

**From:** [Elizabeth Ratner](#)  
**To:** [Planning Commission](#); [North Ventura Coordinated Area Plan](#)  
**Subject:** NVCAP comments  
**Date:** Wednesday, January 13, 2021 5:11:40 PM

---

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

---

January 13, 2020

Re: January 13th North Ventura Coordinated Area Plan (NVCAP) Study Session

To: Planning and Transportation Commission (PTC)

Dear Chair Templeton and PTC members,

We support exploring and expanding Alternative 3 of the proposed North Ventura Coordinated Area Plan .

The area consists of 60 acres next to Caltrain and California Avenue's business district. This is an ideal location for a bike and pedestrian-friendly, multi-use neighborhood with housing at all income levels. The current options constrain the future of Palo Alto by limiting the number of homes, heights, and density. Unless the city adopts a plan to allow taller and more compact building in locations like this one, we'll continue to be a community reliant on workers commuting into Palo Alto in single occupancy vehicles. Our city will also see more people living in vehicles and pushed into homelessness.

An expanded Alternative 3 will help meet both our city's RHNA housing allocation and the state's climate action goals of carbon neutrality by 2045. Planning for more homes at all income levels near jobs and transit would help meet that goal by lowering green-house gas emissions caused by cars. Increasing the number of homes, building height and density will also create more urban green space and carbon sequestration by limiting building footprints and sprawl.

Lisa Ratner  
Jim Fox  
Palo Alto

**From:** [Tirumala Ranganath](#)  
**To:** [Planning Commission](#)  
**Cc:** [Rebecca Sanders](#); [ranguranganath](#)  
**Subject:** In regard to the project proposal at 2951 El Camino Real  
**Date:** Wednesday, January 13, 2021 4:43:40 PM

---

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

---

Dear PTC members,

I am writing in regard to the revised developer proposal for 2951 ECR. As reported in the Daily Post of Jan 11th, the scaled back proposal (in response to the earlier rejection of the original version by the City Council), the project size has been scaled back by about 7%, while the total number of apartments were reduced to 113 from the original 119. The tallest point is now at 58 ft versus the original 65 Ft. The underground parking spots would be reduced to 162 from the original 176 spaces. The developer is asking for exceptions to both the height limits currently on the books as well as the FAR limits on the books. The total square footage of the project was not specified and so one is not free to estimate the actual footage exemption that is being proposed. Also, the actual breakdown of the low-income apartments in terms of size is not specified, neither is the square footage per one such unit. Also the 1000 sq.ft of commercial (roughly 2 units of 500 sq.ft) would need parking for their customers - will they be parking in the underground garage? How about the 5000 sq.ft office space request. Will that be approximately attracting at a minimum 25 people (200sq.ft), who would also need parking ? Will the 162 spaces being requested, cover all of these needs ? Spillover of parking onto the city streets, especially in this region should not be an option.

Given that, what we need in Palo Alto are BMR and low income units, this project is offering 23 such units and in return is asking for the height exemption as well as the FAR numbers as currently written in the city's code. The FAR exemption requested pushes it from the currently allowed 1.5 to 2.55. Does this make sense from a cost to the city versus benefit to the city in terms of low-income unit numbers? This is a question that needs to be weighed carefully by the PTC, in addition to the height changes being requested.

I have had a chance to speak with a couple of neighbors of the proposed project whose homes (R-1 units) are adjacent. Both have pointed out that the revised setback is ~ 11 feet, with the building height being 34 feet at this end. If the daylight plane number is to be calculated, shouldn't the nearby building height adjacent to these (R-1) properties, be more like 24 ft? Whatever that number, isn't the developer asking for an exemption in this regard too ?

I have also heard through the grapevine that at least one R-1 unit that is not

owned by the developer is being counted as part of their calculus. What happens in the event that this said property is not purchased by the developer ? In that case, will it be feasible to go ahead ?

I would think that PTC should consider all of these questions carefully, before recommending this project for approval by the city council. And if it doesn't make sense, PTC should strongly suggest the necessary changes to the developer to incorporate, in the event they want to go forward.

Thank you for your kind attention,

Sincerely,

Ranganath

(Long time resident, greater Ventura?Walnut Grove area)

**From:** [Linnea WICKSTROM](#)  
**To:** [Planning Commission](#)  
**Cc:** [North Ventura Coordinated Area Plan](#); [Linnea WICKSTROM](#)  
**Subject:** NVCAP Planning  
**Date:** Wednesday, January 13, 2021 2:14:17 PM

---

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

---

Members of the Commission,

As a member of your community who has advocated for years for housing, especially for affordable housing, I urge you to start from Alternative 3 for both the maximum number of homes and maximum open space. Then re-think Palo Alto's outdated restrictions on height and density to make this neighborhood a new model.

This can be a great neighborhood for many, can help Palo Alto adapt to climate change, AND demonstrate real progress toward RHNA and ABAG goals!

Sincerely,  
Linnea Wickstrom  
Palo Alto, CA

**From:** [North Ventura Coordinated Area Plan](#)  
**To:** [Nguyen, Vinhloc](#)  
**Subject:** FW: Palo Alto must fully explore and expand Alternative 3 to meet our housing needs and huge historical deficit  
**Date:** Tuesday, January 12, 2021 12:32:44 PM

---

**From:** Gina Dalma <[gina@dalma.org](mailto:gina@dalma.org)>  
**Sent:** Sunday, December 13, 2020 5:38 PM  
**To:** Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; North Ventura Coordinated Area Plan <[NVCAP@CityofPaloAlto.org](mailto:NVCAP@CityofPaloAlto.org)>  
**Subject:** Palo Alto must fully explore and expand Alternative 3 to meet our housing needs and huge historical deficit

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

---

Dear Planning Commission,

As a proud Palo Altan I would love to ask you to ensure a bold housing plan for the NVCAP to meet our housing goals. I want to make sure there is a place for my children to live, as they come back from college. For us to continue to live in a community with our families - not expelt my unaffordable housing options. This is a perfect place to build new housing at all income levels near transit and small businesses.

[Palo Alto must fully explore and expand Alternative 3 to meet our housing needs and huge historical deficit](#)

Thank you!

--

Gina D. Dalma  
e: [gina@dalma.org](mailto:gina@dalma.org)  
p: (980) 722.2660  
t: [@ginadalma](#)  
l: [www.linkedin.com/pub/gina-dalma/0/53/b47/en](https://www.linkedin.com/pub/gina-dalma/0/53/b47/en)

**From:** [North Ventura Coordinated Area Plan](#)  
**To:** [Nguyen, Vinhloc](#)  
**Subject:** FW: I SUPPORT THE NEED FOR ADDITIONAL HOUSING IN PALO ALTO  
**Date:** Tuesday, January 12, 2021 12:32:19 PM

---

---

**From:** Alice Smith <[alice.smith@gmail.com](mailto:alice.smith@gmail.com)>  
**Sent:** Sunday, January 10, 2021 10:11 AM  
**To:** North Ventura Coordinated Area Plan <[NVCAP@CityofPaloAlto.org](mailto:NVCAP@CityofPaloAlto.org)>  
**Subject:** I SUPPORT THE NEED FOR ADDITIONAL HOUSING IN PALO ALTO

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

---

The tragedy of the Mayfield referendum is that only 30% of the Palo Alto community voted.

I wholeheartedly and continue to support the need for housing along particularly the El Camino Real corridor.

Alice Schaffer Smith  
850 Webster Street  
Apt 520  
Palo Alto, CA 94301  
650 283 2822

**From:** [North Ventura Coordinated Area Plan](#)  
**To:** [Nguyen, Vinhloc](#)  
**Subject:** FW: we need a bold plan for more housing  
**Date:** Tuesday, January 12, 2021 12:32:02 PM

---

---

**From:** Annette Isaacson <annetteisaacson@comcast.net>  
**Sent:** Sunday, January 10, 2021 12:52 PM  
**To:** North Ventura Coordinated Area Plan <NVCAP@CityofPaloAlto.org>  
**Subject:** we need a bold plan for more housing

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

---

Dear Commission,

This is a unique opportunity to build new housing at all income levels near transit and small businesses. Don't miss this chance. It won't come again. Require as much housing as possible in the North Ventura Coordinated Area Plan.

If not now, when?

Sincerely,

Annette Isaacson  
Midtown

**From:** [North Ventura Coordinated Area Plan](#)  
**To:** [Nguyen, Vinhloc](#)  
**Subject:** FW: Housing Considerations for Palo Alto  
**Date:** Tuesday, January 12, 2021 12:31:46 PM

---

**From:** Patty Irish <irishpw@gmail.com>  
**Sent:** Sunday, January 10, 2021 8:52 PM  
**To:** North Ventura Coordinated Area Plan <NVCAP@CityofPaloAlto.org>  
**Subject:** Housing Considerations for Palo Alto

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

---

Dear Members of the Planning and Transportation Commission:

Please consider option 3 in your considerations of housing for Palo Alto.

Housing gives Palo Alto an opportunity to take initiative to do some creative, positive planning for adding important housing for a larger number of residents who work here and want to live here - near to shopping and transportation and other amenities. We need a critical number of units for people with lower incomes also.

We are fortunate that in earlier years the City saw fit to plan and build over 1000 units spread throughout the City managed by what is now called Alto Housing. These units have allowed people to live here as good citizens (in affordable units).

For a number of years the City has done very little to add to that stock. And we have become a city for the rich.

I hope in considering new additions you will also allow for taller infill housing as well.



If possible I would also suggest you consider a session with outside housing pros that can suggest perhaps some things we have not considered before. We could become a leader in the region perhaps. That is not the case now. Now is the time. Please consider a commitment to density housing and a large enough addition to make a real difference.

Thank you,

Patty Irish

Channing House resident

recent Board member of Stevenson House

--

Pat Irish

850 Webster St. #628

Palo Alto, CA 94301

650-324-7407

650-245-3906 cell

**From:** [North Ventura Coordinated Area Plan](#)  
**To:** [Nguyen, Vinhloc](#)  
**Subject:** FW: In favor of Alternative 3  
**Date:** Tuesday, January 12, 2021 12:31:15 PM

---

-----Original Message-----

From: Susan and Harry Hartzell <hartzellhs@gmail.com>  
Sent: Monday, January 11, 2021 5:24 PM  
To: North Ventura Coordinated Area Plan <NVCAP@CityofPaloAlto.org>  
Subject: In favor of Alternative 3

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

---

To the members of the Planning and Transportation Commission:

As a 50-year resident of Palo Alto, I am writing to urge you to adopt Alternative 3 to the North Ventura Coordinated Area Plan. It is an ideal site for much needed housing (especially for low-income residents of Palo Alto, most of whom will work here as well). Greater density and multi-story buildings in that location will not adversely affect the surrounding area, and its proximity to train and buses and the California Avenue shopping district makes it especially appealing. This property has been in play for too long. Isn't it time to make a decision and get to work on the details?

Sincerely,  
Susan Hartzell

Susan and Harry Hartzell  
850 Webster Street Apt 430  
Palo Alto, CA 94301

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Steve Levy](#)  
**Subject:** Analysis of New Population Estimates for California and counties  
**Date:** Tuesday, January 12, 2021 10:54:33 AM  
**Attachments:** [Numbers-Jan2021\\_Population-Estimates-Implications.pdf](#)

---

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

---

Looking forward to a better year in 2021 for all of us,

Attached is an overview (link below also) of recent DOF population estimates for 2020 and revisions for recent years. Below are highlights and my thoughts on future trends and their determinants.

[http://ccsce.com/PDF/Numbers-Jan2021\\_Population-Estimates-Implications.pdf](http://ccsce.com/PDF/Numbers-Jan2021_Population-Estimates-Implications.pdf)

"In December 2020 the California Department of Finance (DOF) released new population estimates for counties as of July 1, 2020 and revisions to recent year estimates. These estimates will be replaced in the coming months by 2020 Census estimates where there are unknown issues with potential undercounts and the inclusion of all unauthorized immigrants.

The July 1, 2020 estimates show a pattern of sharply slowing population growth throughout California.

Highlights from these estimates include:

- All regions had falling levels of births and rising levels of deaths.
- All regions had falling levels of immigration.
- Sacramento was the only region that had positive net migration for each year between 2015 and 2020.
- The largest levels of domestic outmigration were in the Coastal regions with high and rising housing costs.

### **Thoughts About Future Trends**

- The trend of declining population growth from natural increase will continue. Fertility rates are expected to remain low or decline further and an aging population will lead to rising levels of deaths.
- Immigration levels are likely to rebound as the new administration will likely welcome more immigrants—foreign students, needed workers including less restrictive H1-B visas, a more welcoming attitude for foreign tourism combined with a return to air travel and potentially a more welcoming attitude toward refugees and asylum seekers.
- The big unknown is what will happen with domestic migration and state economic competitiveness and job growth. This will depend on how successful regions are in expanding housing supply and affordability, trends in working from home and the foundations for continued job growth and broadly shared prosperity."

January 2021

## New Population Estimates and Implications

In December 2020 the California Department of Finance (DOF) released new population estimates for counties as of July 1, 2020 and revisions to recent year estimates. These estimates will be replaced in the coming months by 2020 Census estimates where there are unknown issues with potential undercounts and the inclusion of all unauthorized immigrants.

The July 1, 2020 estimates show a pattern of sharply slowing population growth throughout California. The county composition of these regions is shown below in this report. The Bay Area, Sacramento region, L.A. Basin and San Diego regions correspond to the ABAG, SACOG, SCAG and SANDAG regional planning agency areas. All estimates in this report are for July 1 from DOF.

