignored you. Because the City Council followed the secrecy route that you and so many community members (including me) had denounced, Palo Alto chose a police chief that irreparably harmed our town's public image and significantly harmed the police force and city government's relationships with the community.

During Jonsen's time in PA, our town has been sued a record amount of times, our police force has committed a record number acts leading to the perception of undue force, and has spent a record amount of money in legal fees and settlements responding to these matters (not to mention even police officers themselves filing baseless actions against the city) -- all while actual crime has continued to rise.

Now *Shikada* wants to repeat the broken process that led to the choice of the least successful police chief in PA's recent history.

I don't know about you, but I always believed the adage that a direct route to failure is to repeat the same action expecting a different result. On behalf of our community, Palo Alto deserves a better process to select a police chief that is truly a good fit for our town. Can't you hear the residents demanding transparency and accountability? Why not give that to them? Whose side are you on?

Best,
Rebecca

On Wed, May 25, 2022 at 3:07 PM Aram James <abjpd1@gmail.com> wrote:

Hiring process for police chief will be secret and behind closed doors.

Thanks Mark for keeping this critical conversation going. Our continued public deliberations on the issue and the staff and Castillega's machinations— deserve the most heightened scrutiny. aram

P.S. In this morning's Daily Post, page 4, Shikada announced the hiring process for police chief will be secret behind closed doors. We can't let this happen. Again we must continue to push back on Staff in order to achieve any degree of transparency. The staff often appears to me to be members of a private corporation upholding the rights of the rich at the expense of those who deserve justice.

On May 25, 2022, at 1:11 PM, mark weiss <earwopa@yahoo.com> wrote:

I met Rebecca Eisenberg for the first time in 2018, walking our dogs, at Peers Park. I had noticed her applications to BCCs. Since that time we've had numerous conversations, mostly about public policy and the law. (Sometimes, baseball or music).

I've known Molly Stump longer but not as well. She invited me to see her art-lights in her office, but changed her mind. I think she's done a satisfactory job, over 10 years here.

But Rebecca went to Stanford, and Harvard Law. Molly Pomona and Cal. All fine schools, but given our proximity to Hoover Tower, I'd wager Rebecca is correct here, and Molly wrong:

Casti is bluffing, or a bad actor.

We should be deliberating in public the assertions of staff.

Mark Weiss

In Palo Alto

Sent from my iPhone

On May 24, 2022, at 9:52 PM, Rebecca Eisenberg <rebecca@privateclientlegal.com> wrote:

I am told that Castilleja refers to Kol Emeth instead of Etz Chayim for garage precedent.

Kol Emeth is also zoned for commercial uses.

<https://www.cityofpaloalto.org/files/assets/public/planning-and-development-services/file-migration/current-planning/forms-and-guidelines/zone-map-2021.pdf>

Which brings up the bad-neighborly fact that Castilleja is threatening baseless 14th Amendment claims against Palo Alto regarding the garage. Should it file such a lawsuit, it will be dismissed on summary judgment, if not sooner. It is long-established law that Zoning law does not implicate 14th amendment protection unless it was done in order to impact a protected class, including racial minorities, non-dominant religions, and women. Castilleja making this argument will be viewed even worse than Woodside claiming to be a mountain lion protection area.

As an aside, it violates Palo Alto public policy that the Planning Department continues to ignore PA's sustainability goals. Failing to measure the impact of the groundwater removal and the tons of cement

used in constructing the underground garage, and the increase of cars on the street from larger enrollment (as all previous measures prove), was illegal of them. Given that there is not yet a sustainability commission, the Planning Department is required to consider the public interest in its evaluations, including the irreparable harm that would be caused by millions of gallons of groundwater pumping and cement. That Jonathan Lait said with a straight face that the construction would not harm Palo Alto's progress towards sustainability and harm neighbor's quality of life is wholly bizarre. Who would argue that? And his refusal to include (1) a no-garage option and (2) an option where Castilleja moves entirely or in part (second campus) is reversible error. No one thinks that Castilleja needs a garage and can't afford a second campus. All along Castilleja said that neighbors want a garage, but **neighbors would much prefer no cars on their street, and instead want SHUTTLES** like all other private schools. Why would neighbors want more car trips when they could have NO car trips? Castilleja's arguments never made any sense.

Regardless, if Castilleja wants a toxic, carbon-emitting, environmentally hazardous underground garage like Kol Emeth, it can! **It just needs to move to an area zoned commercial, or mixed use.** In fact, the Stanford Research area has numerous empty corporate campuses with enormous parking lots, none of which can currently be used for residential purposes due to toxic waste from the HP Superfund Site. But they can be used for commercial purposes, including a school. The HP Campus at 1501 Page Mill is perfect! [Tesla is taking over 325,000 square feet of that campus, leaving almost 300,000 feet for Castilleja.](#) (There are numerous other sites as well.)

In the past, Palo Alto has made harmful decisions, e.g. President Hotel, out of fear of being sued. The President Hotel protected itself from lawsuit by making settlement agreements which included financial compensation along with releases of all rights to sue, so there was no motivated and harmed plaintiff to sue about the President Hotel.

But here, Castilleja spent (I'm told) \$12 million on lawyers, but has not made any efforts to strike financial deals with neighbors, so **every neighbor and impacted community member has the right to sue, and almost certainly will sue, if Castilleja's garage is approved.** And, every time that Palo Alto is sued by citizens (rather than by big businesses or the police force) IT LOSES. See, for example, the Foothills Park case, the Utilities Transfer case, and the many police brutality cases

that all cost PA millions in legal fees and settlements. Castilleja is bluffing. They have money to sue, and they may sue, but they will lose even more prestige in the community if they do, and already Stanford Admissions has started admitting fewer of their students, many say.

Anyway, here is one of many explanations about how zoning does not create constitutional cases, and in California, **it's even legal to spot zone, if doing so is necessary to protect the community interest** -- and even to preserve the natural environment. If Molly messes up this case, she should be fired. (Hopefully she is doing some rethinking of her legal advice; she seemed very agitated when she snapped at me while having a "private meeting" with Ed Shikada right after the hearing. At the time she was two feet away from Castilleja's attorneys, and Molly should know that giving legal advice in the presence of third parties destroys the attorney-client privilege and makes all of her advice discoverable, including by public records act request, which I won't file for, even though I could and maybe should.)

<https://www.californialandusedevelopmentlaw.com/2020/01/09/citys-general-plan-policies-allowing-exemptions-from-zoning-requirements-did-not-violate-fourteenth-amendment-or-result-in-spot-zoning/>

Why am I so obsessed with Castilleja? **Because I cannot stand it when people lie** - and dislike most of all when the people and companies with the most resources use those resources to create false narratives that convince communities and individuals to act against their own interests. E.g. Trump, and others.

Best,
Rebecca

On Tue, May 24, 2022 at 4:04 PM Rebecca Eisenberg
<rebecca@privateclientlegal.com> wrote:

Dear All:

First, I want to offer my tremendous gratitude to Mayor Burt, Vice Mayor Kou, and Council Members Stone, Dubois, and Filseth. I - and many others - are grateful for the thoughtful and articulate ways that you dug deep into Castilleja's predicament, and -- despite errors and omissions made by our City Staff -- made groundbreaking progress in revealing a great deal of the truth surrounding Castilleja proposed unprecedentedly large development on lots zones R1 in the middle one of our most admired and desired (of many) residential neighborhoods in

our beautiful town of Palo Alto. Your hard work made a very positive impact on our community. Speaking personally, it was monumental to feel heard and understood. This is local government at its best.

In that regard, I submit my factual correction of today's (otherwise mostly great!) article in today's Palo Alto online at: <https://www.paloaltoonline.com/news/2022/05/24/palo-alto-looks-to-scale-back-castillejas-growth-plan> . I also submit a few supporting documents demonstrating (1) that City Manager Keane commenced revocation hearings in 2013 and (2) that Nancy Kaufman proposed a compliance schedule (which she later disregarded); and (3) that the parties decided in 2013 that if Castilleja did not comply with its existing CUP, that its CUP would be revoked (next time for serious). I believe that you agree with my corrections, given that your questions uncovered the truth about Castilleja's violations and potentially its motivations, that we now better understand.

I also offer my profound gratitude to City Council for its repeated insistence that it cannot rationally determine the impact of Castilleja's application, if approved, on the community, without a thorough Construction Plan. Given Castilleja's long history of aspirational promises and 2 decades of under-delivery on those promises, I agree strongly with your (indisputable) conclusion that we cannot simply take Castilleja's word that its unprecedented construction project in the middle of a single family home neighborhood would be "climate neutral or climate positive" and "not harmful to the community."

I imagine that Castilleja's army of lawyers have already descended upon Jonathan Lait, so I hope he can respond by reminding Castilleja that without a thorough and detailed construction plan, Castilleja cannot rationally expect that its application would be approved.

In particular, I am perhaps most grateful for the reminder from the Mayor (with agreement from the vice mayor and other 3 council members) that there is no precedent for a private school of Castilleja's size and density existing in a R-1 neighborhood, and there even is no precedent of a private school with Castilleja's proposed density in any neighborhood - commercially zoned (like Eytz Chayim) or not. (The reason, of course, that our Muni Code did not address an underground commercial garage in a residential neighborhood is due to the fact that

such a profoundly inappropriate facility would never exist in a residential neighborhood and certainly does not exist in a R-1 neighborhood in Palo Alto. **As a reminder, Eytz Chayim is NOT located in a residential neighborhood, but rather is zoned commercially.** Therefore, Castilleja's constant comparisons to Eytz Chayim are wholly misplaced.

Because of the potential impact of Castilleja's construction -- especially the unavoidable harm to our natural environment and to Castilleja's neighbors -- that would be caused by the construction of Castilleja's underground garage, I also attach a legal cite to the Palo Alto Municipal Code section, which clarifies that a CUP shall not be given if it causes harm, or even inconvenience, to the community. I am extremely grateful that Council demanded a Construction Plan from Castilleja last night, and I wholly agree with Council's determination that the extent to which Castilleja's construction will impact the neighborhood cannot be measured unless and until a thorough description of that plan is provided. When Castilleja provides that plan - which should be before the next meeting if they reasonably expect resolution the matter - then I believe that City Council may find that Castilleja's construction plan will cause significant "harm and inconvenience" to the neighborhood which would render the recommendation of the CUP illegal, because per the Code, the City has no right to approve a CUP that causes harm (or inconvenience) to the neighborhood.

(Fortunately, Castilleja truly does NOT need a garage. Neighbors would be FAR happier if fewer cars drove down the street -- no matter where those cars park. Castilleja should eliminate parking altogether at its campus, like Nueva and many other comparable schools, and instead, also like Nueva and most others, provide a **robust system of private shuttles**. This should not even cost Castilleja any money -- and would SAVE all of the construction costs of the garage! -- as most of these schools pass on the cost of the shuttle to parents, who, excited for the opportunity of their children to be able to attend such prestigious and superior schools, are happy to pay the costs. Remember, 80% of Castilleja families pay full freight tuition of almost \$60,000/year, and the garage is intended to serve the cars owned by these teenage girls, so clearly those families can afford to chip in to a shuttle.)

Below is my submitted correction to Palo Alto

Online's mis-statement that Castilleja is now in compliance -- because as Jonathan Lait confirmed, it is still in violation of its CUP. I also correct the statement that the legal violations culminated in 2013, because as Lait confirmed, Castilleja's legal violations -- from which it benefits approximately \$2 million/year in illegally gained revenues through over-enrollment -- continue today.