Population on July 1 (Thousands)

Regions	2015	2019	2020	2015-20	2019-20
<b>Bay Area</b>	7,634.2	7,786.2	7,787.9	2.0%	0.0%
<b>Sacramento</b>	2,427.0	2,533.8	2,553.7	5.2%	0.8%
<b>San Joaquin Valley</b>	4,160.5	4,320.8	4,350.4	4.6%	0.7%
<b>Los Angeles Basin</b>	18,789.3	19,044.0	19,025.4	1.3%	-0.1%
<b>San Diego</b>	3,275.0	3,346.9	3,352.1	2.4%	0.2%
<b>Rest of State</b>	2,791.1	2,799.8	2,782.6	-0.3%	-0.6%
<b>Mountain</b>	473.3	471.2	468.9	-0.9%	-0.5%
<b>Sacramento Valley</b>	515.8	508.4	500.9	-2.9%	-1.5%
<b>North Coast</b>	<b>314.2</b>	313.2	311.2	-1.0%	-0.7%
<b>Coast</b>	1,487.8	1,507.0	1,501.6	0.9%	-0.4%
<b>California</b>	39,007.1	39,761.2	39,782.4	2.0%	0.1%

The state added fewer than 1 million residents between 2015 and 2020 (+2.0%) and had virtually no growth in the latest year.

Highlights from these estimates include:

- All regions had falling levels of births and rising levels of deaths.

- All regions had falling levels of immigration.
- Sacramento was the only region that had positive net migration for each year between 2015 and 2020.
- The largest levels of domestic outmigration were in the Coastal regions with high and rising housing costs.
- The rest of state region (28 counties) lost population between 2015 and 2020 and had rising out migration from the high housing cost coastal counties of Monterey, Santa Barbara and Santa Cruz.

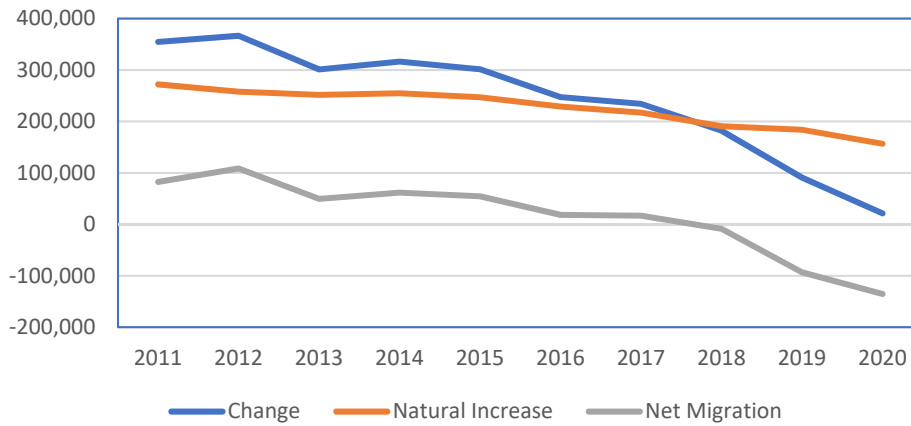
## Thoughts About Future Trends

- The trend of declining population growth from natural increase will continue. Fertility rates are expected to remain low or decline further and an aging population will lead to rising levels of deaths.
- Immigration levels are likely to rebound as the new administration will likely welcome more immigrants—foreign students, needed workers including less restrictive H1-B visas, a more welcoming attitude for foreign tourism combined with a return to air travel and potentially a more welcoming attitude toward refugees and asylum seekers.
- The big unknown is what will happen with domestic migration and state economic competitiveness and job growth. This will depend on how successful regions are in expanding housing supply and affordability, trends in working from home and the foundations for continued job growth and broadly shared prosperity.

## California Estimates

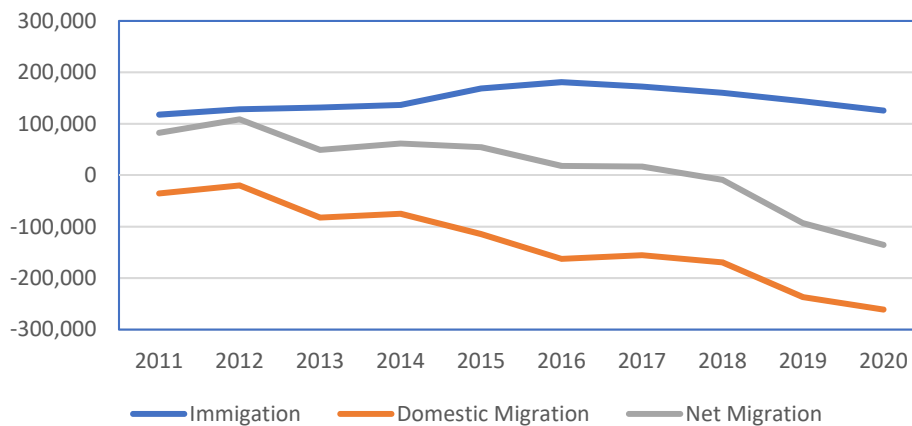
Natural increase contributed less to state growth each year during the past decade but the larger change was in the move from positive to negative net migration. This change pushed state population growth lower each year until it was virtually zero in 2019-20.

## California Components of Population Change 2011-2020



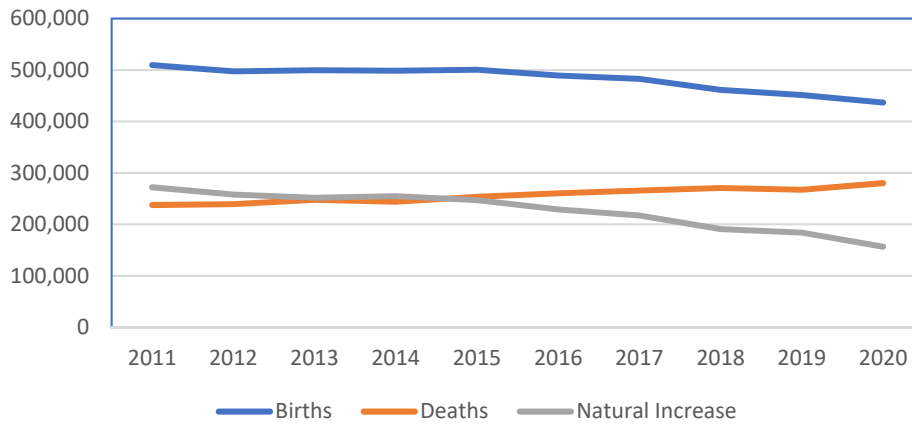
The decline in net migration was the result of recent declines in immigration and the sharp increase in domestic out-migration mostly from the L.A. Basin and Bay Area regions. At the state level, domestic migration means into and out of the state though at the county level migration includes between counties within the state.

## California Components of Net Migration 2011-2020



The changes in birth and death levels are gradual but their continuation in this decade will decrease natural increase each year.

## California Components of Natural Increase 2011-2020



## Los Angeles Basin Estimates

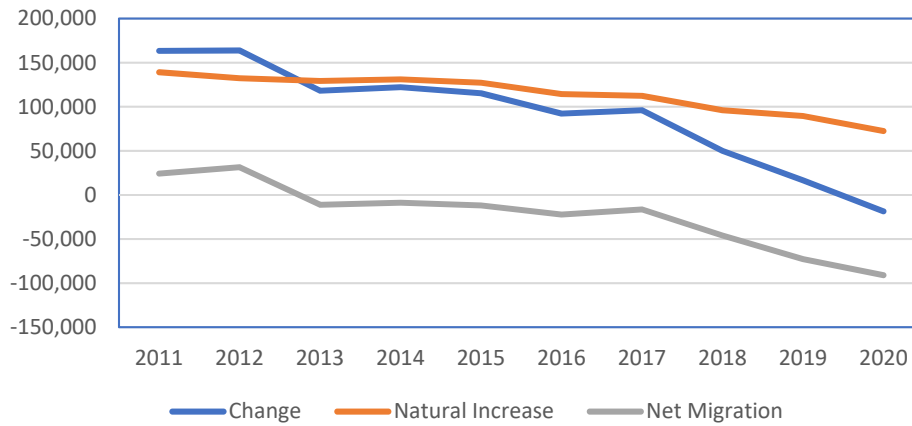
Regional population growth was led by /riverside and San Bernardino counties where housing costs and availability are best in the region. Los Angeles and Ventura counties had the slowest % growth since 2015. All counties except Riverside and San Bernardino lost population in 2019-2020.

Population on July 1 (Thousands)

	2015	2019	2020	2015-20	2019-20
Imperial	184.5	189.0	188.1	2.0%	-0.5%
Los Angeles	10,156.0	10,211.0	10,171.6	0.2%	-0.4%
Orange	3,154.4	3,195.2	3,190.8	1.2%	-0.1%
Riverside	2,327.1	2,428.5	2,449.3	5.3%	0.9%
San Bernardino	2,118.7	2,176.2	2,184.1	3.1%	0.4%
Ventura	848.7	844.2	841.4	-0.9%	-0.3%
<b>Los Angeles Basin</b>	<b>18,789.3</b>	<b>19,044.0</b>	<b>19,025.4</b>	<b>1.3%</b>	<b>-0.1%</b>

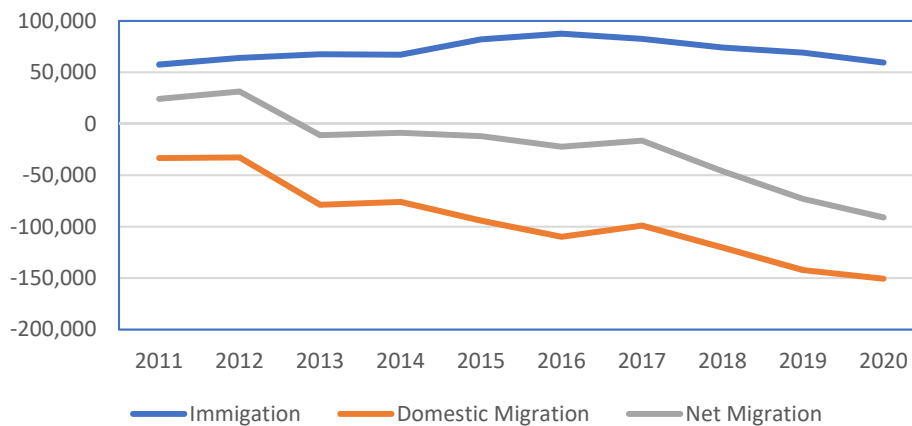
The Basin is the state’s largest region with 19 million residents. Population growth slowed during recent years ending with a small decline in 2019-20. As with most regions the biggest change was the sharp decline in migration combined with smaller contributions from natural increase.

## L.A. Basin Components of Population Change 2011-2020



Immigration rose and then declined in recent years with little change over the decade. The big change was the sharp decline in domestic migration with 2/3 of that from Los Angeles County and most of the rest from Orange County. These counties have the highest and fastest growing housing costs in recent years.

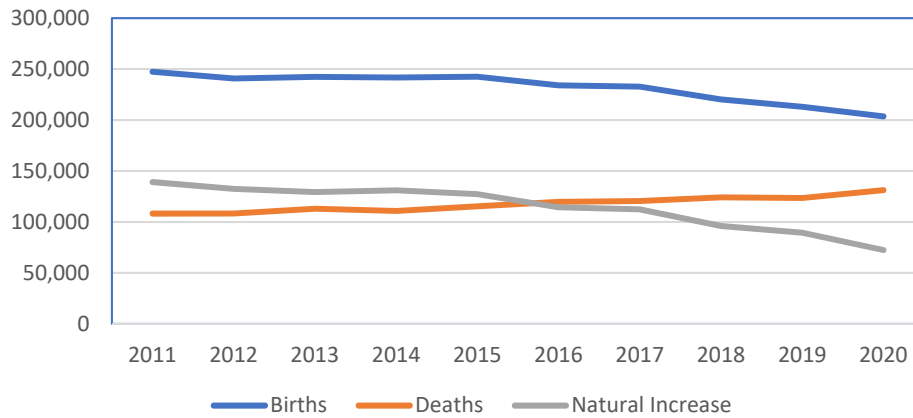
## L.A. Basin Components of Net Migration 2011-2020



The pattern of natural increase is similar to that in the state and other regions.



## L.A. Basin Components of Natural Increase 2011-2020



## San Francisco Bay Area

The Bay Area had modest (2%) population growth between 2015 and 2020 with no growth in 2019-20. The 2019-2020 results cover only a small portion of the pandemic activity restrictions and early work from home impacts. On the other hand, pandemic effects should slowly disappear in the near term except for the unknown of lasting work from home effects.

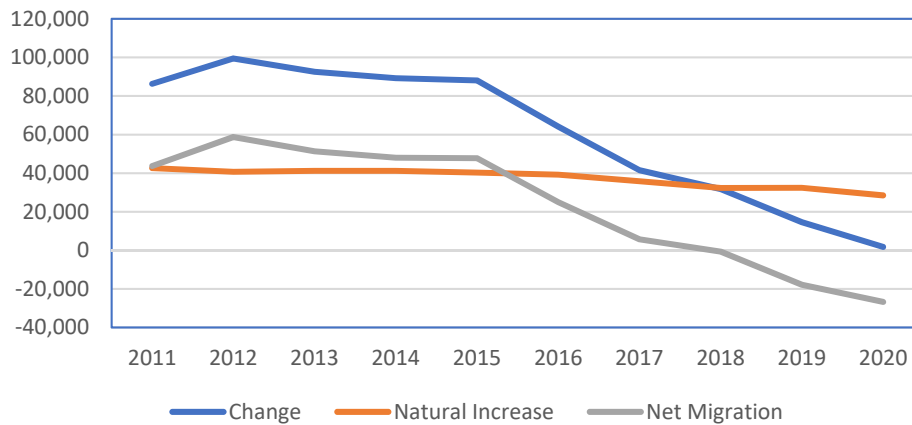
Population on July 1 (Thousands)

	2015	2019	2020	2015-20	2019-20
Alameda	1,622.4	1,669.0	1,671.9	3.0%	0.2%
Contra Costa	1,118.7	1,147.3	1,149.8	2.8%	0.2%
Marin	262.0	261.0	259.0	-1.2%	-0.8%
Napa	141.4	139.9	138.7	-1.9%	-0.8%
San Francisco	869.4	897.1	899.9	3.5%	0.3%
San Mateo	765.8	776.0	775.1	1.2%	-0.1%
Santa Clara	1,924.1	1,960.9	1,962.3	2.0%	0.1%
Solano	428.9	440.0	440.2	2.6%	0.0%
Sonoma	501.5	495.1	491.1	-2.1%	-0.8%
<b>San Francisco Bay Area</b>	<b>7,634.2</b>	<b>7,786.2</b>	<b>7,787.9</b>	<b>2.0%</b>	<b>0.0%</b>

Sonoma and Napa county growth were restrained by people relocating at least temporarily after the fires. Most of the other counties had similar growth rates.

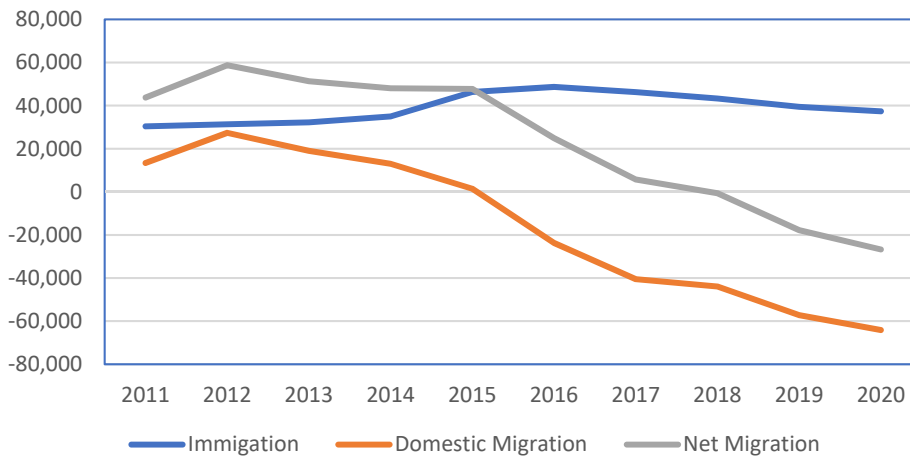
The contribution of natural increase was a small and declining positive while the big change in the region was the sharp decline in net migration. Net out-migration has been increasing since 2015 and is probably attributable to the region’s high and rising housing costs and low levels of building relative to demand.

**Bay Area Components of Population Change  
2011-2020**



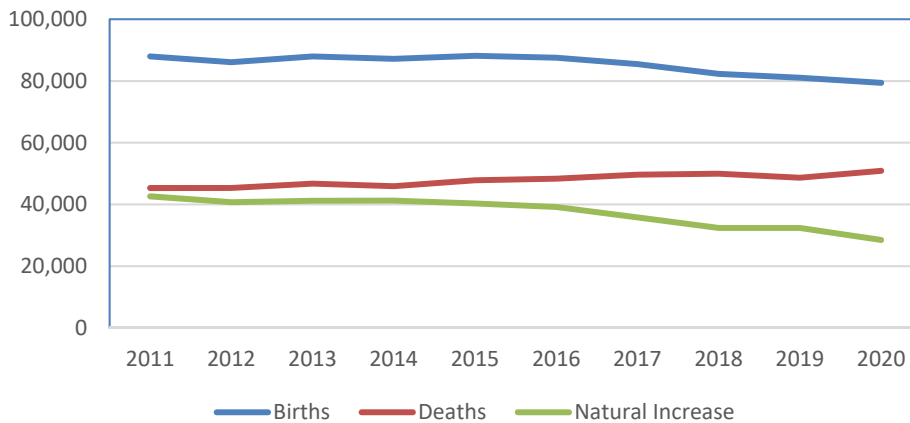
Immigration levels were fairly stable since 2015 while domestic out-migration increased in every year causing net migration to go negative.

## Bay Area Components of Net Migration 2011-2020



The pattern of natural increase was similar to all regions with declining birth levels and increasing death levels.

## Bay Area Components of Natural Increase 2011-2020



## San Joaquin Valley

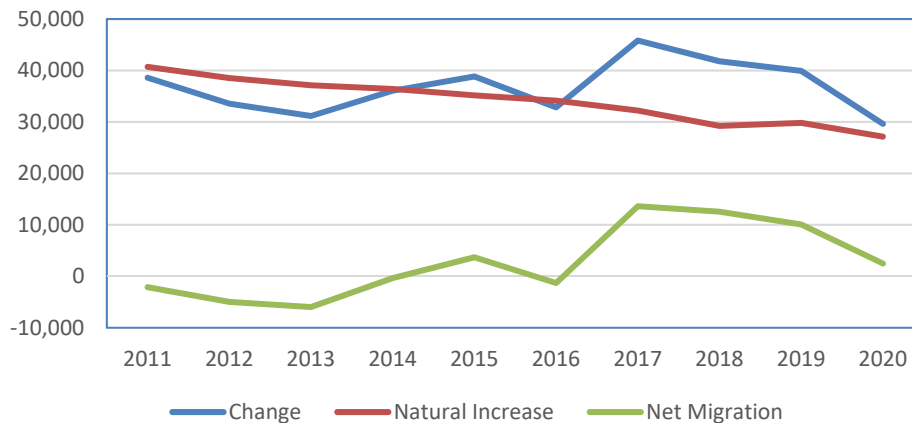
The Valley was the state’s second fastest growing region between 2015 and 2020 trailing only the Sacramento region. The region has two of the state’s fastest growing counties—San Joaquin and Merced and two of the state’s larger counties—Fresno and kern. All Valley counties added at least some population in 2019-20.

Population on July 1 (Thousands)

	2015	2019	2020	2015-20	2019-20
Fresno	979.6	1,018.4	1,026.4	4.8%	0.8%
Kern	881.1	909.7	913.0	3.6%	0.4%
Kings	149.5	153.5	154.7	3.5%	0.8%
Madera	154.2	157.7	158.8	3.0%	0.7%
Merced	268.8	281.6	284.8	5.9%	1.1%
San Joaquin	727.0	767.9	776.1	6.7%	1.1%
Stanislaus	536.5	554.2	556.0	3.6%	0.3%
Tulare	463.7	477.7	480.8	3.7%	0.6%
<b>San Joaquin Valley</b>	<b>4,160.5</b>	<b>4,320.8</b>	<b>4,350.4</b>	<b>4.6%</b>	<b>0.7%</b>

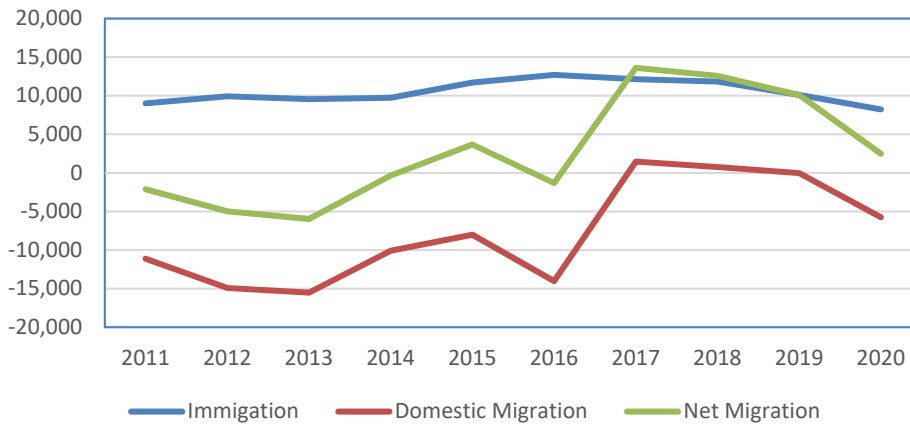
Natural increase was the major contributor to growth in recent years with some small contributions from net migration—though both declined in 2019-20.

Valley Components of Population Change  
2011-2020



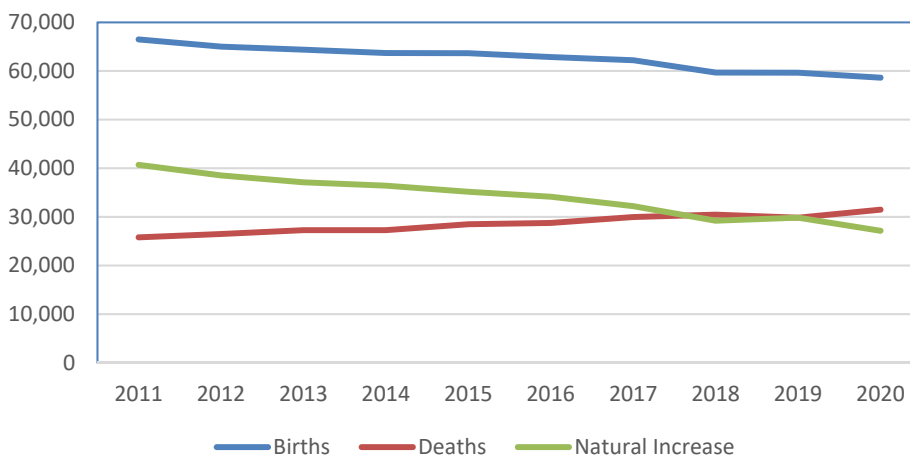
Even though residents from other regions moved to the Valley in search of more affordable housing, this was matched by residents leaving including possibly immigrants returning to their home country. The result was that net migration was not an important factor in Valley growth since 2015.

## Valley Components of Net Migration 2011-2020



The Valley pattern of natural increase is similar to that in other regions—falling birth levels and rising death levels.

## Valley Components of Natural Increase 2011-2020

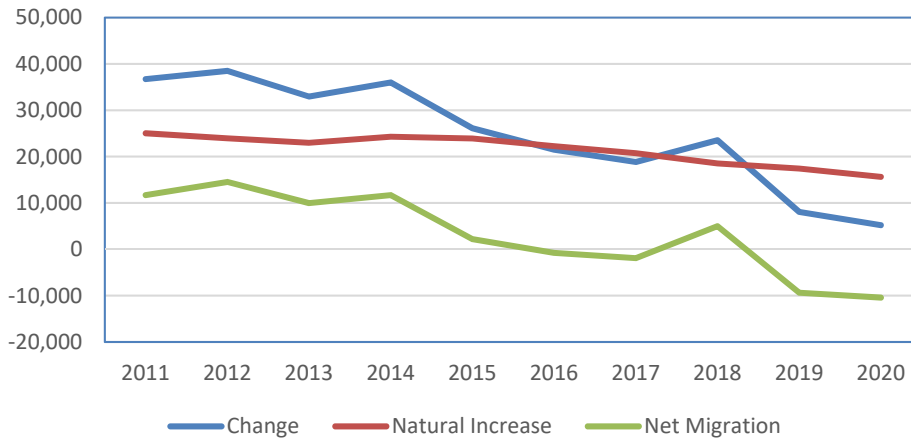


### San Diego Region

San Diego is the only large region comprised of just one county. San Diego County as shown in the report’s opening table, grew just slightly faster (2.4%) than the state average (2.0%) between 2015 and 2020 making it California’s third fastest growing region.

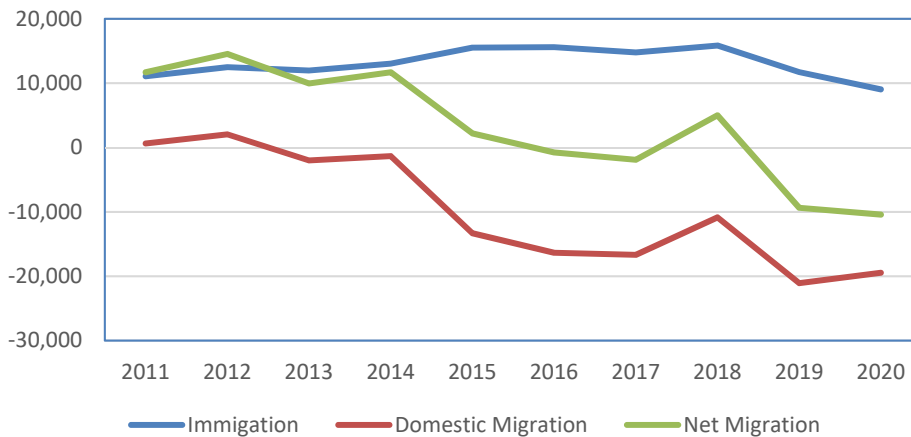
Net migration has been negative since 2015 dragging population growth downward and offsetting small positive natural increase.

San Diego Components of Population Change  
2011-2020



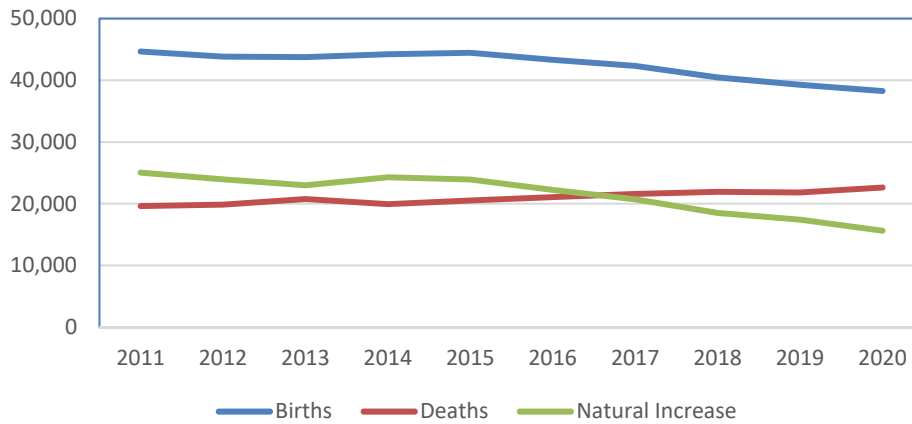
San Diego has one of the most expensive housing markets in the state. As a result, the region has experienced domestic out-migration that has offset small positive immigration levels and pushed net migration negative after 2015.

San Diego Components of Net Migration  
2011-2020



The pattern of natural increase is similar to that in other regions with falling birth levels and rising death levels.