Thank you for your consideration, and **thank you again for your exceptional work on behalf of the Palo Alto Community last night!**

Best,

Rebecca

----- Forwarded message -----

From: **Rebecca Eisenberg**

<rebecca@privateclientlegal.com>

Date: Tue, May 24, 2022 at 3:18 PM

Subject: Castilleja article - thank you, and quick correction (with longer explanation!)

To: Bill Johnson <bjohnson@paweekly.com>, Gennady Sheyner <gsheyner@paweekly.com>

Cc: Andie Reed <andiezreed@gmail.com>

Hi Bill and Gennady -

I hope you are well! It was nice to see you, Gennady, after the City Council meeting last night (although you seemed confused when I said hello? Seems reasonable as I think you were trying to catch a remaining council member). I REALLY appreciate your thorough coverage of this complicated and extremely important issue.

I know you were working under an extremely tight deadline to get this article out this morning, and overall I think you did a great job, for which I am grateful. That said, there is one sentence I am hoping you can correct, because that sentence gets to the heart of how and why many of us believe that the City has been providing extraordinarily large and unprecedented special treatment to Castilleja, by allowing Castilleja to increase its annual revenues by approximately \$2 million/year through intentional violation of its CUP enrollment cap - violations that have continued for 22 years, and which continue today.

This is the problematic sentence:

Many alluded to the school's failure **in the past**

to comply with its enrollment cap, a violation that **culminated** in a [\\$285,000 fine in 2013](#).

Which I think should be replaced with something like:

Many alluded to the school's 20-year failure to comply with its enrollment cap, a violation that exists to this day, as confirmed by Jonathan Lait in last night's meeting, and which has resulted in Castilleja receiving significantly more revenue in tuition than the amount to which it is

legally entitled*. (*although Castilleja is tax-exempt, it is not charitable, it lacks a public benefit, and its tax records suggest that it is profitable)

(The last parts of that 'corrected version' are merely aspirational, of course.)

Here is why I believe that the insinuation that Castilleja is in compliance is worthy of correction. I provide backup support, and Andie Reed, cc'd, can confirm, as she and her group of neighbors and friends have spent years gathering public records and trying to educate our leadership, and she deserves much credit for the tremendous breakthrough that happened last night when five of the city council members put Jonathan Lait and Nancy Kaufman on the seat, asking them tough questions and assessing the (often inadequate) responses. What a great night!

Here is why that sentence deserves a re-write (along with later references to Castilleja's continuing violations):

1. **Castilleja's violations are not in the past.** As Lydia Kou and others asked, and Jonathan Lait confirmed, **Castilleja still is in violation of its existing CUP -- as it has been for more than 20 years.** This is a very important distinction because those of us who argue that Castilleja should be held to the same rules as other businesses and residences in Palo Alto continue to point out that Castilleja has not come into compliance with its 415 enrollment cap in more than 20 years, despite Nancy Kaufman having made numerous promises, some of them contractually binding (in my legal opinion, as well as the opinion of Jim Keane and others with whom I spoke about the matter), to come into compliance. That is a big reason that we do not believe that Castilleja should be able to increase its cap immediately to 450, as it never complied with its current cap of 415, despite having its CUP almost revoked in 2013 due to its over-enrollment.

2. Similarly, **these violations did not "culminate in 2013" with the significantly reduced fine.**

Culmination indicates a resolution or peak, neither of which occurred in 2013 - rather, when occurred in 2013, per attached, was that the City Manager Jim Keane commenced revocation hearings, which Castilleja negotiated or bullied its way out of. And, notably, that fine was a vastly reduced figure given by Palo Alto, apparently (so I was told) in exchange for Castilleja making a promise that if it did not reduce its enrollment to 415 by 2016, Castilleja would leave Palo Alto.

As a reminder, Palo Alto's Municipal Code provides for statutory damages for code violation (like virtually all similarly situated cities) at \$500 per violation per day. Although these code sections provide for a two-year reachback when it is the fault of the City for not assessing the fines, in 2013, it was the fault of Castilleja that Palo Alto had not fined Castilleja. Castilleja had been intentionally understating its enrollment (Kaufman explained this as "confusion" over what is "enrollment." She claimed she had used "average daily attendance" instead of "enrollment," but the Planning Commission and Jim Keane correctly rejected her explanation.

For most of the previous years. Castilleja has had between 20 and 40 students over enrollment, averaging over 30 (I can provide for you the actual enrollment numbers ultimately released by Castilleja if you like). But using a conservative 30 students over Castilleja's legal cap, that means that Castilleja has accrued statutory fines of 30 violations times \$500/day = \$15,000/day. Given that Castilleja describes that it is open approximately 300 days/year, means that Castilleja, under Palo Alto's Municipal Code, should have been assessed \$4.5 Million a year.*

(*Here is an article in the Palo Alto Weekly referencing these municipal code penalties, which amount to \$500-\$5000 per day per violation: <https://www.paloaltoonline.com/news/2017/03/06/penalties-likely-to-stand-for-edgewood-owner>) (I also am happy to provide you the code sections)

\$4.5 million a year may seem a high assessment for a private school (even a profitable one like Castilleja), but those fines serve a purpose. Castilleja charges almost \$60,000/year and only offers (mostly partial) financial support to 20% of its students (Castilleja's website now claims 21%, but the amount of aid it provides has not gone up).

This means that while Castilleja continues to be overenrolled, it benefits financially by its legal violations. For example, at 30 students over

enrollment, Castilleja increases its guaranteed revenue -- apart from the donations to the school fund and capital fund that are expected of private school parents (I know this as a former private school parent myself) -- by an additional \$1.8 MILLION, [not including donations to its school fund and capital fund \(which has raised \\$100 million\)](#).

As community members pointed out, enforcement of the enrollment cap is the ONLY incentive that Castilleja has to comply with the law and its CUP. Castilleja has been bringing in millions of dollars illegally through over enrollment for more than 20 years, so it IS extremely material and essential for the accurate reporting of this story to make it clear that Castilleja STILL is violating Palo Alto's zoning laws (in ways beyond enrollment, e.g. providing false information re square footage, as some mentioned last) as well as Castilleja's existing CUP.

What I recommend for the sentence above is the following:

Many alluded to the school's **20-year** failure to comply with its enrollment cap, a violation that **exists to this day, as confirmed by Jonathan Lait in last night's meeting.**

In sum, Palo Alto's city government has allowed Castilleja to continue to benefit financially (as much as \$2.4 million/year during the many years Castilleja was at 40 student over-enrollment), without any Municipal Code enforcement. Had the City enforced our muni codes against Castilleja as it does regularly against residential applicants, our General Fund would have had millions of dollars **more every year.** (This is the basis of one of the many causes of action against the city that residents have been discussing with their attorneys. There is a third party cause of action plus attorneys fees under the false claims act, for example, among other state laws that address this kind of problem).

That is why it is essential to point out that Castilleja is still in violation of its existing CUP, that it never was in compliance, and that Castilleja is benefitting financially from its illegal actions.

Please reach out to me if you have any questions about this. Also, I can put you in touch with a lawyer who handles municipal finance at a law firm, if you like.

No matter where you stand on Castilleja's right to benefit financially from its CUP violations, I beg you to correct your article to clarify that Castilleja may have paid a reduced fine, but it never came into compliance, even though it promised it would agree

to CUP revocation if it did not reduce its enrollment to 415. A few of the letters between Castilleja and the City are attached, starting with the time when Jim Keane commenced CUP revocation against Castilleja in 2013.

Thank you for considering. I thought that emailing you directly would be more helpful than posting a comment on the board, given that my correction is easily confirmable, and an easy fix for you to make.

Thank you again for your responsive and thorough coverage of the many issues that impact our community of Palo Alto!

Best,
Rebecca Eisenberg
415-235-8078

Rebecca Eisenberg, Esq.
Principal & Founder
Netskink Positive Impact Investments
Private Client Legal Services
www.linkedin.com/in/eisenberg
rebecca@privateclientlegal.com
415-235-8078

From: [Aram James](#)
To: [Council, City](#); [Shikada, Ed](#); [Winter Dellenbach](#); [Human Relations Commission](#); [chuck jagoda](#); [Joe Simitian](#); [supervisor.ellenberg@bos.sccgov.org](#); [Greer Stone](#); [Sajid Khan](#); [Planning Commission](#); [Binder, Andrew](#); [Jeff Rosen](#); [Vara Ramakrishnan](#); [Roberta Ahlquist](#); [Sean Allen](#); [Jonsen, Robert](#); [Jethroe Moore](#); [Stump, Molly](#); [Alison Cormack](#); [Filseth, Eric \(Internal\)](#); [Jay Boyarsky](#); [Dave Price](#); [Diana Diamond](#)
Subject: From The Mercury News e-edition - How county can fix Sheriff Department's challenges by Sean Allen (May 26, 2026)
Date: Thursday, May 26, 2022 10:56:41 AM

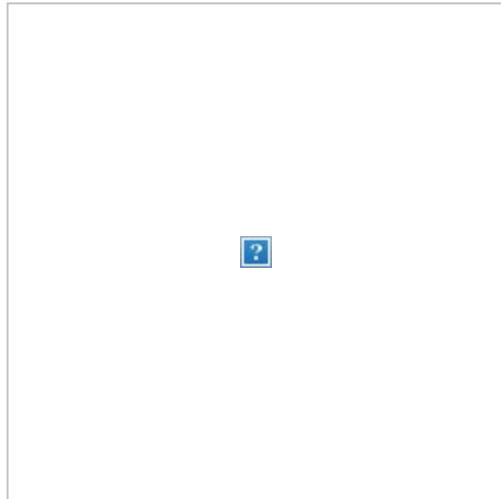
CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

How county can fix Sheriff Department's challenges

https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=e92dff2a-bf76-4283-95ab-2eda4aa108fd&appcode=SAN252&eguid=e4c467dc-7951-4282-bb0e-60a87e152a15&pnum=22#

From: [Aram James](#)
To: [Human Relations Commission](#); [Planning Commission](#); [Binder, Andrew](#); [Jonsen, Robert](#); robert.parham@cityofpaloalto.org; [Council, City](#); [Lumi Gardner](#); [Tanaka, Greg](#); [Joe Simitian](#); [Winter Dellenbach](#); [Jay Boyarsky](#); [Sajid Khan](#); [Jeff Rosen](#)
Subject: Calling All Muslim High School Students!
Date: Friday, May 27, 2022 7:08:42 PM

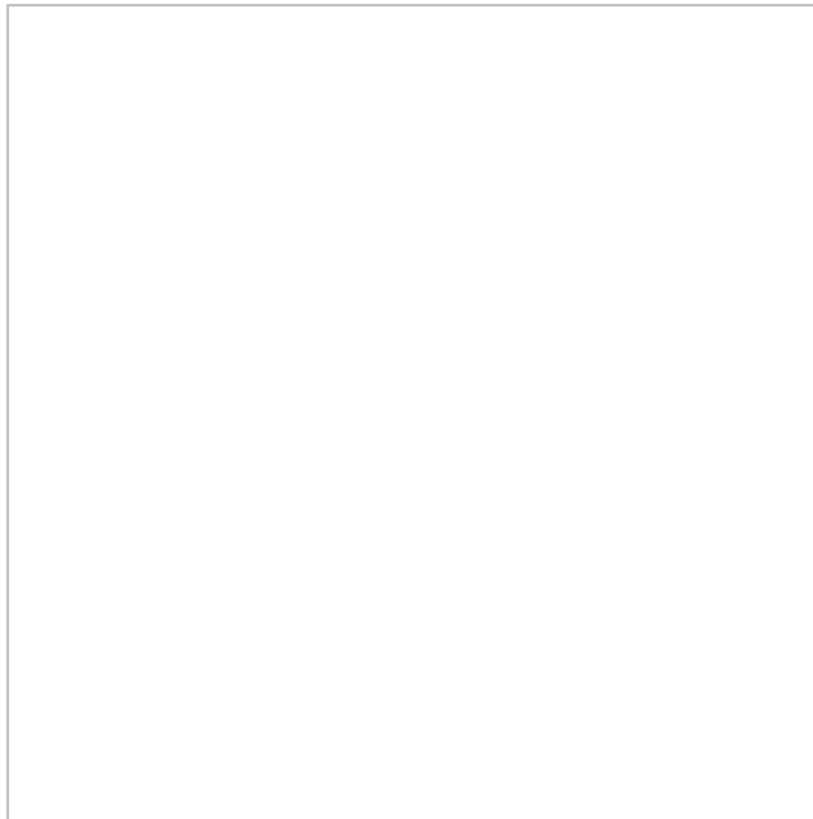
CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.