## San Diego Components of Natural Increase 2011-2020



## Sacramento Region

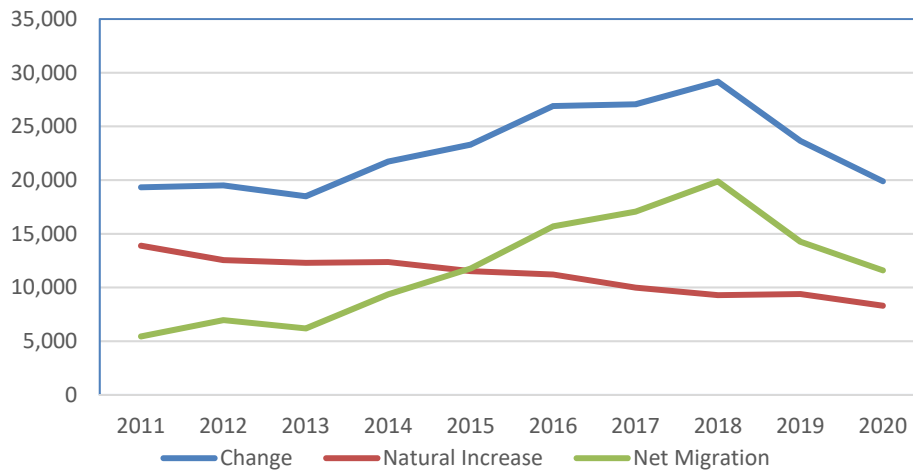
Sacramento was the state’s fastest growing region between 2015 and 2020 led by Placer County. The region’s growth rate (5.2%) was more than double the state average (2.0%).

Population on July 1 (Thousands)

	2015	2019	2020	2015-20	2019-20
El Dorado	182.6	188.8	192.0	5.2%	1.7%
Placer	371.9	394.6	397.5	6.9%	0.7%
Sacramento	1,488.9	1,548.8	1,562.2	4.9%	0.9%
Sutter	96.8	102.8	101.2	4.5%	-1.6%
Yolo	212.4	220.7	221.7	4.4%	0.5%
Yuba	74.4	78.1	79.1	6.2%	1.3%
<b>Sacramento Region</b>	<b>2,427.0</b>	<b>2,533.8</b>	<b>2,553.7</b>	<b>5.2%</b>	<b>0.8%</b>

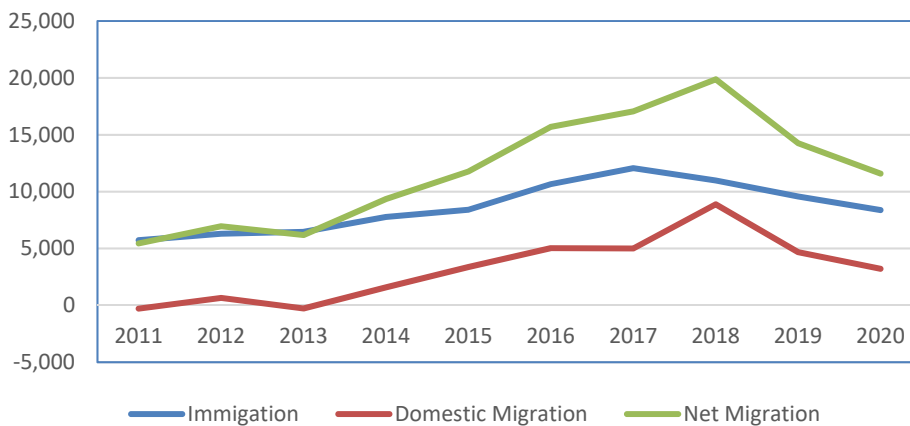
Sacramento is the only region in the state to experience positive net migration in every year since 2011 though net migration has declined in the past two years. Natural increase has declined here as in other regions across the state.

## Sac. Region Components of Population Change 2011-2020



Sacramento is also the only region to experience positive domestic migration in every year since 2015. Part of the explanation is the movement of some Bay Area residents to the region in search of more affordable housing while also maintaining Bay Area jobs. Immigration has remained near 10,000 per year adding to the positive net migration trend.

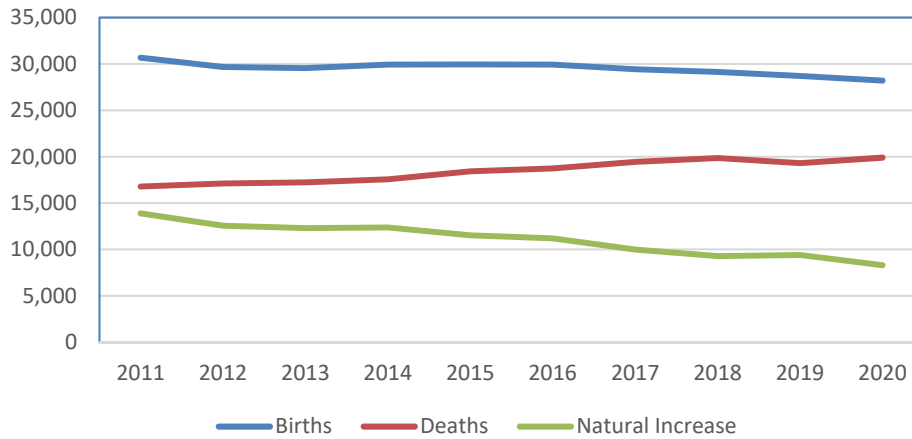
## Sac. Region Components of Net Migration 2011-2020



The Sacramento region pattern of natural increase is similar to that in other regions with falling birth levels and rising death levels.



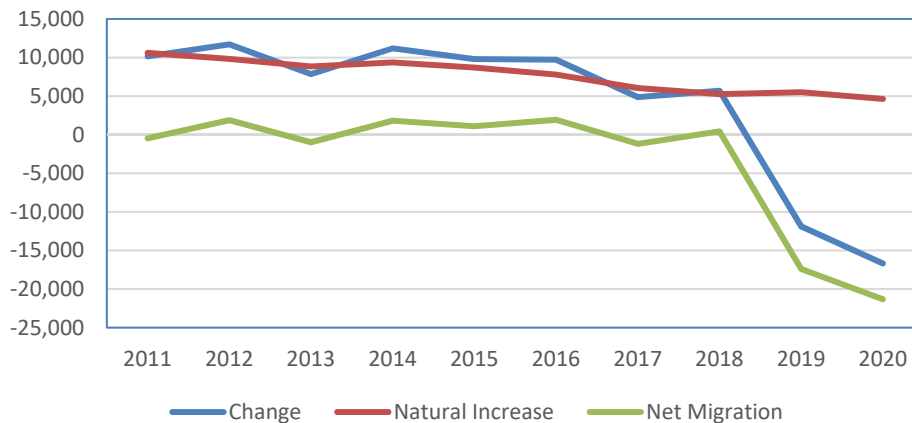
## Sac. Region Components of Natural Increase 2011-2020



## Rest of State Region

The region consists of 25 relatively small rural and mountain counties and three largest coastal counties—Monterey, Santa Barbara and Santa Cruz. Population growth was small and positive until 2019 led by small natural increase. In 2019 and 2020 population levels fell pushed down by large out migration as explained below.

## Rest of State Components of Population Change 2011-2020



Immigration levels have remained small but steady during the past decade. Domestic migration was negative but small until 2019 and was influenced by reductions in prison populations in the region. In

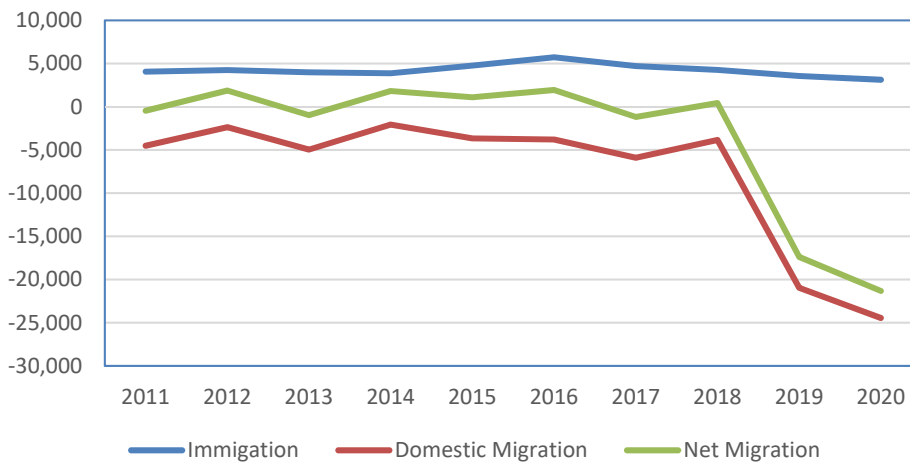
2019 and 2020 domestic migration declined sharply led by the three coastal counties.

In 2019-2020 domestic migration in Monterey County was -6,092, in Santa Barbara County -3,599 and In Santa Cruz County -3,085.

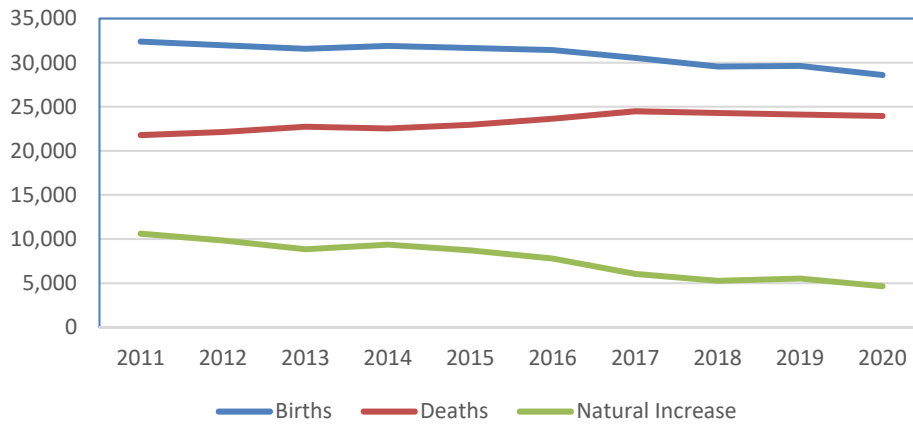
Several years ago, it was thought that the less urban counties might attract new residents in search of lower housing costs and a less stressful life. While this may have happened for a few residents, this region has been the state's slowest growing region throughout the decade.

The final chart shows that the pattern of natural increase in the Rest of State region is similar to that in other regions with falling birth levels and increasing death levels.

**Rest of State Components of Net Migration  
2011-2020**



## Rest of State Components of Natural Increase 2011-2020



Here are the counties in the Rest of State Region

- Alpine
- Amador
- Calaveras
- Inyo
- Lassen
- Mariposa
- Modoc
- Mono
- Nevada
- Plumas
- Sierra
- Siskiyou
- Trinity
- Tuolumne

**Mountain Region**

- Butte
  - Colusa
  - Glenn
  - Shasta
  - Tehama
- Sacramento Valley Region**

- Del Norte
  - Humboldt
  - Lake
  - Mendocino
- North Coast Region**

Monterey  
San Benito  
San Luis Obispo  
Santa Barbara  
Santa Cruz  
**Coast Region**

**CENTER FOR CONTINUING STUDY OF THE CALIFORNIA ECONOMY**

385 HOMER AVENUE • PALO ALTO • CALIFORNIA • 94301

TELEPHONE: (650) 321-8550

FAX: (650) 321-5451

[www.ccsce.com](http://www.ccsce.com)

DATE: January 11, 2021

TO: **PTC Members and Staff**

FROM: Stephen Levy

SUBJECT: Review of NVCAP Alternatives

- The NVCAP area will be a site in the new Housing Element and thus PTC and council actions will be evaluated as whether they represent a good faith effort to meet the city's RHNA obligations.
- I write in support of an expanded alternative 3. It has the following benefits in comparison to alternatives 1 and 2:
  - more housing for low- and moderate-income residents
  - more open space
  - it makes it more feasible for the city to meet both low income and overall housing goals
  - it is supported by staff who are best in a position to advise PTC and council on how to meet our RHNA obligations regardless of whether they are 6,000 units or a slightly smaller number.
- It is also true and important in my opinion that the city's consultant Strategic Economics found that alternatives 1 and 2 were not feasible as I read the staff report and response to questions.

I feel certain that HCD will not look favorably on the city adopting an alternative in the Housing Element that they have been told lacks financial feasibility. I am surprised that this deficiency of alternatives 1 and 2 did not come up more in the working group hearings and votes.

- I see that alternative 3 (hopefully expanded) meets equity goals by maximizing the number of units for low- and moderate-income residents, maximizes meeting environmental goals by supporting more open space and reducing overall commute times and times lost from family time by bringing particularly low wage workers closer to their jobs.

In this regard while it is true that most people do not live in the same city as where they work and sometimes change jobs, this is also not relevant. The point as reflected in the ABAG RHNA methodology and commonsense is that expanding housing in Palo Alto for low-income residents will, on average, greatly reduce total commute time compared, say, to where these residents live now, for example Los Banos or Stockton or the eastern part of the region.

**CENTER FOR CONTINUING STUDY OF THE CALIFORNIA ECONOMY**

385 HOMER AVENUE • PALO ALTO • CALIFORNIA • 94301

TELEPHONE: (650) 321-8550

FAX: (650) 321-5451

[www.ccsce.com](http://www.ccsce.com)

DATE: January 11, 2021

TO: **Palo Alto City Council, Planning Commission and Staff**

FROM: Stephen Levy

SUBJECT: Agenda Item 8 on PBA 2050 and RHNA

- I recommend that staff reach out and brief council and the PTC on the following items relevant to RHNA evaluation and enforcement:
  - The focus by HCD on units approved versus a good faith effort to identify sufficient sites and policies to support achieving the RHNA unit goal. My impression is that Housing Element sites and policies will be the critical HCD evaluation foci.
  - What are current and newly planned (through the legislature enforcement tools available to HCD.
  - HCD's position with regard to the implications of COVID and work from home on the RHNA targets and enforcement
  - What current actions by council if any will be taken into account by HCD in evaluating good faith efforts with regard to RHNA implementation.
- With regard to the proposed staff letters, I make the following points:
  - The good news is that staff provided an accurate picture of the ABAG RHNA process and findings AND that recent council actions on housing will in my opinion be viewed positively by HCD.
  - However, many of the points raised in the letters were addressed by ABAG in the same document cited by staff in preparing their memo for tonight. Everyone should review the response to comments by ABAG staff starting on page 2 of the attached document.
  - The response to comment 5 addresses the impacts of COVID and telecommuting. It is important to remember that the RHNA implementation period for Palo Alto starts in 2023, well past the time when economic forecasts and vaccine implementation expect that the pandemic will be

behind us. With regard to telecommuting, the future is uncertain past 2021 and it is the ABAG position that the PBA accounts for increasing telecommuting.