Stay In Touch With Us:



Calling All Muslim High School Students
Spend Your Summer Sundays with Us



**Every Sunday from June 5 through August 7
10:00am – 12:00pm**

In partnership with MCC East Bay
Deadline to Apply: Sunday, May 29

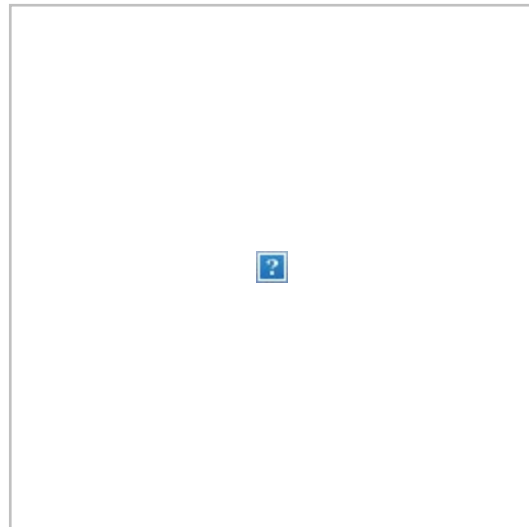
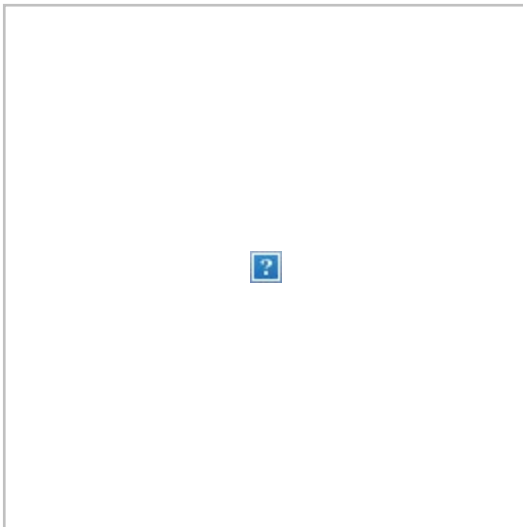
Calling all Muslim high school students, spend your summer immersed in social justice and community organizing trainings through the 2022 Muslim Gamechangers Network (MGN).

MGN is a 10-week training program for Muslim high school students that equips participants with the tools to critically understand their world, effectively challenge injustice, and build legacies of positive change in their communities.

The program consists of weekly interactive sessions centered on themes of identity, history, social responsibility, and organizing tools, all grounded in an Islamic worldview.

[Apply Now](#)

Thank You for Making Muslim Day at the Capitol a Success



CAIR California celebrated the 11th Annual Muslim Day at the Capitol (MDAC) with over 300 participants, attending over 60 virtual legislative meetings. Attendees engaged in meaningful dialogue with elected representatives on issues affecting our communities.

While advocating for our legislative priorities throughout the week, we made progress in ensuring support for several bills:

- **AB 1947: Freedom from Hate Crimes Act - [in Assembly](#)**

The bill will mandate that every law enforcement agency adopts better documentation and policies to guide officers in their response to suspected hate crimes. The bill does not mandate more policing or increase penalties for crimes.

- **AB 2549: Ending Street Harassment - [Died](#)**

This bill would create a public health approach to prevent the street harassment of women and other vulnerable communities in California. The Bill would also create a multi-year statewide public education campaign about street harassment, study street harassment as a public health issue and define street harassment within a public health, not criminal, context.

- **SB 1161: Public Transit Ridership Safety - [Passed Senate, Sent to Assembly](#)**

This measure will require California's 10 largest transit districts to gather research on street harassment of women and other vulnerable communities and to develop data-driven initiatives to help prevent street harassment on public transit systems.

- **AB 1766: California IDs for All - [Passed Assembly, Sent to Senate](#)**

This bill will expand access to all in obtaining a California ID, regardless of immigration status.

- **SB 1038: Prohibition of Biometric Surveillance by Law Enforcement - [Died](#)**

This bill would indefinitely extend the prohibition of a law enforcement agency

or law enforcement officer from installing, activating, or using any biometric surveillance system in connection with an officer camera or data collected by an officer camera.

CAIR-CA also hosted three political education webinars to address our legislative priorities:

- [California Hate Incidents & Hate Crime](#)
- [Standing with Immigrants](#)
- [MDAC What Next?](#)

MDAC continues to be a manifestation of our collective power and voice. This event would not be possible without our community's participation and diligence. We must continue to urge our legislative leaders to prioritize the policy platform we shared with them.

Let's tap into that power, continue our advocacy, share our learnings, and celebrate victories along the way.

[Donate](#)

Election Day Upcoming

Mail-in ballots for the primary election on **June 7** have been delivered! Check your mail to confirm receipt.

[Track Your Ballot](#)

What's On the Ballot?

- U.S. Senate
- Governor
- Lieutenant Governor
- Secretary of State
- Controller
- Treasurer,
- Attorney General
- Insurance Commissioner
- Member of State Board of Equalization
- State Superintendent of Public Instruction
- U.S. Representative in Congress
- State Senator
- State Assembly Member
- Other local candidates
- Numerous local measures

[Voter Guide](#)

The June 2022 CAIR-SFBA City and County Ballot Measures Voter Guide serves to empower voters on issues that impact them and assist them in making decisions at the polls.

Our policy and advocacy staff apply a civil rights lens to weigh implications for how each measure could promote racial, gender, economic, and social justice in our community – especially, the most vulnerable among us. We also consider the stances of our partner organizations.

If we did not take a position on a measure, we did not include it in the guide.

[Voter Guide](#)

News Briefs

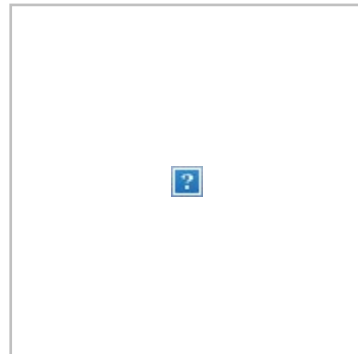
CAIR Welcome DOJ Initiatives To Address Hate Crimes



CAIR welcomed the U.S. Department of Justice's newly-announced initiatives to address, prevent and report on hate crimes and hate incidents.

[Read More](#)

CAIR Welcomes FBI Probe For Journalist Shireen Abu Akleh



CAIR welcomed a congressional letter signed calling on the State Department and the FBI to investigate the murder of journalist Shireen Abu Akleh.

[Read More](#)

CAIR-SFBA

3160 De La Cruz Blvd., Ste. 110
Santa Clara, CA 95054

[Donate](#)

CAIR California | 3160 De La Cruz Blvd., Ste. 110, Santa Clara, CA 95054

[Unsubscribe abjpd1@gmail.com](mailto:unsubscribe_abjpd1@gmail.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by nocal@cair.com

From: [Sandhya Laddha](#)
To: [Planning Commission](#)
Subject: Learn about MTC's new updated Complete Streets Policy and Complete Streets Checklist.
Date: Saturday, May 28, 2022 8:01:14 AM

You don't often get email from sandhya@bikesiliconvalley.org. [Learn why this is important](#)

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

Dear Planning,

Save the Date

Learn about MTC's new updated Complete Streets Policy and Complete Streets Checklist.

Speaker: Kara Oberg, Metropolitan Transportation Commission

When/where?

VTA Bicycle and Pedestrian Advisory Committee Meeting

June 8, 2022, 6:30 pm

Virtual meeting - Zoom

Agenda will be posted: <http://santaclaravta.iqm2.com/Citizens/default.aspx>

Background

In March 2022, Metropolitan Transportation Commission (MTC) adopted Resolution 4493 updating the Bay Area's regional Complete Streets Policy, first adopted in 2006. The goal of the policy is to ensure people biking, walking, rolling, and taking transit are safely accommodated within the transportation network.

The updated policy requires that all projects with a total project cost of \$250,000 or more applying for regional discretionary transportation funding or endorsement from MTC submit a Complete Streets Checklist. Typically, a checklist is filled out by a project sponsor as part of a grant application. A local or countywide Bicycle and Pedestrian Advisory Committee must review Complete Streets Checklists prior to submittal to MTC.

One Bay Area Grant Cycle 3 (OBAG3) is the first discretionary grant program to which MTC's updated policy and checklist apply. To prepare Bicycle and Pedestrian Advisory Committee members for reviewing Complete Streets Checklists for OBAG3, VTA staff have invited MTC to provide an overview of the updated policy and checklist.

The policy, checklist, and administrative guidance can be found at: <https://mtc.ca.gov/planning/transportation/complete-streets>

Thank you!

Cheers,
Sandhya Laddha
Policy Director

Silicon Valley Bicycle Coalition 

From: [Aram James](#)
To: [Binder, Andrew](#); [Jeff Rosen](#); [Council, City](#); [Human Relations Commission](#); [Sean Allen](#); [Sajid Khan](#); [Winter Dellenbach](#); [chuck jagoda](#); [Greer Stone](#); [Joe Simitian](#); [Shikada, Ed](#); [Vara Ramakrishnan](#); [Planning Commission](#); [supervisor.ellenberg@bos.sccgov.org](#); [melissa caswell](#); [gmah@sccoe.org](#)
Subject: Police killing
Date: Saturday, May 28, 2022 8:11:50 PM

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

<https://www.sfchronicle.com/sf/amp/San-Francisco-police-expected-to-release-new-17204070.php>

Shared via the [Google app](#)

Sent from my iPhone

From: [Aram James](#)
To: [Rebecca Eisenberg](#); [Human Relations Commission](#); [chuck jagoda](#); [peninsula_racing_grannies@yahoo.com](#); [Winter Dellenbach](#); [Joe Simitian](#); [supervisor.ellenberg@bos.sccgov.org](#); [Jay Boyarsky](#); [supervisor.lee@bos.sccgov.org](#); [Sajid Khan](#); [Jethroe Moore](#); [Jeff Rosen](#); [dennis burns](#); [Diana Diamond](#); [Dave Price](#); [Emily Mibach](#); [Braden Cartwright](#); [Bill Johnson](#); [Gennady Sheyner](#)
Cc: [mark weiss](#); [Lydia Kou](#); [Greer Stone](#); [Council, City](#); [Andie Reed](#); [Kerv Yarkin](#); [Pat Burt](#); [Tom DuBois tom.dubois@gmail.com](#); [Filseth, Eric \(Internal\)](#); [Lait, Jonathan](#); [Planning Commission](#); [Roberta Ahlquist](#); [Curtis Smolar](#); [Alison Cormack](#); [greg@greqtanaka.org](#); [Vara Ramakrishnan](#); [Jonsen, Robert](#); [Sean Allen](#)
Subject: Re: Why we must have an open and transparent hiring process for Palo Alto's next police chief
Date: Sunday, May 29, 2022 8:57:08 PM

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

Sent from my iPhone

On May 25, 2022, at 10:57 PM, Aram James <abjpd1@gmail.com> wrote:

More on the damage caused by current police chief Robert Jonsen

<https://www.paloaltoonline.com/print/story/2022/03/18/residents-demand-more-transparency-accountability-in-next-police-chief>

On May 25, 2022, at 10:28 PM, Aram James <abjpd1@gmail.com> wrote:

Hi Rebecca,

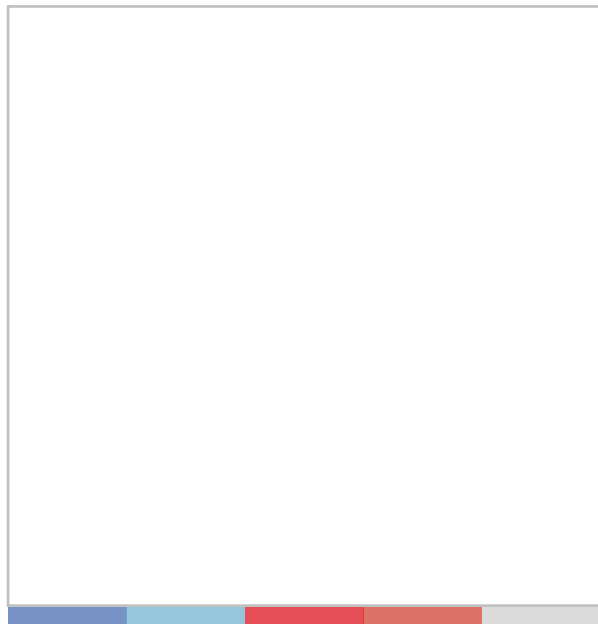
You are absolutely correct. All of the warning signs that Robert Jonson would be an unmitigated disaster as Palo Alto's next police chief were all there before he ever stepped foot in Palo Alto. See the Daily Post piece below dated 11-14 2017 for details.

We must push back hard, public protests whatever actions we can take, to push No Transparency and No Democracy city manager Ed Shikada into bringing at least the three finalists for police chief before the city council and our community so the candidates can be thoroughly vetted before one of them is selected as our next chief.

aram

Palo Alto hires Menlo Park's police chief

November 14, 2017 12:23 am



BY [ALLISON LEVITSKY](#)

Daily Post Staff Writer

Menlo Park Police Chief Bob Jonsen will leave the department after almost five years to serve as Palo Alto's new police chief, Palo Alto City Manager Jim Keene [announced](#) yesterday (Nov. 13).

"His deep experience in a nearby city and increasingly senior and complex assignments in all aspects of law enforcement bring extraordinary value to the position of police chief," Keene said in a statement. "We look forward to having him join Palo Alto to lead our stellar police department."

Jonsen has been lauded by elected officials and community members, not all of whom agree with him, as approachable, charismatic and easy to work with.

"He's done a great job in Menlo Park and I think that shows. That's why he got picked up by Palo Alto," Menlo Park Mayor Kristen Keith told the Post. "We'll miss him. He's done a great job."

Jonsen is also no stranger to controversy. During his time as chief, Menlo Park police have received complaints about over-policing and racial profiling.

Jonsen's ushering in of license plate readers and Tasers in his first few months on the job raised concerns about privacy and police use of force.

On Nov. 11, 2014, three Menlo Park police officers shot armed, meth-addled burglar Jerry Lee Matheny to death with their body-worn cameras turned off. And from 2011 to 2013, Jonsen was the Los Angeles County Sheriff's Department station chief in Lancaster, which settled with the Justice Department on April 28, 2015, over allegations of harassment of blacks and others in public housing.

"I never really cared much for him," said Matt Henry, former president of the neighborhood association of Belle Haven, ground zero for much of Menlo Park's violent crime and most of its complaints of over-policing and racial profiling.

'A big mess'

Henry worked in the Antelope Valley when Jonsen was the sheriff's station chief in Lancaster.

"His reputation was horrible, the way he treated people. Not personally, but some of the policies that they had down there," Henry said. "It was a big mess down there, and he got out just before the Justice Department came."

In a June 2013 report, the Justice Department said that deputies had showed up for inspections with as many as nine officers, sometimes with guns drawn.

In 2015, Jonsen told the Post that he was brought into the station after an investigation into the abuses was already underway, and worked with his superiors to help the department become more accountable.

Aram James, a police watchdog and former Santa Clara County assistant public

defender, said he hoped that Jonsen would sit down with him to talk about racial profiling in Menlo Park, the dangers of Tasers and the public's limited access to body-worn camera footage via the Public Records Act.

"Is he willing to take a look at how bad that policy looks to the public?" James said. "That doesn't make his leadership transformative in this time when there's so much focus on police misconduct."

Transparency efforts

But Jonsen says he's ushered transparency into the department.

"Since 2013, I think this department has become one of the most innovative in the region, and definitely one of the most transparent," Jonsen told the Post yesterday.

Menlo Park was one of the first cities in the region to bring in body-worn cameras, and in May 2016, the city joined the White House's Police Data Initiative, releasing data on calls for service, traffic stops and personnel demographics on the city's website. The police department's policy was posted online in 2013.

Jonsen also started a mindfulness and compassion training for officers, which he says should have a positive effect on police-community relations.

"I think our relationships have always been really good with the community," Jonsen said. "There have been conversations on racial profiling, and we've been open to the community, talking with the community about their concerns."

Body-worn camera policy

After the 2014 police shooting in Menlo Park, Jonsen says he strengthened the body-worn camera policy to require officers to turn on their cameras before they arrive at a scene. The cameras were off during the shooting because it happened immediately after they arrived at the scene, not leaving them time to turn on their cameras.

San Mateo County District Attorney Steve Wagstaffe said Jonsen was "superb" throughout the investigation into the shooting.

Wagstaffe, a Menlo Park resident, said that Jonsen had raised morale about policing in town and ensures that the department "does good work for their community."

Belle Haven resident Pam Jones said she was a fan of Jonsen.

"He's been really working hard to develop a good rapport with the city, and particularly here in Belle Haven. Palo Alto is very fortunate," Jones told the Post.

'A consummate professional'

Menlo Park Councilman Ray Mueller said he disagreed with Jonsen's approach with license plate readers and traffic cameras. He also took issue with the city accepting \$9 million over five years to hire six additional police officers, which council approved on Nov. 7.

But, Mueller said, Jonsen worked through disagreement productively and without confrontation.

"He's always taken my concerns very seriously and always worked with them to be accommodating, so that we could reach outcomes that would serve the benefit of our residents," Mueller told the Post. "He is a consummate professional and, on top of that, he's just a really good man. I'm not surprised that we lost him, and we're really going to miss him."

Stuart Soffer, a former Menlo Park planning commissioner and Finance and Audit Committee member, said he completed the citizens' police academy and thought Jonsen was personable and a "great manager."

"I always thought he would make a great city manager," Soffer said.

Mueller had another idea for Jonsen's next career move as a police chief.

"I think Bob, frankly, will end up in a city even larger than Palo Alto, eventually," Mueller said.

Salary

Jonsen's salary has been set at \$260,000 with a monthly housing rental stipend of \$3,000 a month for 18 months.

The rental stipend will "allow him to maximize the time on the job and to fully immerse himself in the Palo Alto community as he builds relationships that are key as he assumes this new position," according to a statement by city spokeswoman Claudia Keith.

Palo Alto City Council will have to confirm Jonsen as the new chief on Dec. 11 and the city will need to finalize his public safety background requirements before he starts on Jan. 9. A graduate in Occupational Studies at CSU-Long Beach, Jonsen also holds a master's in organizational leadership from Woodbury University in Burbank.

Jonsen will replace Dennis Burns, who stepped down in December after 35 years on the police force. Capt. Ron Watson, who has been serving as interim chief, did not apply for the chief's position.

Sidebar: Jonsen's record as Menlo Park's police chief

In his nearly five years as Menlo Park's police chief, Bob Jonsen strengthened the department's policy on body-worn cameras and established a citizens advisory committee. He has also seen his share of controversy, including three lawsuits alleging improper actions by officers.

Feb. 15, 2013 — Jonsen began at Menlo Park.

Sept. 25, 2013 — Council approves Jonsen's request to spend \$127,682 for four fixed-location surveillance cameras and three automatic license plate readers that can record data on thousands of cars a day.

Nov. 12, 2013 — Hiruy Amanuel sues the department, claiming that during two traffic stops (one before Jonsen started and the other after) he was harassed by officers over his prior criminal conviction. He also claimed officers directed "racist and derogatory slurs" at him.

Dec. 10, 2013 — Jonsen announces he wants to work with landlords to evict known gangsters.

May 13, 2014 — Council votes 3-2, with council members Peter Ohtaki and Catherine Carlton dissenting, to make it a crime for any police officer to violate the city's surveillance data ordinance. Jonsen called the ordinance "unnecessary."

Aug. 2, 2014 — The department is sued by former cop Rolando Igno, who was fired that April by Jonsen. Igno claimed that Jonsen should not have used issues that had been resolved previously as reasons to fire him.

Nov. 11, 2014 — Three Menlo Park officers shoot and kill Jerry Lee Matheny, who was confronted after a burglary. The three officers who were involved in the shooting were later cleared by District Attorney Steve Wagstaffe. A Post reporter is told by witnesses at the shooting scene that they were instructed by Menlo Park police not to talk to the press about the incident. Jonsen did not return Post Editor Dave Price's calls or emails about the gag order.

Jan. 29, 2015 — Councilman Ray Mueller blasts Jonsen and Cmdr. Dave Bertini over the fact that the three officers involved in the Matheny shooting did not have their body cameras on. "The one time we needed them on, they weren't," Mueller said.

Aug. 5, 2015 — The Post published a report by Stanford journalism student Farida Jhabvala Romero, who wrote about the number of people pulled over in Menlo Park for having a suspended or revoked license. Of those pulled over, seven out of 10 were racial minorities.

Capt. Dave Bertini denied that the department was targeting minorities, but did say that low-income drivers come to the attention of officers because of mechanical failures of their cars. The city's towing fee was \$300.

"If anyone were to suggest that this is going on for racial reasons I think that's asinine and bordering on slanderous," Bertini told Romero.

May 5, 2016 — As a result of Romero's story, council votes to reduce the towing fee to \$125.