Council and staff may wish to argue with ABAG but should in my opinion acknowledge that the city's concerns have been addressed.

- Residents in Palo Alto and other communities continue to raise objections to expanding housing supply and affordability that are believed to have already been dismissed by HCD and ABAG. Council and staff should pay particular attention to response 1 in the attached document.

While this is not directly relevant to the proposed letters, it is directly relevant to objections normally raised in the planning, and project review process in Palo Alto.

In this regard council and PTC will address two housing issues this week and next that concern sites that will be in the new Housing Element reviewed by HCD.

1. Jurisdiction is built out and/or lacks infrastructure to accommodate its allocation: Comments noted a lack of developable land and the inability to provide the services and infrastructure that would be needed as a result of growth from RHNA. Some residents objected to any new housing growth.

Preliminary ABAG Response: Housing Element Law requires RHNA to increase the housing supply and mix of housing types for all jurisdictions. ABAG-MTC staff worked with local governments to gather information about local plans, zoning, physical characteristics and potential development opportunities and constraints. This information was used as an input into the Plan Bay Area 2050 Blueprint, which is used as the baseline allocation in the Draft RHNA Methodology. The Final Blueprint that was integrated into the Draft RHNA Methodology includes a number of updates based on corrections to local data provided by jurisdiction staff. The Blueprint allows additional feasible growth within the urban footprint by increasing allowable residential densities and expanding housing into select areas currently ABAG Draft RHNA Methodology Release | Appendix 1 | December 18, 2020 | Page 3 zoned for commercial and industrial uses. Ultimately, by law, ABAG cannot limit RHNA based on existing zoning or land use restrictions. The statute also requires ABAG to consider the potential for increased residential development under alternative zoning ordinances and land use restrictions



## RELEASE OF ABAG DRAFT RHNA METHODOLOGY AND FINAL SUBREGIONAL SHARES

December 18, 2020

### What is RHNA?

The Regional Housing Needs Allocation (RHNA) is the state-mandated<sup>1</sup> process to identify the share of the statewide housing need for which each community must plan. As the Council of Governments (COG) for the Bay Area, the Association of Bay Area Governments (ABAG) is responsible for developing a methodology for allocating a share of the Regional Housing Need Determination (RHND) the Bay Area received from the California Department of Housing and Community Development (HCD)<sup>2</sup> to every local government in the Bay Area.

The RHNA methodology is a formula that quantifies the number of housing units, separated into four income categories,<sup>3</sup> that will be assigned to each city, town, and county in the region. The allocation must meet the statutory objectives identified in Housing Element Law<sup>4</sup> and be consistent with the forecasted development pattern from Plan Bay Area 2050.<sup>5</sup> Each local government must then update the Housing Element of its General Plan and its zoning to show how it can accommodate its RHNA allocation.

### How was the Draft RHNA Methodology for the 2023-2031 RHNA Cycle Developed?

ABAG convened an ad hoc [Housing Methodology Committee](#) (HMC) from October 2019 to September 2020 to advise staff on the methodology for allocating a share of the region's total housing need to every local government in the Bay Area. The HMC included local elected officials and staff as well as regional stakeholders to facilitate sharing of diverse viewpoints across multiple sectors.<sup>6</sup> At its final meeting on September 18, the HMC voted to recommend **Option 8A: High Opportunity Areas Emphasis & Job Proximity** with the 2050 Households baseline allocation as the Proposed RHNA Methodology. On October 1, the ABAG Regional Planning Committee voted to recommend this methodology for approval by the Executive

---

<sup>1</sup> See California [Government Code Section 65584](#).

<sup>2</sup> In a [letter dated June 9, 2020](#), HCD provided ABAG with a total RHND of 441,176 units for the 2023-2031 RHNA.

<sup>3</sup> State law defines the following RHNA income categories:

- Very Low Income: households earning less than 50 percent of Area Median Income (AMI)
- Low Income: households earning 50 - 80 percent of AMI
- Moderate Income: households earning 80 - 120 percent of AMI
- Above Moderate Income: households earning 120 percent or more of AMI

<sup>4</sup> See [California Government Code Section 65584\(d\)](#).

<sup>5</sup> See [Government Code Section 65584.04\(m\)\(1\)](#).

<sup>6</sup> The HMC roster is available at [https://abag.ca.gov/sites/default/files/hmc\\_roster\\_06\\_16\\_2020\\_0.pdf](https://abag.ca.gov/sites/default/files/hmc_roster_06_16_2020_0.pdf).

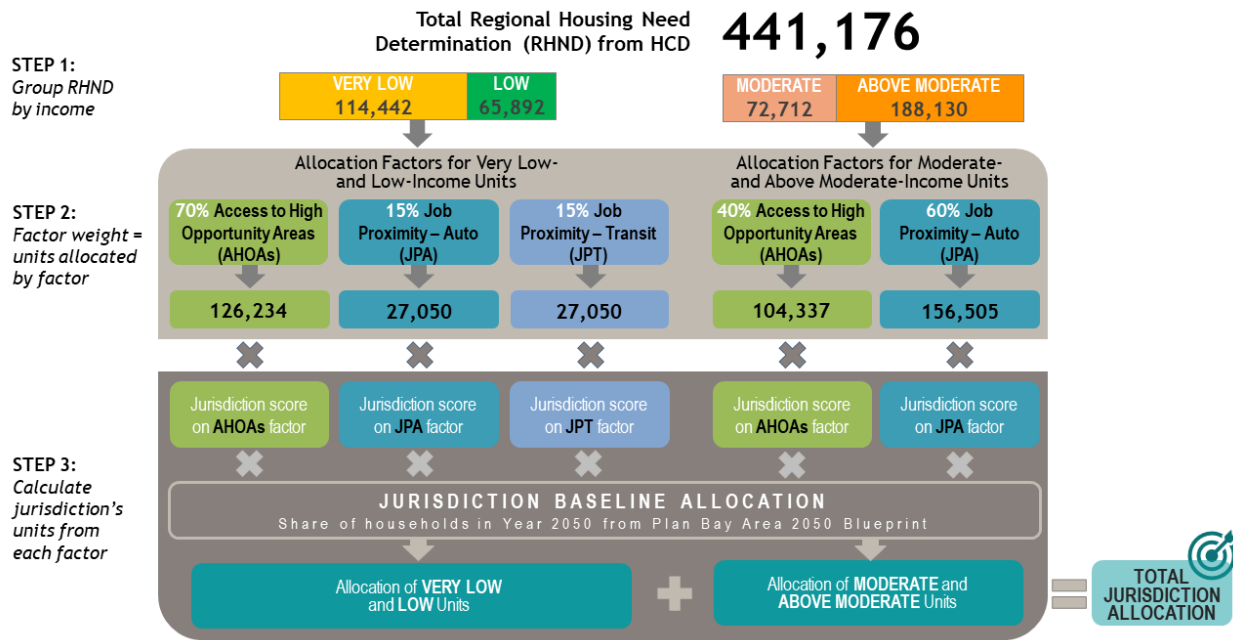
Board, and the Board approved its release as the Proposed RHNA Methodology for public comment on October 15, 2020. Materials related to the Proposed RHNA Methodology have been posted on ABAG's website since October 24 (<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>).

As required by law, ABAG held a public comment period from October 25 to November 27 and conducted a public hearing at the November 12 meeting of the ABAG Regional Planning Committee. ABAG heard 29 oral comments and received 106 written comments on the Proposed Methodology during the public comment period. These comments provided perspectives from over 200 local government staff and elected officials, advocacy organizations, and members of the public, as some letters represented multiple signatories. **Appendix 1** summarizes the public comments received and initial staff responses.

### **What is the Draft RHNA Methodology for the 2023-2031 RHNA Cycle?**

ABAG-MTC staff considered the comments received during the public comment period and is not proposing to make any adjustments to the baseline allocation or factors and weights in the Draft RHNA Methodology. The components of the Draft RHNA Methodology are the same as the Proposed RHNA Methodology (**Figure 1**). However, the Draft RHNA Methodology incorporates future year 2050 households data generated from the Plan Bay Area 2050 Final Blueprint, which is being released concurrently with the Draft RHNA Methodology. As noted in the Proposed Methodology, the illustrative allocations reflected baseline data on 2050 households from the Plan Bay Area 2050 Draft Blueprint, with updates slated throughout fall 2020 to reflect the revised Strategies and Growth Geographies approved by the ABAG Executive Board and Commission in September 2020 for the Final Blueprint. Integrating the updated data about future year 2050 households from the Final Blueprint into the Draft RHNA Methodology results in changes to the illustrative allocations to local jurisdictions.

**Figure 1: Proposed RHNA Methodology Overview**<sup>7</sup>



There are two primary components to the Draft RHNA Methodology:

**1. Baseline allocation: 2050 Households (Blueprint)**

The baseline allocation is used to assign each jurisdiction a beginning share of the RHND. The baseline allocation is based on each jurisdiction’s share of the region’s total households in the year 2050 from the [Plan Bay Area 2050 Blueprint](#).<sup>8</sup> Using the 2050 Households baseline takes into consideration the number of households that are currently living in a jurisdiction as well as the number of households expected to be added over the next several decades.

**2. Factors and weights for allocating units by income category:**

Table 1: Factors and Weights for Proposed RHNA Methodology	
Very Low and Low Units	Moderate and Above Moderate Units
70% Access to High Opportunity Areas	40% Access to High Opportunity Areas
15% Job Proximity – Auto	60% Job Proximity – Auto
15% Job Proximity – Transit	

**Table 1** shows the factors and weights in the Draft RHNA Methodology. Each factor represents data related to the methodology’s policy priorities: access to high opportunity areas and proximity to jobs. The factors and weights adjust a jurisdiction’s baseline allocation

<sup>7</sup> The [RHNA Proposed Methodology Report](#) provides more details about the methodology.

<sup>8</sup> Plan Bay Area 2050 is the Regional Transportation Plan/Sustainable Communities Strategy for the Bay Area.

up or down, depending on how a jurisdiction scores on a factor compared to other jurisdictions in the region. The weight assigned to each factor (i.e., the percentages shown in Table 1) determines the share of the region's housing need that will be assigned by a factor.

### **How do the Results from the Draft RHNA Methodology Compare to those from the Proposed RHNA Methodology?**

As noted above, the Draft RHNA Methodology uses data from the Plan Bay Area 2050 Final Blueprint. Whereas the Plan Bay Area 2050 Draft Blueprint featured 25 strategies that influenced the location of future growth, the Final Blueprint features 35 revised strategies adopted by the ABAG Executive Board and Commission in fall 2020. These strategies shift the regional growth pattern, with generally small to moderate impacts on RHNA allocations. Additionally, the Final Blueprint features updated baseline data based on consultation with local jurisdictions in summer and fall 2020.

Therefore, incorporating the Final Blueprint into the Draft RHNA Methodology results in changes to the illustrative allocations to local jurisdictions. ABAG-MTC staff has developed several resources to help local jurisdictions, stakeholders, and members of the public better understand how the illustrative allocations from the Draft RHNA Methodology (which uses the Final Blueprint as the baseline allocation) compare to those from the Proposed RHNA Methodology (which used the Draft Blueprint as the baseline allocation). The maps in **Appendix 2** show each jurisdiction's growth rate and total allocation and **Appendix 3** shows illustrative allocations for each jurisdiction. *Note: the allocation results for jurisdictions are only illustrative. Local governments will receive their final allocations in late 2021.*

As noted previously, Housing Element Law requires that the RHNA methodology meet the five statutory objectives of RHNA and that it be consistent with the forecasted development pattern from Plan Bay Area 2050. ABAG-MTC staff developed a set of performance metrics to evaluate how well a methodology does in meeting the RHNA objectives. Evaluation of the Draft RHNA Methodology shows that it furthers all of the RHNA objectives. **Appendix 4** compares the results for the Draft RHNA Methodology and Proposed RHNA Methodology.

ABAG-MTC staff also developed a framework for evaluating consistency between RHNA and Plan Bay Area 2050. RHNA and Plan Bay Area 2050 are determined to be consistent if the 8-year growth level from RHNA does not exceed the 35-year growth level at the county and sub-county geographies used in the Plan. Staff evaluated the Draft RHNA Methodology using this approach and determined that RHNA and Plan Bay Area 2050 remain consistent.<sup>9</sup>

---

<sup>9</sup> The Draft RHNA Methodology and Plan Bay Area 2050 are consistent for all nine counties and in 33 of 34 superdistricts (i.e., sub-county areas) using the methodology developed during the HMC process. In the one superdistrict flagged during the consistency check, the Final Blueprint reflects the loss of more than 1,000 homes in

## Final Subregional Shares

Housing Element Law allows two or more neighboring jurisdictions to form a “subregion” to conduct a parallel RHNA process to allocate the subregion’s housing need among its members.<sup>10</sup> ABAG must assign each subregion a share of the Bay Area’s RHND, which represents the total number of units, by income category, the subregion must allocate to its member jurisdictions. The ABAG Executive Board approved the release of Draft Subregional Shares for public comment on October 15, 2020. ABAG received no comments on the Draft Subregional Shares during the public comment period. The Final Subregional Shares have been updated based on the integration of the Final Blueprint into the Draft RHNA Methodology. **Appendix 5** provides more details about the Final Subregional Shares.

## Winter Office Hours

Local jurisdiction staff and partner organizations are invited to book office hours with MTC-ABAG planners to discuss the Final Blueprint outcomes and the Draft RHNA Methodology updates in more detail. Winter Office Hour appointments are available for booking from December 21, 2020 to January 15, 2021. Visit [bit.ly/2VpczrC](https://bit.ly/2VpczrC) to book your appointment.