Jan. 19, 2017 — Jonsen and Mayor Kirsten Keith announce that all officers will go through "mindfulness" training in order for officers to face their discomforts and overcome them, whether it be physical or emotional or even because of biases, such as race or gender, and become more "emotionally available" to the communities they serve.

Feb. 16, 2017 — A Redwood City man, Francisco Guevara, sues the city, saying he spent two nights in jail despite having done nothing wrong. Guevara said he probably wouldn't have been arrested in the first place except that a man with the same name and physical description had a warrant out for his arrest.

Aug. 28, 2017 — Tim Chamberlin sues the police department, saying he had been forced to live in his car for almost a year after he was evicted

by Menlo Park police from the granny unit he was renting. Chamberlin contends Menlo Park police erred by getting involved in a civil matter between the owners of the home.

Nov. 7, 2017 — Council approves a \$11.25 million agreement with Facebook so the company can pay for six additional officers to patrol the east side. Jonsen helped negotiate the agreement.



PREVIOUS

Los Altos official proposes parcel tax to renovate or rebuild library



Thanks, Mark and Aram.

Aram - I remember how hard you worked to open the process before Jonsen was hired. You had easily uncovered much evidence of alleged misdeeds committed by Jonsen during his previous job in Menlo Park. You had brought those matters to the attention of the City Council, by emailing, speaking out, and also publishing editorials in the press. But the City Council ignored you. Because the City Council followed the secrecy route that you and so many community members (including me) had denounced, Palo Alto chose a police chief that irreparably harmed our town's public image and significantly harmed the police force and city government's relationships with the community.

During Jonsen's time in PA, our town has been sued a record amount of times, our police force has committed a record number acts leading to the perception of undue force, and has spent a record amount of money in legal fees and settlements responding to these matters (not to mention even police officers themselves filing baseless actions against the city) -- all while actual crime has continued to rise.

Now *Shikada* wants to repeat the broken process that led to the choice of the least successful police chief in PA's recent history.

I don't know about you, but I always believed the adage that a direct route to failure is to repeat the same action expecting a different result. On behalf of our community, Palo Alto deserves a better process to select a police chief that is truly a good fit for our town. Can't you hear the residents demanding transparency and accountability? Why not give that to them? Whose side are you on?

Best,
Rebecca

On Wed, May 25, 2022 at 3:07 PM Aram James <abjpd1@gmail.com> wrote:
Hiring process for police chief will be secret and behind closed doors.

Thanks Mark for keeping this critical conversation going. Our continued public deliberations on the issue and the staff and Castilleja's machinations— deserve the most heightened scrutiny. aram

P.S. In this morning's Daily Post, page 4, Shikada announced the hiring process for police chief will be secret behind closed doors. We can't let this happen. Again we must continue to push back on Staff in order to achieve any degree of transparency. The staff often appears to me to be members of a private corporation upholding the rights of the rich at the expense of those who deserve justice.

On May 25, 2022, at 1:11 PM, mark weiss
<earwopa@yahoo.com> wrote:

I met Rebecca Eisenberg for the first time in 2018, walking our dogs, at Peers Park. I had noticed her applications to BCCs. Since that time we've had numerous conversations, mostly about public policy and the law. (Sometimes, baseball or music). I've known Molly Stump longer but not as well. She invited me to see her art-lights in her office, but changed her mind. I think she's done a satisfactory job, over 10 years here. But Rebecca went to Stanford, and Harvard Law. Molly Pomona and Cal. All fine schools, but given our proximity to Hoover Tower, I'd wager Rebecca is correct here, and Molly wrong: Casti is bluffing, or a bad actor. We should be deliberating in public the assertions of staff.
Mark Weiss
In Palo Alto

Sent from my iPhone

On May 24, 2022, at 9:52 PM, Rebecca Eisenberg
<rebecca@privateclientlegal.com> wrote:

I am told that Castilleja refers to Kol Emeth instead of Etz Chayim for garage precedent.
Kol Emeth is also zoned for commercial uses.

<https://www.cityofpaloalto.org/files/assets/public/planning-and-development-services/file-migration/current-planning/forms-and-guidelines/zone-map-2021.pdf>

Which brings up the bad-neighborly fact that Castilleja is threatening baseless 14th Amendment claims against Palo Alto regarding the garage. Should it file such a lawsuit,

it will be dismissed on summary judgment, if not sooner. It is long-established law that Zoning law does not implicate 14th amendment protection unless it was done in order to impact a protected class, including racial minorities, non-dominant religions, and women. Castilleja making this argument will be viewed even worse than Woodside claiming to be a mountain lion protection area.

As an aside, it violates Palo Alto public policy that the Planning Department continues to ignore PA's sustainability goals. Failing to measure the impact of the groundwater removal and the tons of cement used in constructing the underground garage, and the increase of cars on the street from larger enrollment (as all previous measures prove), was illegal of them. Given that there is not yet a sustainability commission, the Planning Department is required to consider the public interest in its evaluations, including the irreparable harm that would be caused by millions of gallons of groundwater pumping and cement. That Jonathan Lait said with a straight face that the construction would not harm Palo Alto's progress towards sustainability and harm neighbor's quality of life is wholly bizarre. Who would argue that? And his refusal to include (1) a no-garage option and (2) an option where Castilleja moves entirely or in part (second campus) is reversible error. No one thinks that Castilleja needs a garage and can't afford a second campus. All along Castilleja said that neighbors want a garage, but **neighbors would much prefer no cars on their street, and instead want SHUTTLES** like all other private schools. Why would neighbors want more car trips when they could have NO car trips? Castilleja's arguments never made any sense.

Regardless, if Castilleja wants a toxic, carbon-emitting, environmentally hazardous underground garage like Kol Emeth, it can! **It just needs to move to an area zoned commercial, or mixed use.** In fact, the Stanford Research area has numerous empty corporate campuses with enormous parking lots, none of which can currently be used for residential purposes due to

toxic waste from the HP Superfund Site. But they can be used for commercial purposes, including a school. The HP Campus at 1501 Page Mill is perfect! [Tesla is taking over 325,000 square feet of that campus, leaving almost 300,000 feet for Castilleja.](#) (There are numerous other sites as well.)

In the past, Palo Alto has made harmful decisions, e.g. President Hotel, out of fear of being sued. The President Hotel protected itself from lawsuit by making settlement agreements which included financial compensation along with releases of all rights to sue, so there was no motivated and harmed plaintiff to sue about the President Hotel.

But here, Castilleja spent (I'm told) \$12 million on lawyers, but has not made any efforts to strike financial deals with neighbors, so **every neighbor and impacted community member has the right to sue, and almost certainly will sue, if Castilleja's garage is approved.** And, every time that Palo Alto is sued by citizens (rather than by big businesses or the police force) IT LOSES. See, for example, the Foothills Park case, the Utilities Transfer case, and the many police brutality cases that all cost PA millions in legal fees and settlements. Castilleja is bluffing. They have money to sue, and they may sue, but they will lose even more prestige in the community if they do, and already Stanford Admissions has started admitting fewer of their students, many say.

Anyway, here is one of many explanations about how zoning does not create constitutional cases, and in California, **it's even legal to spot zone, if doing so is necessary to protect the community interest** -- and even to preserve the natural environment. If Molly messes up this case, she should be fired. (Hopefully she is doing some rethinking of her legal advice; she seemed very agitated when she snapped at me while having a "private meeting" with Ed Shikada right after the hearing. At the time she was two feet away from Castilleja's attorneys, and Molly should know that giving legal advice in the presence of third parties destroys the attorney-client privilege and makes all of her advice discoverable, including by public

records act request, which I won't file for, even though I could and maybe should.)

<https://www.californialandusedevelopmentlaw.com/2020/01/09/citys-general-plan-policies-allowing-exemptions-from-zoning-requirements-did-not-violate-fourteenth-amendment-or-result-in-spot-zoning/>

Why am I so obsessed with Castilleja? **Because I cannot stand it when people lie** - and dislike most of all when the people and companies with the most resources use those resources to create false narratives that convince communities and individuals to act against their own interests. E.g. Trump, and others.

Best,
Rebecca

On Tue, May 24, 2022 at 4:04 PM
Rebecca Eisenberg
<rebecca@privateclientlegal.com> wrote:

Dear All:

First, I want to offer my tremendous gratitude to Mayor Burt, Vice Mayor Kou, and Council Members Stone, Dubois, and Filseth. I - and many others - are grateful for the thoughtful and articulate ways that you dug deep into Castilleja's predicament, and - despite errors and omissions made by our City Staff -- made groundbreaking progress in revealing a great deal of the truth surrounding Castilleja proposed unprecedentedly large development on lots zones R1 in the middle one of our most admired and desired (of many) residential neighborhoods in our beautiful town of Palo Alto. Your hard work made a very positive impact on our community. Speaking personally, it was monumental to feel heard and understood. This is local government at its best.

In that regard, I submit my factual correction of today's (otherwise mostly great!) article in today's Palo Alto online at: <https://www.paloaltoonline.com/news/2022/05/24/palo-alto-looks-to-scale-back-castillejas-growth-plan> . I also submit a few supporting documents demonstrating (1) that City

Manager Keane commenced revocation hearings in 2013 and (2) that Nancy Kaufman proposed a compliance schedule (which she later disregarded); and (3) that the parties decided in 2013 that if Castilleja did not comply with its existing CUP, that its CUP would be revoked (next time for serious). I believe that you agree with my corrections, given that your questions uncovered the truth about Castilleja's violations and potentially its motivations, that we now better understand.

I also offer my profound gratitude to City Council for its repeated insistence that it cannot rationally determine the impact of Castilleja's application, if approved, on the community, without a thorough Construction Plan. Given Castilleja's long history of aspirational promises and 2 decades of under-delivery on those promises, I agree strongly with your (indisputable) conclusion that we cannot simply take Castilleja's word that its unprecedented construction project in the middle of a single family home neighborhood would be "climate neutral or climate positive" and "not harmful to the community."

I imagine that Castilleja's army of lawyers have already descended upon Jonathan Lait, so I hope he can respond by reminding Castilleja that without a thorough and detailed construction plan, Castilleja cannot rationally expect that its application would be approved.

In particular, I am perhaps most grateful for the reminder from the Mayor (with agreement from the vice mayor and other 3 council members) that there is no precedent for a private school of Castilleja's size and density existing in a R-1 neighborhood, and there even is no precedent of a private school with Castilleja's proposed density in any neighborhood - commercially zoned (like Eytz Chayim) or not. (The reason, of course, that our Muni Code did not address an underground commercial garage in a residential neighborhood is due to the fact that such a profoundly inappropriate facility would never exist in a residential neighborhood

and certainly does not exist in a R-1 neighborhood in Palo Alto. **As a reminder, Eytz Chayim is NOT located in a residential neighborhood, but rather is zoned commercially.** Therefore, Castilleja's constant comparisons to Eytz Chayim are wholly misplaced.

Because of the potential impact of Castilleja's construction -- especially the unavoidable harm to our natural environment and to Castilleja's neighbors -- that would be caused by the construction of Castilleja's underground garage, I also attach a legal cite to the Palo Alto Municipal Code section, which clarifies that a CUP shall not be given if it causes harm, or even inconvenience, to the community. I am extremely grateful that Council demanded a Construction Plan from Castilleja last night, and I wholly agree with Council's determination that the extent to which Castilleja's construction will impact the neighborhood cannot be measured unless and until a thorough description of that plan is provided. When Castilleja provides that plan - which should be before the next meeting if they reasonably expect resolution the matter - then I believe that City Council may find that Castilleja's construction plan will cause significant "harm and inconvenience" to the neighborhood which would render the recommendation of the CUP illegal, because per the Code, the City has no right to approve a CUP that causes harm (or inconvenience) to the neighborhood.