Please note Winter Office Hour appointments are limited to local jurisdiction staff and partner organizations. Individual members of the public are encouraged to submit questions or comments via email to [rhna@bayareametro.gov](mailto:rhna@bayareametro.gov).

## RHNA Next Steps

The ABAG Regional Planning Committee will consider the Draft RHNA Methodology and make a recommendation to the ABAG Executive Board at its meeting on January 14, 2021. The ABAG Executive Board is slated to take action on the Draft RHNA Methodology at the January 21, 2021 meeting. After a Draft RHNA Methodology is adopted by the Executive Board, ABAG will submit the methodology to HCD for review and then use the state agency’s feedback to develop a final methodology and draft RHNA allocation in spring 2021. Release of the draft allocation will be followed by an appeals period in the summer of 2021, with the final RHNA allocation assigned to each of the Bay Area’s local governments in late 2021.

---

wildfires since 2015. Anticipated reconstruction of these units during the RHNA period does not yield significant net growth in housing units, making these allocations consistent with the Final Blueprint long-range projections.

<sup>10</sup> [Government Code Section 65584.03](#).

## Appendix 1: Summary of Public Comments Received and Preliminary Responses from ABAG-MTC Staff

### Public Comment Period for the Proposed RHNA Methodology

Housing Element Law requires ABAG to hold a public comment period and conduct at least one public hearing to receive oral and written comments on the Proposed RHNA Methodology<sup>1</sup> and Draft Subregional Shares<sup>2</sup> prior to adoption of the Draft RHNA Methodology and Final Subregional Shares. The written public comment period began on October 25 and ended on November 27 per the Notice of Public Hearing published in newspapers and an ABAG press release. Additionally, ABAG held a public hearing at the November 12 meeting of the Regional Planning Committee, where 29 local government representatives, advocacy organizations, and members of the public provided oral comments on the proposed methodology.

### Geographic Representation and Respondent Types for Comments Received

During the public comment period, ABAG received 106 written comments on the Proposed RHNA Methodology. These letters provided perspectives from over 200 local government staff and elected officials, advocacy organizations, and members of the public, as some letters represented multiple signatories. In total, 42 of ABAG's 109 jurisdictions were signatories on letters received during the public comment period. **Table 1** shows the number of written and oral comments received from advocacy organizations, members of the public, and various public agencies across the nine-county Bay Area.<sup>3</sup> ABAG received no comments on the Draft Subregional Shares.

---

<sup>1</sup> [California Government Code 65584.04 \(d\)](#)

<sup>2</sup> [California Government Code 65584.03 \(c\)](#)

<sup>3</sup> The sum of the number of letters received in Table 1 exceeds 106, as two letters had signatories from public agencies across multiple counties. Similarly, the sum of the number of oral comments in Table 1 exceeds 29 because one of comments came from a special district that represents both San Mateo and Santa Clara Counties.

Table 1. Share of public comments received from different types of respondents

Type of Respondent	Number of Letters Received	Number of Oral Comments from Public Hearing
Public Agency – Alameda	5	0
Public Agency – Contra Costa	3	0
Public Agency – Marin	11	1
Public Agency – Napa	2	0
Public Agency – San Francisco	0	0
Public Agency – San Mateo	11	2
Public Agency – Santa Clara	8	2
Public Agency – Solano	1	0
Public Agency – Sonoma	1	0
Advocacy Organizations	9	8
Members of the Public	57	17

### Most Common Themes from Comments Received

**Table 2** below summarizes the key themes that are most prevalent across the comments received about the Proposed RHNA Methodology. The themes are ordered roughly in terms of how many letters and oral comments mentioned them, though it is worth noting that some letters represented comments from multiple jurisdictions, advocacy organizations, and/or individual members of the public. The table also includes a brief, preliminary response about the Draft RHNA Methodology (which incorporates data from the Plan Bay Area 2050 Final Blueprint) from ABAG staff responding to the different topics in the comment letters. Comment letters on the Proposed RHNA Methodology will receive a more specific response in the coming weeks, with responses to local jurisdictions slated prior to the January ABAG Executive Board meeting.

Table 2. Most common themes from written comments received

<p><b>1. Jurisdiction is built out and/or lacks infrastructure to accommodate its allocation:</b> Comments noted a lack of developable land and the inability to provide the services and infrastructure that would be needed as a result of growth from RHNA. Some residents objected to any new housing growth.</p>
<p><b>Preliminary ABAG Response:</b> Housing Element Law requires RHNA to increase the housing supply and mix of housing types for all jurisdictions. ABAG-MTC staff worked with local governments to gather information about local plans, zoning, physical characteristics and potential development opportunities and constraints. This information was used as an input into the Plan Bay Area 2050 Blueprint, which is used as the baseline allocation in the Draft RHNA Methodology. The Final Blueprint that was integrated into the Draft RHNA Methodology includes a number of updates based on corrections to local data provided by jurisdiction staff. The Blueprint allows additional feasible growth within the urban footprint by increasing allowable residential densities and expanding housing into select areas currently</p>

zoned for commercial and industrial uses. Ultimately, by law, ABAG cannot limit RHNA based on existing zoning or land use restrictions. The statute also requires ABAG to consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.

**2. The methodology should focus more on transit and jobs to better align with Plan Bay Area 2050 and the statutory RHNA objective to promote infill development and achieve greenhouse gas emissions reduction targets:** Comments suggested that proposed methodology directs too much RHNA to jurisdictions without adequate transit and/or with few jobs. These comments also argued that changing the RHNA methodology's baseline allocation to household growth from the Blueprint would better align the methodology with Plan Bay Area 2050 and statutory goals related to greenhouse gas emission reductions and sustainability.

**Preliminary ABAG Response:** The Draft RHNA Methodology directly incorporates the forecasted development pattern from the Plan Bay Area 2050 Blueprint as the baseline allocation. The Blueprint emphasizes growth near job centers and in locations near transit, as well as in high-resource areas, with the intent of reducing greenhouse gas emissions. The strategies incorporated into the Blueprint help improve the region's jobs-housing balance, leading to shorter commutes—especially for low-income workers.

The inclusion of job proximity by both automobile and transit as factors in the Draft RHNA Methodology also furthers the RHNA objective related to efficient development patterns and greenhouse gas emission reductions by encouraging shorter commutes for all modes of travel. The job proximity factors allocate nearly half of the total number of housing units assigned to the Bay Area by the State. This includes allocating 15% of the region's lower-income units based on a jurisdiction's proximity to jobs that can be accessed by public transit.

Accordingly, the performance evaluation metrics indicate that the Draft RHNA Methodology performs well in meeting all five of the RHNA statutory objectives. This analysis shows that the draft methodology results in jurisdictions with the most access to jobs and transit as well as jurisdictions with the lowest vehicle miles traveled per resident experiencing higher growth rates from their RHNA allocations than other jurisdictions in the region. In contrast, the performance evaluation metrics also show that, while using Plan Bay Area 2050 household growth as the RHNA methodology's baseline performs marginally better on the RHNA objective related to reducing greenhouse gas emissions, it may fall short in achieving statutory requirements related to affirmatively furthering fair housing. Staff evaluated the 8-year allocations from the Draft RHNA Methodology and the 35-year housing growth from Plan Bay Area 2050 at the county and subcounty levels and determined that RHNA and the Plan are consistent.<sup>4</sup>

---

<sup>4</sup> The Draft RHNA Methodology and Plan Bay Area 2050 are consistent for all nine counties and in 33 of 34 superdistricts (i.e., sub-county areas), using the methodology approved during the HMC process. Relatively unique circumstances exist in the one superdistrict flagged during the consistency check (superdistrict 28). In this superdistrict, net housing growth between 2015 and 2050 is less than the eight-year RHNA for the associated jurisdictions. However, wildfires prior to the 2023 to 2031 RHNA cycle destroyed more than 1,000 homes. Because of the loss in housing units early in the 35-year analysis period, the eight-year allocations remain consistent with the



**3. Methodology needs to directly incorporate hazard risk:** Comments suggested the methodology allocated too much growth near areas with high wildfire risk and exposure to other natural hazards such as sea-level rise. Others felt the Blueprint needs to better incorporate hazard data, particularly related to wildland-urban interface (WUI) maps and FEMA floodways.

**Preliminary ABAG Response:** Including the Blueprint in the RHNA methodology addresses concerns about natural hazards, as the Blueprint excludes areas with unmitigated high hazard risk from Growth Geographies. The Blueprint Growth Geographies exclude CAL FIRE designated “Very High” fire severity areas as well as county-designated WUIs where applicable. The Blueprint strategies focus future growth away from the highest fire risk zones, support increased wildland management programs, and support residential building upgrades that reduce the likelihood for damage when fires occur in the wildland urban interface.

The Blueprint incorporates strategies to mitigate the impacts of sea level rise, protecting nearly all communities at risk from two feet of permanent inundation. Riverine flooding is not yet integrated into the Blueprint because existing research does not provide guidance on how to model impacts of temporary riverine flooding to buildings and land value. Communities can choose to take these risks into consideration with where and how they site future development, either limiting growth in areas of higher hazard or by increasing building standards to cope with the hazard.

**4. Support for proposed methodology:** Comments from residents, local jurisdictions, and a diverse range of advocacy organizations supporting the methodology emphasized its importance for furthering regional equity.

**Preliminary ABAG Response:** Staff’s analysis aligns with these comments and indicates the Draft RHNA Methodology successfully furthers all five of the statutory objectives of RHNA, including requirements related to affirmatively furthering fair housing.

**5. Need to account for impacts from COVID-19:** Comments generally focused on the effects of the pandemic and suggest either delaying RHNA or reconsidering the focus on proximity to jobs.

**Preliminary ABAG Response:** Staff appreciates concerns about the significant economic and societal changes resulting from COVID-19, and these concerns were relayed to the State in early summer. However, the Regional Housing Need Determination (RHND) from HCD has been finalized at this point in time. ABAG is obligated by state law to move forward with the RHNA process so jurisdictions can complete updates to their Housing Elements on time.

Additionally, the eight-year RHNA cycle (which starts in 2023) represents a longer-term outlook than the current impacts of the pandemic in 2020 and 2021. The potential impacts of the trend toward telecommuting in the longer term are incorporated into the RHNA methodology through the integration of the Plan Bay Area 2050 Blueprint, which includes

---

long-range projections for this portion of the Bay Area, as the reconstruction of units during the RHNA period does not lead to significant net growth from 2015 levels.

strategies to expand commute trip reduction programs through telecommuting and other sustainable modes of travel.

**6. Concerns about allocation to unincorporated areas:** Comments argued that the methodology allocates too much growth to unincorporated areas that are rural and lack infrastructure to support development.

**Preliminary ABAG Response:** The Plan Bay Area 2050 Blueprint forecasts very little growth in unincorporated county areas, and that growth is focused inside urban growth boundaries. The RHNA allocations to these areas are driven, largely, by the number of existing households in unincorporated county areas, since the 2050 Households baseline in the Draft RHNA Methodology is the sum of existing households and forecasted household growth. Use of the Final Blueprint as the baseline allocation in the RHNA methodology resulted in smaller allocations for most of the counties in the region compared to the Proposed RHNA Methodology, which relied on the Draft Blueprint. ABAG-MTC will continue discussions with local jurisdictions about opportunities to direct additional RHNA units to incorporated areas, including the use of the provisions in Housing Element Law that allow a county to transfer a portion of its RHNA allocation to a city or town after it receives its RHNA allocation from ABAG.<sup>5</sup>

**7. Support for adding the “equity adjustment” proposed by some HMC members to the methodology:** Comments were generally supportive of the methodology but noted the HMC-proposed equity adjustment should be included to advance the statutory requirement to affirmatively further fair housing.

**Preliminary ABAG Response:** Staff notes the importance of meeting all statutory requirements, including the mandate to affirmatively further fair housing. However, staff’s analysis indicates the Draft RHNA Methodology does successfully achieve all five statutory objectives of RHNA. At the final HMC meeting, staff recommended that the HMC not move forward with the proposed equity adjustment as this change would increase the complexity of the methodology for minimal impact on RHNA allocations. The proposed equity adjustment would shift less than 2 percent of the region’s lower-income RHNA to the jurisdictions identified by an HMC-proposed composite score as exhibiting above-average racial and socioeconomic exclusion. However, the underlying methodology for the composite score and adjustment approach would make it more difficult for local policy makers and members of the public to understand the RHNA methodology. Ultimately, the HMC chose not to move forward with the proposed equity adjustment in its recommended RHNA methodology.

**8. Concern that HCD’s Regional RHND calculation was inaccurate and too high:** Comments from several members of the public and one local jurisdiction expressed the belief that HCD’s RHND calculations may have been flawed and resulted in ABAG receiving an allocation from the state that was too large.

**Preliminary ABAG Response:** The determination provided by HCD is based on a population forecast from the California Department of Finance (DOF), which is then modified by staff at DOF and HCD to tackle overcrowding and make other adjustments as specified in law. The

<sup>5</sup> [Government Code Section 65584.07](#).

procedures for calculating the RHND are clearly specified in state law and the grounds for an appeal were narrowly designed by the Legislature. ABAG staff have reviewed HCD's calculation methodology and believe it adheres to applicable legal requirements. The ABAG Board ultimately decided not to appeal the RHND in June 2020. At this time, the window of appeal of the RHND is now closed. Further feedback on this element of the process is most appropriately provided to HCD, rather than ABAG.

**9. Jurisdiction-specific issues with Plan Bay Area 2050 Blueprint:** Some jurisdictions had concerns about the accuracy of the Blueprint's underlying data. Others felt the Blueprint needs to better incorporate hazard data, particularly related to wildland-urban interface (WUI) maps and FEMA floodways.

**Preliminary ABAG Response:** Local jurisdiction staff were provided with several months to comment on the BASIS data used as the input for the Blueprint, as well as the additional public comment period on the Draft Blueprint during Summer 2020. ABAG-MTC staff appreciates jurisdictions' feedback on Blueprint data and has worked directly with local jurisdiction staff to address these concerns.