(Fortunately, Castilleja truly does NOT need a garage. Neighbors would be FAR happier if fewer cars drove down the street -- no matter where those cars park. Castilleja should eliminate parking altogether at its campus, like Nueva and many other comparable schools, and instead, also like Nueva and most others, provide a **robust system of private shuttles**. This should not even cost Castilleja any money -- and would SAVE all of the construction costs of the garage! -- as most of these schools pass on the cost of the shuttle to parents, who, excited for the opportunity of their children to be able to attend such prestigious and superior

schools, are happy to pay the costs. Remember, 80% of Castilleja families pay full freight tuition of almost \$60,000/year, and the garage is intended to serve the cars owned by these teenage girls, so clearly those families can afford to chip in to a shuttle.)

Below is my submitted correction to Palo Alto Online's mis-statement that Castilleja is now in compliance -- because as Jonathan Lait confirmed, it is still in violation of its CUP. I also correct the statement that the legal violations culminated in 2013, because as Lait confirmed, Castilleja's legal violations -- from which it benefits approximately \$2 million/year in illegally gained revenues through over-enrollment - - continue today.

Thank you for your consideration, and **thank you again for your exceptional work on behalf of the Palo Alto Community last night!**

Best,

Rebecca

----- Forwarded message -----

From: **Rebecca Eisenberg**

<rebecca@privateclientlegal.com>

Date: Tue, May 24, 2022 at 3:18 PM

Subject: Castilleja article - thank you, and quick correction (with longer explanation!)

To: Bill Johnson

<bjohnson@paweekly.com>, Gennady

Sheyner <gsheyner@paweekly.com>

Cc: Andie Reed

<andiezreed@gmail.com>

Hi Bill and Gennady -

I hope you are well! It was nice to see you, Gennady, after the City Council meeting last night (although you seemed confused when I said hello? Seems reasonable as I think you were trying to catch a remaining council member). I REALLY appreciate your thorough coverage of this complicated and extremely important issue.

I know you were working under an extremely tight deadline to get this article out this morning, and overall I think you did a great job, for which I am grateful. That said, there is one sentence I am hoping

you can correct, because that sentence gets to the heart of how and why many of us believe that the City has been providing extraordinarily large and unprecedented special treatment to Castilleja, by allowing Castilleja to increase its annual revenues by approximately \$2 million/year through intentional violation of its CUP enrollment cap - violations that have continued for 22 years, and which continue today.

This is the problematic sentence:

Many alluded to the school's failure **in the past** to comply with its enrollment cap, a violation that **culminated** in a [\\$285,000 fine in 2013](#).

Which I think should be replaced with something like:

Many alluded to the school's 20-year failure to comply with its enrollment cap, a violation that exists to this day, as confirmed by Jonathan Lait in last night's meeting, and which has resulted in Castilleja receiving significantly more revenue in tuition than the amount to which it is legally

entitled*. (*although Castilleja is tax-exempt, it is not charitable, it lacks a public benefit, and its tax records suggest that it is profitable)
(The last parts of that 'corrected version' are merely aspirational, of course.)

Here is why I believe that the insinuation that Castilleja is in compliance is worthy of correction. I provide backup support, and Andie Reed, cc'd, can confirm, as she and her group of neighbors and friends have spent years gathering public records and trying to educate our leadership, and she deserves much credit for the tremendous breakthrough that happened last night when five of the city council members put Jonathan Lait and Nancy Kaufman on the seat, asking them tough questions and assessing the (often inadequate) responses. What a great night!

Here is why that sentence deserves a re-write (along with later references to

Castilleja's continuing violations):

1. **Castilleja's violations are not in the past.** As Lydia Kou and others asked, and Jonathan Lait confirmed, **Castilleja still is in violation of its existing CUP -- as it has been for more than 20 years.** This is a very important distinction because those of us who argue that Castilleja should be held to the same rules as other businesses and residences in Palo Alto continue to point out that Castilleja has not come into compliance with its 415 enrollment cap in more than 20 years, despite Nancy Kaufman having made numerous promises, some of them contractually binding (in my legal opinion, as well as the opinion of Jim Keane and others with whom I spoke about the matter), to come into compliance. That is a big reason that we do not believe that Castilleja should be able to increase its cap immediately to 450, as it never complied with its current cap of 415, despite having its CUP almost revoked in 2013 due to its over-enrollment.

2. Similarly, **these violations did not "culminate in 2013" with the significantly reduced fine.** Culmination indicates a resolution or peak, neither of which occurred in 2013 - rather, when occurred in 2013, per attached, was that the City Manager Jim Keane commenced revocation hearings, which Castilleja negotiated or bullied its way out of. And, notably, that fine was a vastly reduced figure given by Palo Alto, apparently (so I was told) in exchange for Castilleja making a promise that if it did not reduce its enrollment to 415 by 2016, Castilleja would leave Palo Alto.

As a reminder, Palo Alto's Municipal Code provides for statutory damages for code violation (like virtually all similarly situated cities) at \$500 per violation per day. Although these code sections provide for a two-year reachback when it is the fault of the City for not assessing the fines, in 2013, it was the fault of Castilleja that Palo Alto had not fined Castilleja. Castilleja had been intentionally understating its enrollment (Kaufman explained this as "confusion" over what is

"enrollment." She claimed she had used "average daily attendance" instead of "enrollment," but the Planning Commission and Jim Keane correctly rejected her explanation.

For most of the previous years. Castilleja has had between 20 and 40 students over enrollment, averaging over 30 (I can provide for you the actual enrollment numbers ultimately released by Castilleja if you like). But using a conservative 30 students over Castilleja's legal cap, that means that Castilleja has accrued statutory fines of 30 violations times \$500/day = \$15,000/day. Given that Castilleja describes that it is open approximately 300 days/year, means that Castilleja, under Palo Alto's Municipal Code, should have been assessed \$4.5 Million a year.*

(*Here is an article in the Palo Alto Weekly referencing these municipal code penalties, which amount to \$500-\$5000 per day per violation: <https://www.paloaltoonline.com/news/2017/03/06/penalties-likely-to-stand-for-edgewood-owner>) (I also am happy to provide you the code sections)

\$4.5 million a year may seem a high assessment for a private school (even a profitable one like Castilleja), but those fines serve a purpose. Castilleja charges almost \$60,000/year and only offers (mostly partial) financial support to 20% of its students (Castilleja's website now claims 21%, but the amount of aid it provides has not gone up).

This means that while Castilleja continues to be overenrolled, it benefits financially by its legal violations. For example, at 30 students over enrollment, Castilleja increases its guaranteed revenue -- apart from the donations to the school fund and capital fund that are expected of private school parents (I know this as a former private school parent myself) -- by an additional \$1.8 MILLION, [not including donations to its school fund and capital fund \(which has raised \\$100 million\)](#).

As community members pointed out, enforcement of the enrollment cap is the ONLY incentive that Castilleja has to comply with the law and its CUP. Castilleja has been bringing in millions of dollars illegally through over enrollment for more than 20

years, so it IS extremely material and essential for the accurate reporting of this story to make it clear that Castilleja STILL is violating Palo Alto's zoning laws (in ways beyond enrollment, e.g. providing false information re square footage, as some mentioned last) as well as Castilleja's existing CUP.

What I recommend for the sentence above is the following:

Many alluded to the school's **20-year** failure to comply with its enrollment cap, a violation that **exists to this day, as confirmed by Jonathan Lait in last night's meeting.**

In sum, Palo Alto's city government has allowed Castilleja to continue to benefit financially (as much as \$2.4 million/year during the many years Castilleja was at 40 student over-enrollment), without any Municipal Code enforcement. Had the City enforced our muni codes against Castilleja as it does regularly against residential applicants, our General Fund would have had millions of dollars more every year. (This is the basis of one of the many causes of action against the city that residents have been discussing with their attorneys. There is a third party cause of action plus attorneys fees under the false claims act, for example, among other state laws that address this kind of problem).

That is why it is essential to point out that Castilleja is still in violation of its existing CUP, that it never was in compliance, and that Castilleja is benefitting financially from its illegal actions.

Please reach out to me if you have any questions about this. Also, I can put you in touch with a lawyer who handles municipal finance at a law firm, if you like.

No matter where you stand on Castilleja's right to benefit financially from its CUP violations, I beg you to correct your article to clarify that Castilleja may have paid a reduced fine, but it never came into compliance, even though it promised it would agree to CUP revocation if it did not reduce its enrollment to 415. A few of the letters between Castilleja and the City are attached, starting with the time when Jim Keane commenced

CUP revocation against Castilleja in 2013.

Thank you for considering. I thought that emailing you directly would be more helpful than posting a comment on the board, given that my correction is easily confirmable, and an easy fix for you to make.

Thank you again for your responsive and thorough coverage of the many issues that impact our community of Palo Alto!

Best,
Rebecca Eisenberg
415-235-8078

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From: [Wong, Tim](#)
To: [Rob Nielsen](#); [Council, City](#); [Planning Commission](#); [HeUpdate](#); [Lait, Jonathan](#)
Cc: mathew@siliconvalleyathome.org; housingelements@hcd.ca.gov
Subject: RE: Housing element: Groundtruthing report on California Ave and College Terrace, part 2
Date: Tuesday, May 31, 2022 5:31:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi Rob,

Thank you for your continued review of the City's identified sites. Also, as you know, we are entering into the Housing programs phase of the update process. So we will also be looking at relaxing development standards and providing additional incentives as well as shortening the review process to make developments on the identified sites more feasible. Staff has discussed with housing developers as well as conducting additional research in preparing the programs.

Any questions, please let me know.

Thanks.

Tim



Tim Wong

Senior Planner

Planning and Development Services

(650) 329-2493 | tim.wong@cityofpaloalto.org

www.cityofpaloalto.org



Service Feedback

From: Rob Nielsen <crobertn@yahoo.com>
Sent: Friday, May 27, 2022 3:22 PM
To: [Council, City <city.council@cityofpaloalto.org>](mailto:city.council@cityofpaloalto.org); [Planning Commission <Planning.Commission@cityofpaloalto.org>](mailto:Planning.Commission@cityofpaloalto.org); [HeUpdate <HeUpdate@CityofPaloAlto.org>](mailto:HeUpdate@CityofPaloAlto.org); [Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>](mailto:Jonathan.Lait@CityofPaloAlto.org); [Wong, Tim <Tim.Wong@CityofPaloAlto.org>](mailto:Tim.Wong@CityofPaloAlto.org)
Cc: mathew@siliconvalleyathome.org; housingelements@hcd.ca.gov
Subject: Housing element: Groundtruthing report on California Ave and College Terrace, part 2

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

Here is a second groundtruthing report on the Palo Alto housing element covering sites in the greater California Ave area.

Thank you for your time and attention.

Best regards,
Rob Nielsen

Housing element groundtruthing: California Ave and College Terrace, Part 2

May 27, 2022

Dear Palo Alto City Council, Palo Alto Planning and Transportation Committee, Palo Alto Housing Element Working Group, Jonathan Lait, Tim Wong

Scott O'Neil and I recently toured proposed sites in the California Ave area and College. We also added a few nearby sites covered by the Caltrain Station strategy (within 0.5 mi. of the station). With invaluable assistance from staff, the working group has identified approximately 75 sites in this area accounting for 663 net new units of housing, including 10 sites to support 280 units of much-needed lower-income housing (see my report of May 13, 2022).

However, to ensure that the identified housing has a realistic chance of being developed, based on an accurate accounting, we point out several sites with errors or constraints to consider, including parcels with errors in their baseline data.

Our discussion here covers these topics: existing residential units and multi-parcel sites. A separate report, distributed on May 13, covers the 10 lower-income sites in this area. A third report will come later.

Undercounts of existing residential units, commercial site

576 Cambridge Ave, APN 137-01-075, 6 market-rate units



This commercially zoned site is used by an insurance agency. It is listed in the site inventory as having no residential units. It has eight.

Specifically, there are three apartments on the second floor: 584, 588, and 592 Cambridge, as well as a second building in the rear of the lot with five units on Yale, as shown below. All eight of these addresses are identified on the county parcel maps.¹ (City parcel maps² show five of them, which is much closer to the actual number than zero.) Today's actual number is even two more than what is envisioned for this site's upzoned capacity under the Caltrain strategy.



Undercounts of existing residential units, residential sites

This area has many properties already zoned for multi-unit residential use, some of which are not fully built out to their maximum density. A portion of these are included in the site inventory, either under the Multi-Family Allowed (MFA) strategy using the allowable current density (as adjusted at 80% for

¹ <https://www.sccassessor.org/index.php/apn-redirect?ApnValue=13701075>

² <https://opengis.cityofpalalto.org/parcelreports/>

realistic capacity) or under the Caltrain Station strategy with their density bumped up. Citywide, the current inventory (April 6 edition) has 44 such sites accounting for a net yield of 166 units.

Unfortunately, as shown below in Appendix 1 starting on p. 7, we came across several errors in the baseline data. In all cases, these are undercounts. Such undercounting has two possible effects, both leading to overoptimistic yield estimates: 1) the number of units added to the inventory is overcounted by the magnitude of this error or 2) it may no longer be feasible for the owner to carry out such an upgrade. An example of the latter problem would be a property in which the owner must actually tear down four units, instead of the assumed one unit, in order to build five or six new units.

Of the 12 sites in this coverage area that are stated to have existing residential units, six have undercounts. This 50% error rate represents progress from the 90% rate in my report of March 1, 2022, (in response to which 22 of 66 applicable sites were removed) but still needs improvement. Since these errors all fall on the side of overestimating realistic capacity and don't seem to be going away, we suggest the working group make a compensating adjustment such as adding 83 units (50% of 166) to the buffer.

Address	APN	Existing units	
		Inventory	Groundtruthing
355 College Ave	124-32-001	1	2
267 College Ave	124-28-019	1	3
255 College Ave	124-28-021	1	2
2041 Alma St	124-19-054	2	4
2155 Alma St	124-19-108	2	3
102 Colorado Ave	132-25-047	2	4

Total undercount: 9 units

We also covered these six sites with existing residential units and found no counting errors:

- 417 College Ave, APN 124-32-026
- 371 College Ave, APN 124-32-031
- 325 College Ave, APN 124-280-13
- 466 Grant Ave, APN 124-33- 037
- 106 Rinconada Ave, APN 124-19-001
- 114 Rinconada Ave, APN 124-19-002³

³ Currently for sale as MLS# ML81892509

Multi-parcel sites and site entanglements

Sites for which the main parcel is not in the inventory, but inseparable secondary parcels are included, continue to be a problem. We found three such instances covering four inventory parcels.

Yale St, APN 137-01-078, 4 moderate-income units

This parcel provides access from Cambridge Ave to parking for three dentists and a business outsourcing group on 2345 Yale St (APN 137-01-086). The Yale St site is not in the site inventory. These businesses are required to provide a certain amount of parking for their own needs and those of their customers. If the housing were built on the entire lot as envisioned, the businesses would become out of compliance with these obligations.



APN 137-01-078, a parking lot on Cambridge



Offices at 2345 Yale directs customers to parking on Cambridge

This is a constraint on the building of housing and needs to be addressed. We suggest this site be kept off the inventory or its yield reduced to a value that works within this constraint.

2137 El Camino Real Palo Alto, APN 124-31-058, 7 moderate-income units

This parking lot is one of four related parcels near the intersection of El Camino Real and College Ave. The other parcels (124-31-081, -082, and -055) contain a church, yoga center, school, and associated administrative offices. None of them are included in the site inventory. If the envisioned housing were built, these entities would become out of compliance with their obligation to provide a minimum amount of parking.



2137 El Camino Real, a parking lot

Reserved uses



Church adjoins parking lot

School and other buildings (from College Ave)

We suggest that this parcel too be removed from the site inventory unless this constraint can be removed.

**404 Sheridan Ave, APN 132-36-025, 4 market-rate units (near)
Ash St, APN 132-36-024, 3 market-rate units (far)**



After Sunday services

These two parcels provide parking for the faith-based institution across the street at 398 Sherman Ave (APN 132-36-092, not in site inventory). They enable the institution to meet its parking obligations. Since the main parcel is not in the inventory, we believe this one should not be either.

As with other faith-based institutions, we suggest that staff communicate with them as to the current parking needs and feasibility of using some of that land for housing.

Other multi-parcel sites

These multi-parcel sites were covered in the report on lower-income housing in the California Ave area, distributed on May 13.

- 150 Grant Ave, APN 124-29-020
- 3197 Park Blvd, APN 132-26-076
- Park Blvd, APN 132-32-043

Appendix 1: Residential sites with undercounts

355 College Ave, APN 124-32-001, 5 additional market-rate units (total of 6)



Baseline data shows one unit, but there is a second unit in the rear right

267 College Ave, APN 124-28-019, 3 additional market-rate units (total of 4)



This building has three parking spaces, three mailboxes (267-269-271), and stairs leading to an upstairs residence. It is listed at one unit in the site inventory.

255 College Ave, APN 124-28-021, 3 additional market-rate units (total of 4)



Baseline data shows one unit, but there is a second unit in the rear.

2041 Alma St, APN 124-19-054, 6 additional market-rate units (total of 8)



2041 Alma (rightmost 15' belongs to flag lot in rear)

Although the site inventory states the existing unit count at two, the city's parcel map shows four unique addresses (2037-39-41-43).⁴ Our own observations and research (covering parking spaces,

⁴ <https://opengis.cityofpaloalto.org/parcelreports/>

collection bins, and the presence of each address on online rental ads) correspond with the latter number.

2155 Alma St, APN 124-19-108, 3 additional market-rate units (total of 5)



There are three existing units, not two.

102 Colorado Ave, APN 132-25-047, 4 additional market rate units (total of 6)

There are three units on Alma (2501, 2503, and 2501) as well as one on Colorado. Inventory has two.





From: [Rob Nielsen](#)
To: [Council, City; Planning Commission; HeUpdate; Lait, Jonathan; Wong, Tim](#)
Cc: mathew@siliconvalleyathome.org; housingelements@hcd.ca.gov
Subject: Housing element: Groundtruthing report on California Ave and College Terrace, part 2
Date: Friday, May 27, 2022 3:21:45 PM
Attachments: [CalAve_CollegeTerrace - Part2.pdf](#)

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

Here is a second groundtruthing report on the Palo Alto housing element covering sites in the greater California Ave area.

Thank you for your time and attention.

Best regards,
Rob Nielsen

From: [Aram James](#)
To: [Roberta Ahlquist](#); [Bains, Paul](#); [ladoris cordell](#); [darylsavage@gmail.com](#); [Stump, Molly](#); [Shikada, Ed](#)
Cc: [Perron, Zachary](#); [Jonsen, Robert](#); [Sean Allen](#); [Greer Stone](#); [WILPF Peninsula Palo Alto](#); [Raging Grannies of the Peninsula](#); [Vara Ramakrishnan](#); [Portillo, Rumi](#); [Council, City](#); [Jay Boyarsky](#); [Jeff Moore](#); [mike.wasserman@bos.sccgov.org](#); [Joe Simitian](#); [Sandy Perry-HCA](#); [melissa.caswell](#); [gmah@sccoe.org](#); [chuck jagoda](#); [Planning Commission](#); [Human Relations Commission](#); [Rebecca Eisenberg](#); [Debbie Mytels](#); [WILPF Peninsula Palo Alto](#); [Palo Alto Renters' Association](#); [Joyce Beattie](#); [Marie-Louise Starling-Bell](#); [Carol Lamont](#)
Subject: Re: Qualities I want in our next police chief -obligation for officers to intervene -and severe discipline for those who fail to do so
Date: Saturday, June 4, 2022 9:15:37 PM

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

Mr. Shikada tear down this wall of secrecy

6/4/22

Dear Editor

The citizens of Palo Alto must keep pushing our notoriously non-transparent and habitually obfuscating city manager Ed Shikada and demand an open forum where at least the three finalists for our next police chief are subject to a very powerful public vetting.

Our current chief was interviewed by a group of allegedly blue-ribbon citizens, they know who they are, and guess who was selected: one of the very worse police chiefs in Palo Alto's long history of extraordinarily bad and often far-right-wing leadership.

Ed Shikada is proposing a similar group of "blue ribbon citizens" conduct the interview process- yet again behind closed doors.

We can't afford more of the same. Mr. Shikada open up the police chief hiring process to public view and do it now!!

Two years after the police execution of George Floyd and Mr. Shikada you still haven't received the memo.

The public doesn't trust their police and demands transparency in all matters related to police practices, including hiring our next chief.

It's time the city council fired Ed Shikada!!!

aram

On Jun 3, 2022, at 5:36 PM, Roberta Ahlquist <roberta.ahlquist@sjsu.edu> wrote:

Dear Representatives:

We are very supportive of an **open forum** to decide who should be selected as the new police chief of Palo Alto. We need to know who is being considered and who is in the running.

Please provide the needed transparency so that the residents of our city will know who is being considered and who is in the lead. Our community deserves to be so informed.