### **Next Steps**

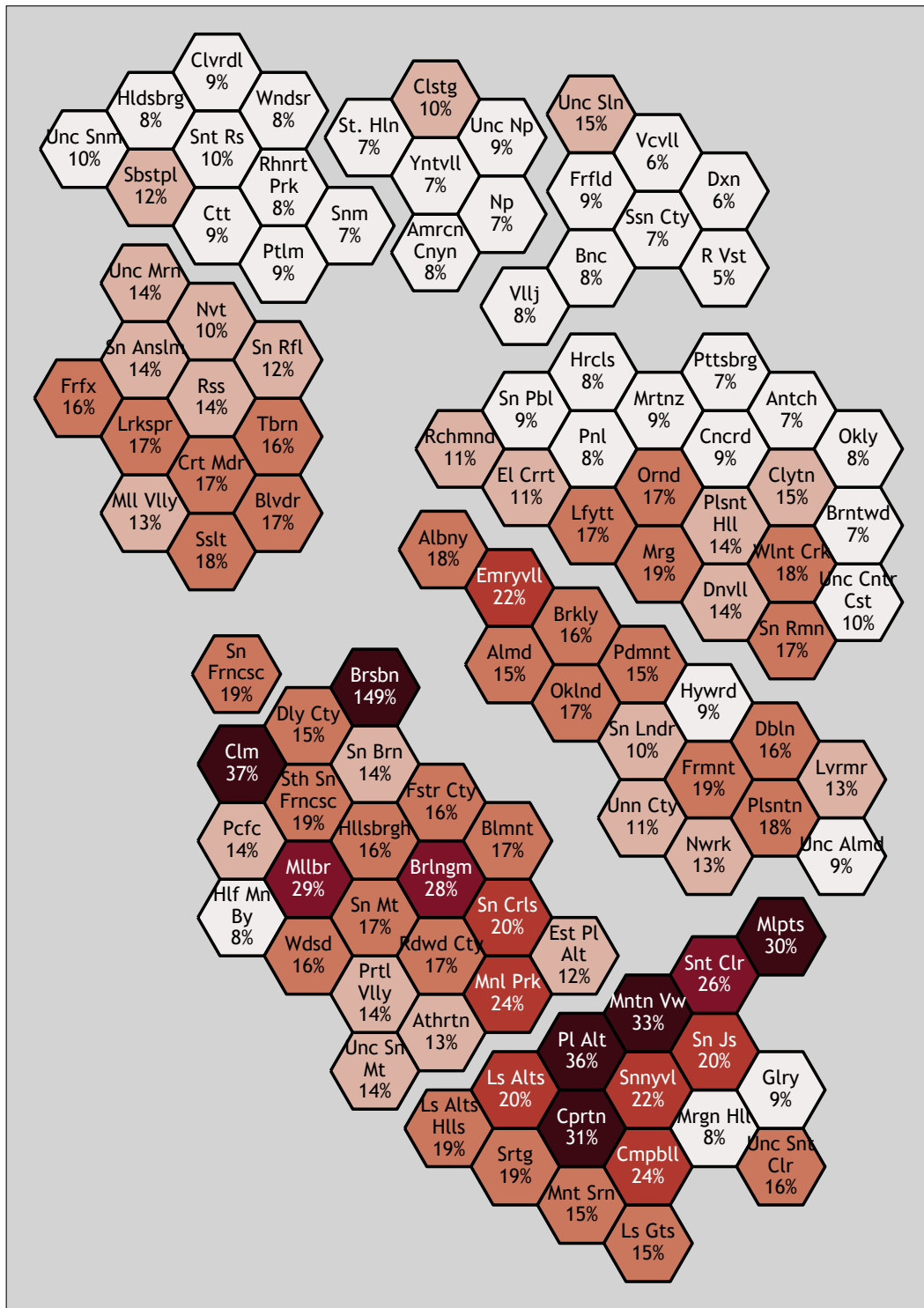
Staff will consider comments and will recommend any necessary adjustments for integration into the Draft RHNA Methodology, which is scheduled for release in the next week. The ABAG Regional Planning Committee will consider the Draft RHNA Methodology and make a recommendation to the ABAG Executive Board the Draft RHNA Methodology at its meeting on January 14, 2021 and the ABAG Executive Board is slated to take action on the Draft RHNA Methodology at the January 21, 2021 meeting.

After a Draft RHNA Methodology is adopted by the Executive Board, ABAG will submit the methodology to HCD for review and then use the state agency's feedback to develop a final methodology and draft RHNA allocation in spring 2021. Release of the draft allocation will be followed by an appeals period in the summer of 2021, with the final RHNA allocation assigned to each of the Bay Area's local governments in late 2021.

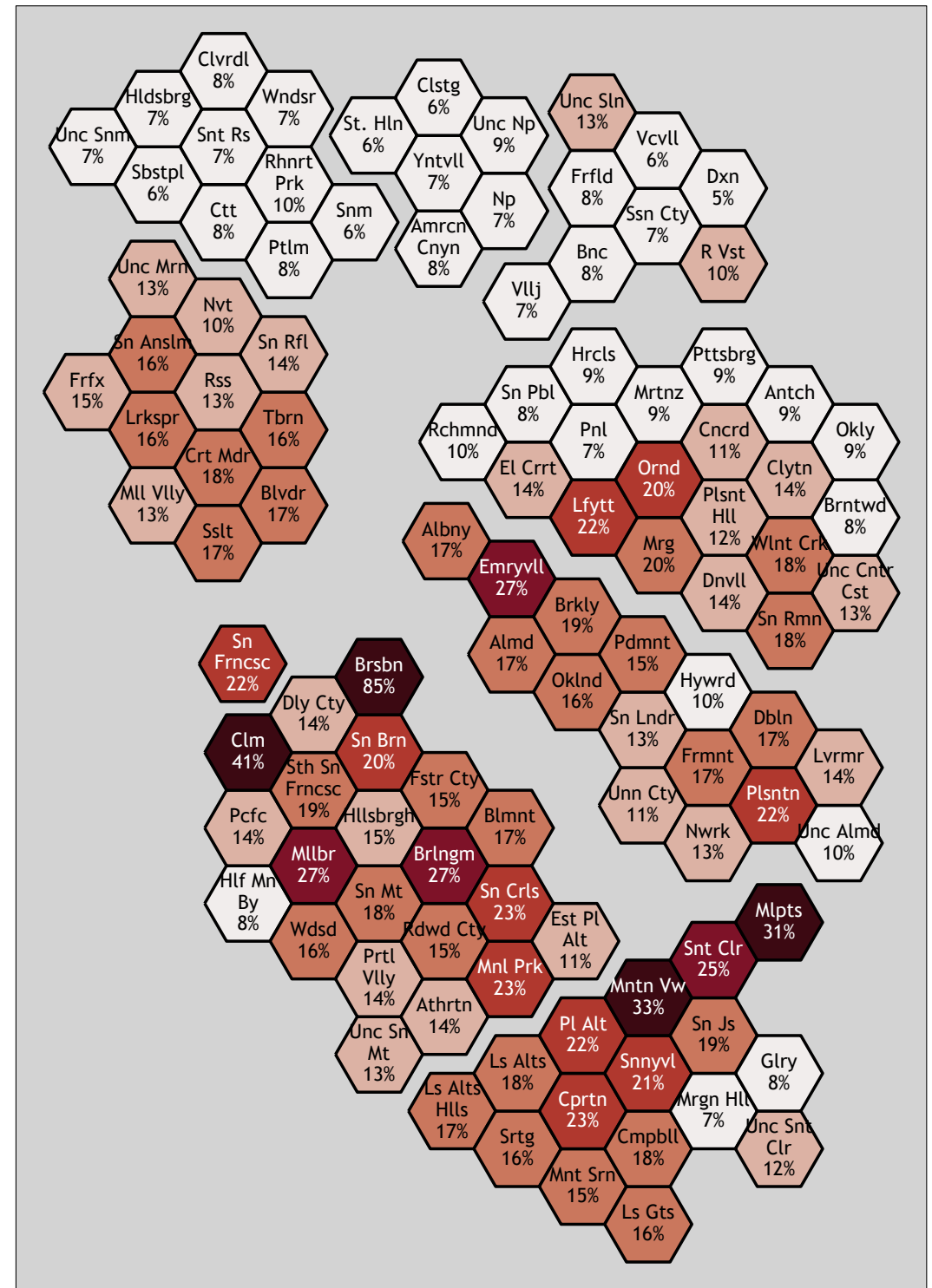
# Appendix 2: Illustrative Results of Proposed RHNA Methodology (Draft Blueprint) and Draft RHNA Methodology (Final Blueprint)

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

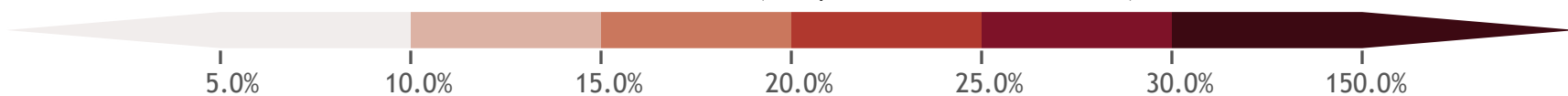
### Proposed RHNA Methodology (Baseline: 2050 Households (Draft Blueprint))



### Draft RHNA Methodology (Baseline: 2050 Households (Final Blueprint))



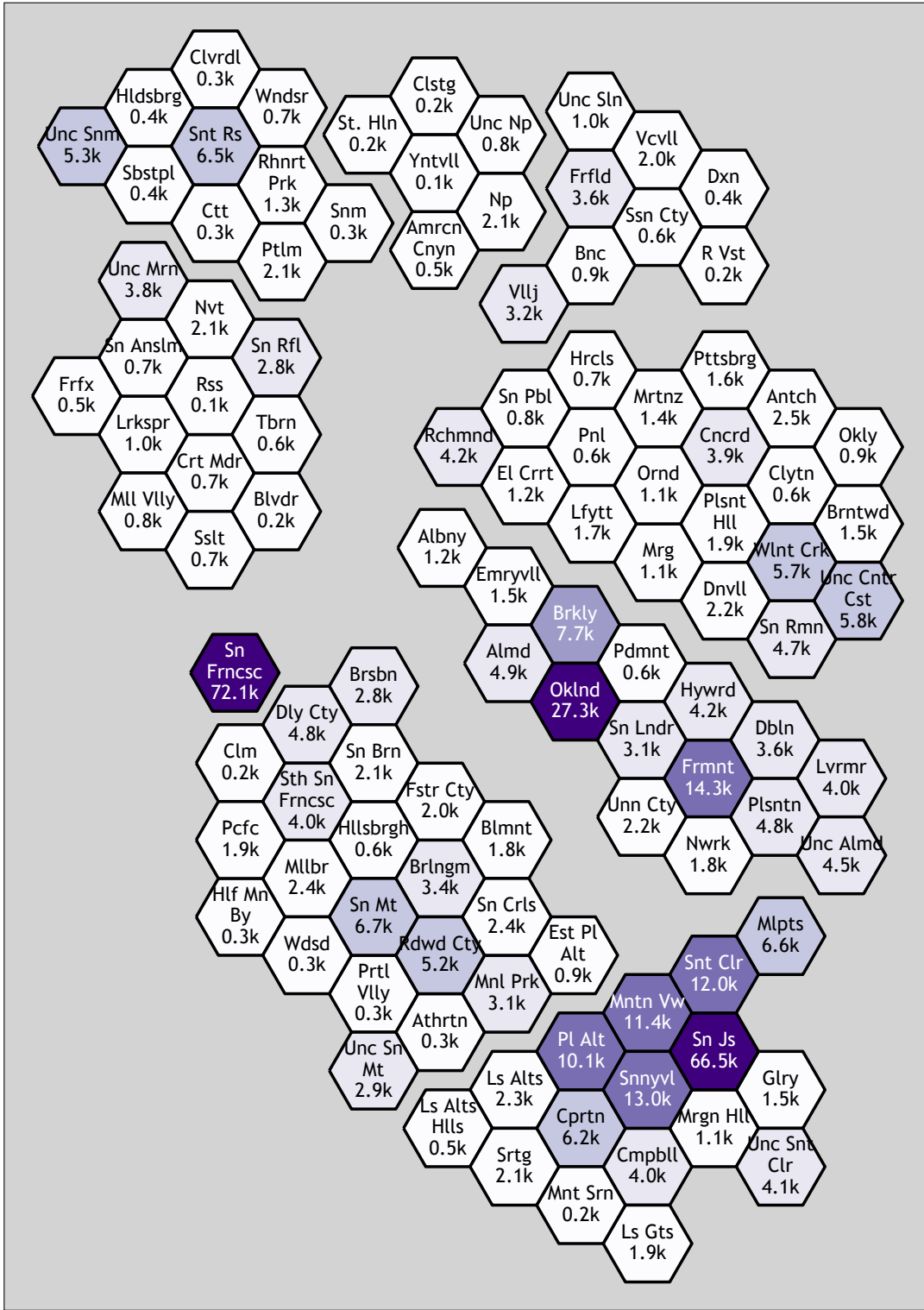
Jurisdiction Growth Rate (Compared to 2020 Households)