Sincerely,

Roberta Ahlquist & Walter Bliss

On Sun, Apr 24, 2022 at 12:13 AM Aram James <abjpd1@gmail.com> wrote:

>
> April 24, 2022
>
> From: Aram James long time attorney (statebar # 80215), long time Palo
> Alto residentand long time community activist
>
> To: City Manager Ed Shikada
>
> Re: Obligation for officers to intervene and severe discipline, firing or
> prosecution for officers who fail to intervene when supervisors or fellow
> officers engage in acts of racially discriminatory policing, acts of police
> brutality and other acts of misconduct.
>
> The Palo Alto Police Department is plagued with recent cases where an
> officer-has brutally attacked an innocent community member while other
> officers have stood by and chief Robert Jonsen has failed to discipline the
> officers who at the scene failed to take steps to intervene: Robert Jonson has
> engaged in such a pattern of malfeasance on the job that city manager Ed
> Shikada should long ago have fired Robert Jonsen as our chief.
>
> 1. The Wayne "The Fuse" Benitez case is one example. Benitez brutality beat
> Gustavo Alvarez at the Buena Vista Mobile Park in Barron Park and then lied
> by failing to mention the beat down in his police report.
>
> 2. Three or four other members of the PAPD stood by at the scene and never
> mentioned the vicious beat down in their police reports or attempted to
> intervene while Benitez conducted his beat down.
>
> 3. Of course our heroic police chief Robert Johnson never took any
> disciplinary action against the stand by and do nothing officers.
>

- > 4. In addition our city manager did nothing to discipline chief Robert Jonsen despite the fact that city manager Ed Shikada is his boss.
- >
- > 4. Both Shikada and Jonsen are arguably complicit in failing to punish the officers who failed to intervene.
- >
- > 5. Agent Nicholas Enberg released a vicious weaponized canine on an innocent sleeping man, Joel Alejo, ordering the dog to bite Mr. Joel Alejo multiple times without basis to do so.
- >
- > 6. Other officers were present while this torture by weaponized canine was allowed to occur and the other officers failed to take action to pull both the canine and Enberg off Mr. Joel Alejo.
- >
- > 7. Both Enberg and the other officer or officers at the scene were never disciplined by chief Robert Jonsen. And again city manager Ed Shikada took no action to discipline or fire the chief for his dereliction of duty.
- >
- > 8. All candidates for the next chief position must be asked if they are will to implement an absolutely duty to intervene when the officers under the chief's command see supervisor or fellow officers engaged in acts of misconduct.
- >
- > 9. In addition each candidate must be asked about there willingness to enforce swift discipline on the offending officers including firing them from their jobs and referring their cases to the district attorney for prosecution.
- >
- > Sincerely.
- >
- > Aram" Best Police Practices Advocate " James

From: [Aram James](#)
To: [Human Relations Commission](#); [Planning Commission](#); [Joe Simitian](#); [Winter Dellenbach](#); [Council, City](#); [Sajid Khan](#); [Sean Allen](#); [Greer Stone](#); [Jay Boyarsky](#); [Shikada, Ed](#); [chuck jagoda](#); [Jeff Rosen](#); citycouncil@mountainview.gov; city.council@menlopark.org; [GRP-City Council](#)
Subject: City goes rogue to deal with fentanyl overdoses
Date: Sunday, June 5, 2022 2:50:52 PM

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

https://www.latimes.com/california/story/2022-06-04/san-francisco-fights-drug-overdoses-tenderloin-fentanyl?_amp=true

Sent from my iPhone

From: [Aram James](#)
To: [Shikada, Ed](#); [Council, City](#); [Human Relations Commission](#); [chuck jagoda](#); [Winter Dellenbach](#); [Greer Stone](#); [Binder, Andrew](#); robert.parham@cityofpaloalto.org; [Sean Allen](#); [Linda Jolley](#); [Sajid Khan](#); [Jeff Rosen](#); [Jeff Moore](#); [Planning Commission](#); [ParkRec Commission](#); [Joe Simitian](#); supervisor.ellenberg@bos.sccgov.org; [Vara Ramakrishnan](#)
Subject: What's wrong with this picture? PA city manager earns more than the president! | An Alternative View | Diana Diamond | Mountain View Online |. (from the archives)
Date: Monday, June 6, 2022 9:47:23 AM

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

FYI:
<https://www.mv-voice.com/blogs/p/2020/05/05/whats-wrong-with-this-picture-pa-city-manager-earns-more-than-the-president>

Sent from my iPhone

OPINION

Police transparency

Dear Editor: The citizens of Palo Alto must keep pushing our notoriously non-transparent and habitually obfuscating city manager Ed Shikada and demand an open forum where at least the three finalists for our next police chief are subject to a very powerful public vetting.

Our current chief was interviewed by a group of allegedly blue-ribbon citizens, and guess who was selected: one of the very worst police chiefs in Palo Alto's long history of extraordinarily bad and often far-right-wing leadership.

Shikada is proposing a similar group of "blue ribbon citizens" conduct the interview process-yet again behind closed doors.

Two years after the police execution of George Floyd, and Mr. Shikada you still haven't received the memo: the public doesn't trust their police and demands transparency in all matters related to police practices including the hiring of our next chief.

It's time the city council fired Shikada.

**Aram James
Palo Alto**

From: [Hamilton Hitchings](#)
To: [Planning Commission](#)
Cc: [HeUpdate](#)
Subject: PTC Housing Element Draft Input
Date: Tuesday, June 7, 2022 10:09:18 AM

You don't often get email from hitchingsh@yahoo.com. [Learn why this is important](#)

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I am currently an HEWG member but the following are my personal comments on changes I recommend to the PTC Draft of the Housing Element. - Hamilton Hitchings

Last RHNA cycle Palo Alto met its market rate housing goals but fell woefully short of its below market RHNA targets. In particular we fell short for Moderate, Low and Very Low Income units, which in this RHNA cycle is well over half of the total housing units needed. During our HEWG public comments section, developing affordable housing over the transit center and public parking lots to address the below market shortfall were the two most common suggestions by members of the public.

I would encourage the PTC to tie more of the upzoning and developer bonuses to affordable housing. For example, require primarily affordable housing at the Transit Center which is PF zoned when upzoning it. In addition, at Stanford properties on 3000 & 3128 El Camino should require a higher percentage of affordable housing in exchange for the 75 height limit. For housing above city owned parking lots, we should require 75% of those units be affordable with a focus on the low and very low income categories. Because the city is providing the land and should do so in conjunction with state grants, this is one of the few opportunities to provide very heavily subsidized housing since land is normally so expensive but in this case does not add to the cost of the units. I'd also recommend only exempting development impact fees for BMR housing that is 80% of AMI and below. When upzoning parcels for housing we should no longer allow office space on them.

Due to time constraints some of the programs in your Housing Element packet were never shown or discussed to HEWG. These include the renaming of the R-1 designation to something more permissive, increasing height by an unspecified amount for mixed use projects and HIP, removal of transitional heights and removal of retail requirements for HIP. These are programs I have concerns with and have detailed below.

City Mayor Pat Burt said he is concerned that Stanford is getting off easy and I also share this concern. He even proposed renegotiating the development agreement that allows Stanford to build more office buildings in SRP. Instead I suggest we put some teeth into the program to guarantee Stanford commit to and build its fair share of the City's next RHNA housing requirements on Stanford lands under city jurisdiction. See my program specific comments below:

----- My Specific Comments on a per Program Basis -----
Program 1.4 City-Owned Parking Lots

Strengthen language to “primarily affordable housing”. There is some pretty strong discomfort with converting public lands for market rate housing.

Program 1.6 Stanford University Lands

B & C: For 3000 and 3128 El Camino Real, in exchange for the upzoning including to 75 foot height limit add some requirements for Affordable housing

D: For 3300 El Camino why are we allowing a commercial office on this property in addition to the FAR for the future housing project?

E. For the Transit Center at 27 University Ave, the HEWG straw voted 6-3-1 to “Upzone the Palo Alto Transit Center to allow primarily affordable housing” so I think we should add the requirement for “primarily affordable housing”

F. Is there a way to put more teeth such as requiring Stanford to provide 15% or 20% of our RHNA housing allocation next cycle for its city owned lands? Without teeth they will continue to try and optimize their office rental business at the expense of meeting future housing needs, especially affordable housing.

Program 2.2 Below Market Housing (BMR) Program

Add clause that inclusionary housing affordability should also include cost per square foot as well as total size of the unit. Since some recent affordable units cost twice the market rate per square foot because they were very expensive micro-units (e.g. Alta Housing on the corner of Page Mill & El Camino)

For B: For the phrase, “consider requirements for lower income units at a reduced inclusionary requirement”, I think that should be rephrased to prevent developers from dropping below 15% overall units.

Program 3.1 Fee Waivers and Adjustments

Only waive impact fees for affordable housing that is 80% of AMI or lower and ADU housing

Program 3.3 Affordable Housing Incentives

C. I would recommend keeping the PTC review since this protects existing surrounding property owners from negative impacts of the proposed project such as shade, privacy and noise.

D. Housing overlay should eliminate 0.4 commercial FAR only if outside a core retail zone (e.g. outside University & Cal Ave)

Program 3.4 Mixed Use Development

D. Why are we allowing the height to be increased? This was not really discussed in HEWG and should be directly tied to 100% Affordable deed restricted housing projects. 30 Units per acre is too high for neighborhood commercial.

E. Remove this. We should not be giving density bonuses for over 120% AMI

Program 3.5 Housing Incentive Program (HIP)

The proposal to increase height by an unspecified amount, increase or eliminate density restrictions, eliminate current transitional height limits and reduce retail requirements

including in retail districts. This was not discussed in HEWG and raises a lot of concerns, in particular, not generating enough benefit for struggling renters relative to the increase in financial gain for developers.

Program 3.6 Expedited Project Review

C. Eliminate this. The problem with limiting the number of ARB hearings is that developer can simply ignore the ARB and not follow any of their recommendations

Program 6.1 Rename R-1 Zoning

This program was never brought forth by staff in the HEWG and is new in this revision. I would push back against this.

Is the PHZ too much of a giveaway to developers? Can we ensure the majority of value created by the upzone goes to struggling renters or buyers?

From: slevy@ccsce.com
To: [Planning Commission](#)
Cc: [Lait, Jonathan](#); [Wong, Tim](#); [Tanner, Rachael](#)
Subject: Housing Element discussion June 8th
Date: Tuesday, June 7, 2022 12:56:45 PM

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

Dear Chairman Lauing and Commissioners,

I have read the staff memo and support their proposals to add sites and add programs that reduce the cost of building housing in Palo Alto.

I encourage you and staff to go further in both areas paying close attention to the feasibility analyses and past feedback on constraints.

Background

1) Palo Alto has adopted several proposals to incentivize more housing. To date not many proposals have come forth in relation to the large city housing goals.

That indicates more is needed. Staff's suggestions are a good start.

2) PTC and staff have received feedback casting doubt on the feasibility of many sites in the site inventory, especially non vacant sites where there is no indication that owners are considering or find housing feasible under current rules.

This indicates that more sites with feasible incentives are needed.

Staff's suggestions are a good start.

3) The city's RHNA goals go FAR beyond housing for low and very-low income residents.

Making housing feasible and affordable for residents in the 80-140% of AMI income groups has been especially difficult to build.

Reducing the Cost of Housing

Programs to reduce the cost of building housing are well known and staff has many in their suggested programs.

Height, FAR, reducing parking and retail requirements, fees and time of the approval process (including more by right) are good proposals.

I encourage you to apply them even more broadly than suggested in the staff report.

Personally, I favor broad extension of the height limit in non residential areas and much speedier and certain approval timing as having major potential along with the other proposals.

And making office less profitable does nothing to make housing feasible. Only moves to reduce the cost of housing can make housing more feasible

Adding Sites

In addition to the issues already raised about the current sites, I am skeptical that 30 units/acre mentioned often in the staff report will make most sites feasible.

I have asked staff for a list of recent project/proposal densities as my memory is that they

are mostly way above 30.

Given the importance on moderate and market rate units in our RHNA, I make two additional suggestions. One, go big on housing on parking lots and do not restrict to AH as allowing a mix of housing will bring forth more proposals. Two, do not shy away from mixed use projects that add jobs. Our current RHNA will not change if we add jobs but denying mixed use projects will cause a loss of new housing.

Finally, I would move more quickly to reach a mutual win-win agreement with Stanford to build housing on their land in the city.

Stephen Levy

Director

Center for Continuing Study of the California Economy