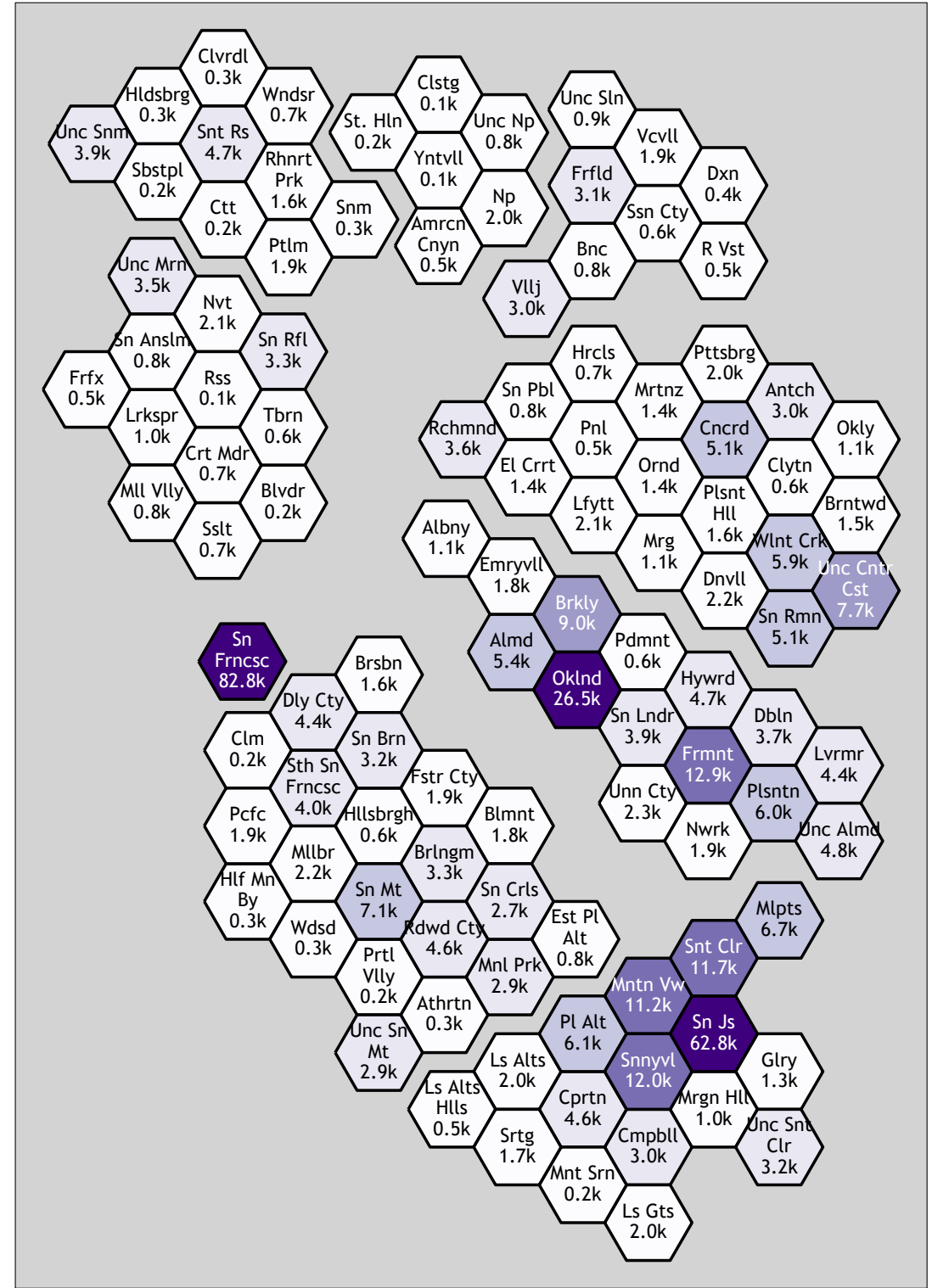
# Appendix 2: Illustrative Results of Proposed RHNA Methodology (Draft Blueprint) and Draft RHNA Methodology (Final Blueprint)

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

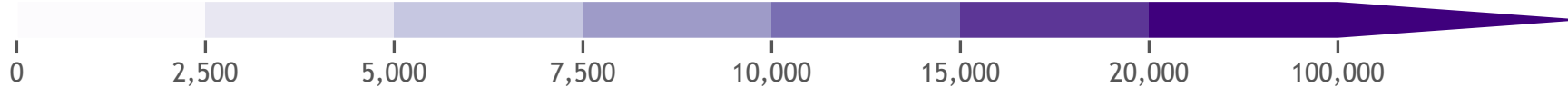
### Proposed RHNA Methodology (Baseline: 2050 Households (Draft Blueprint))



### Draft RHNA Methodology (Baseline: 2050 Households (Final Blueprint))



Jurisdiction Growth (Units)



## Appendix 3: Jurisdiction Illustrative Allocations

### Illustrative Allocations by County

	Draft RHNA Methodology (Final Blueprint)	2015-2023 RHNA (Cycle 5)	Proposed RHNA Methodology (Draft Blueprint)	Draft RHNA Methodology (Final Blueprint)	Bay Area Households (2019)	Bay Area Jobs (2017)
Alameda	88,985	23%	19%	20%	21%	20%
Contra Costa	48,932	11%	10%	11%	14%	10%
Marin	14,380	1%	3%	3%	4%	3%
Napa	3,523	1%	1%	1%	2%	2%
San Francisco	82,840	15%	16%	19%	13%	19%
San Mateo	47,321	9%	11%	11%	10%	10%
Santa Clara	129,927	31%	33%	29%	24%	27%
Solano	11,097	4%	3%	3%	5%	4%
Sonoma	14,171	4%	4%	3%	7%	5%
<b>BAY AREA</b>	<b>441,176</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

## Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Alameda	0.994%	1.100%	1,318	759	786	2,033	4,896	1,455	837	868	2,246	5,406	510	10%
Albany	0.211%	0.206%	324	187	180	464	1,155	315	182	175	453	1,125	(30)	-3%
Berkeley	1.452%	1.701%	2,148	1,237	1,211	3,134	7,730	2,504	1,441	1,416	3,664	9,025	1,295	17%
Dublin	0.687%	0.705%	1,060	611	547	1,413	3,631	1,085	625	560	1,449	3,719	88	2%
Emeryville	0.399%	0.493%	377	217	249	646	1,489	462	265	308	797	1,832	343	23%
Fremont	2.694%	2.434%	4,040	2,326	2,214	5,728	14,308	3,640	2,096	1,996	5,165	12,897	(1,411)	-10%
Hayward	1.393%	1.571%	980	564	726	1,880	4,150	1,100	632	817	2,115	4,664	514	12%
Livermore	1.130%	1.269%	1,109	639	620	1,606	3,974	1,240	714	696	1,799	4,449	475	12%
Newark	0.578%	0.609%	453	260	303	784	1,800	475	274	318	824	1,891	91	5%
Oakland	6.503%	6.338%	6,880	3,962	4,584	11,860	27,286	6,665	3,838	4,457	11,533	26,493	(793)	-3%
Piedmont	0.099%	0.098%	166	96	94	243	599	163	94	92	238	587	(12)	-2%
Pleasanton	0.909%	1.135%	1,405	810	717	1,855	4,787	1,750	1,008	894	2,313	5,965	1,178	25%
San Leandro	0.913%	1.137%	713	411	561	1,451	3,136	882	507	696	1,802	3,887	751	24%
Unincorporated Alameda	1.347%	1.419%	1,221	704	726	1,879	4,530	1,281	738	763	1,976	4,758	228	5%
Union City	0.702%	0.727%	565	326	370	957	2,218	582	335	382	988	2,287	69	3%
<b>Alameda County</b>	<b>20.011%</b>	<b>20.942%</b>	<b>22,759</b>	<b>13,109</b>	<b>13,888</b>	<b>35,933</b>	<b>85,689</b>	<b>23,599</b>	<b>13,586</b>	<b>14,438</b>	<b>37,362</b>	<b>88,985</b>	<b>3,296</b>	<b>4%</b>
Antioch	1.032%	1.270%	661	380	402	1,038	2,481	811	467	493	1,275	3,046	565	23%
Brentwood	0.618%	0.647%	395	228	237	614	1,474	411	237	247	641	1,536	62	4%
Clayton	0.115%	0.111%	176	102	87	227	592	170	97	84	219	570	(22)	-4%
Concord	1.306%	1.725%	1,006	579	643	1,662	3,890	1,322	762	847	2,190	5,121	1,231	32%
Danville	0.410%	0.424%	632	365	328	848	2,173	652	376	338	875	2,241	68	3%
El Cerrito	0.339%	0.405%	289	166	203	524	1,182	342	197	241	624	1,404	222	19%
Hercules	0.240%	0.264%	164	95	115	297	671	179	104	126	327	736	65	10%
Lafayette	0.297%	0.382%	468	269	255	659	1,651	599	344	326	845	2,114	463	28%
Martinez	0.381%	0.383%	357	205	220	569	1,351	358	206	221	573	1,358	7	1%
Moraga	0.193%	0.204%	302	174	163	422	1,061	318	183	172	445	1,118	57	5%
Oakley	0.395%	0.450%	251	145	152	393	941	286	165	172	446	1,069	128	14%
Orinda	0.197%	0.235%	313	180	181	468	1,142	372	215	215	557	1,359	217	19%
Pinole	0.209%	0.183%	142	82	99	256	579	124	71	87	223	505	(74)	-13%
Pittsburg	0.630%	0.787%	419	242	273	707	1,641	518	298	340	880	2,036	395	24%
Pleasant Hill	0.423%	0.368%	522	300	293	758	1,873	451	261	254	657	1,623	(250)	-13%
Richmond	1.403%	1.227%	988	569	731	1,891	4,179	860	496	638	1,651	3,645	(534)	-13%
San Pablo	0.261%	0.248%	187	108	139	359	793	177	102	132	341	752	(41)	-5%
San Ramon	0.898%	0.975%	1,382	796	708	1,830	4,716	1,497	862	767	1,985	5,111	395	8%
Unincorporated Contra Costa	1.658%	2.203%	1,609	928	917	2,373	5,827	2,131	1,227	1,217	3,147	7,722	1,895	33%
Walnut Creek	1.118%	1.148%	1,655	954	869	2,247	5,725	1,696	976	890	2,304	5,866	141	2%
<b>Contra Costa County</b>	<b>12.124%</b>	<b>13.638%</b>	<b>11,918</b>	<b>6,867</b>	<b>7,015</b>	<b>18,142</b>	<b>43,942</b>	<b>13,274</b>	<b>7,646</b>	<b>7,807</b>	<b>20,205</b>	<b>48,932</b>	<b>4,990</b>	<b>11%</b>

## Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Belvedere	0.033%	0.032%	49	28	23	61	161	49	28	23	60	160	(1)	-1%
Corte Madera	0.135%	0.138%	209	121	106	274	710	213	123	108	281	725	15	2%
Fairfax	0.104%	0.098%	158	91	75	195	519	149	86	71	184	490	(29)	-6%
Larkspur	0.197%	0.189%	303	175	150	390	1,018	291	168	145	375	979	(39)	-4%
Mill Valley	0.161%	0.164%	248	142	124	320	834	252	144	126	326	848	14	2%
Novato	0.669%	0.672%	582	335	332	858	2,107	583	336	332	860	2,111	4	0%
Ross	0.023%	0.022%	35	20	17	44	116	33	19	16	41	109	(7)	-6%
San Anselmo	0.149%	0.167%	226	130	108	280	744	253	145	121	314	833	89	12%
San Rafael	0.895%	1.048%	752	433	446	1,154	2,785	877	504	521	1,350	3,252	467	17%
Sausalito	0.125%	0.125%	200	115	115	296	726	200	115	114	295	724	(2)	0%
Tiburon	0.123%	0.126%	186	107	91	236	620	193	110	93	243	639	19	3%
Unincorporated Marin	0.893%	0.822%	1,157	666	557	1,440	3,820	1,063	611	512	1,324	3,510	(310)	-8%
<b>Marin County</b>	<b>3.507%</b>	<b>3.605%</b>	<b>4,105</b>	<b>2,363</b>	<b>2,144</b>	<b>5,548</b>	<b>14,160</b>	<b>4,156</b>	<b>2,389</b>	<b>2,182</b>	<b>5,653</b>	<b>14,380</b>	<b>220</b>	<b>2%</b>
American Canyon	0.190%	0.176%	124	72	81	209	486	115	67	75	194	451	(35)	-7%
Calistoga	0.090%	0.052%	58	32	33	86	209	32	19	19	50	120	(89)	-43%
Napa	0.815%	0.769%	550	317	339	876	2,082	516	298	319	825	1,958	(124)	-6%
St. Helena	0.073%	0.068%	46	27	27	71	171	43	24	26	66	159	(12)	-7%
Unincorporated Napa	0.288%	0.279%	218	126	125	323	792	210	121	120	312	763	(29)	-4%
Yountville	0.031%	0.029%	20	12	12	32	76	19	11	12	30	72	(4)	-5%
<b>Napa County</b>	<b>1.487%</b>	<b>1.373%</b>	<b>1,016</b>	<b>586</b>	<b>617</b>	<b>1,597</b>	<b>3,816</b>	<b>935</b>	<b>540</b>	<b>571</b>	<b>1,477</b>	<b>3,523</b>	<b>(293)</b>	<b>-8%</b>
<b>San Francisco</b>	<b>12.394%</b>	<b>14.304%</b>	<b>18,637</b>	<b>10,717</b>	<b>11,910</b>	<b>30,816</b>	<b>72,080</b>	<b>21,359</b>	<b>12,294</b>	<b>13,717</b>	<b>35,470</b>	<b>82,840</b>	<b>10,760</b>	<b>15%</b>
Atherton	0.065%	0.072%	74	43	51	130	298	81	47	56	144	328	30	10%
Belmont	0.302%	0.305%	485	280	282	728	1,775	488	281	283	733	1,785	10	1%
Brisbane	0.742%	0.423%	573	330	534	1,382	2,819	324	187	303	785	1,599	(1,220)	-43%
Burlingame	0.572%	0.546%	926	534	555	1,434	3,449	883	509	529	1,368	3,289	(160)	-5%
Colma	0.047%	0.052%	40	24	33	86	183	45	26	37	96	204	21	11%
Daly City	1.040%	0.945%	1,150	661	841	2,175	4,827	1,039	598	762	1,971	4,370	(457)	-9%
East Palo Alto	0.219%	0.206%	179	104	169	437	889	169	97	159	410	835	(54)	-6%
Foster City	0.349%	0.327%	556	320	321	831	2,028	520	299	300	777	1,896	(132)	-7%
Half Moon Bay	0.147%	0.149%	93	54	54	141	342	93	54	54	141	342	-	0%
Hillsborough	0.107%	0.097%	169	97	95	245	606	153	88	87	223	551	(55)	-9%
Menlo Park	0.500%	0.481%	773	445	517	1,340	3,075	740	426	496	1,284	2,946	(129)	-4%
Millbrae	0.375%	0.350%	618	356	386	999	2,359	575	331	361	932	2,199	(160)	-7%
Pacifica	0.359%	0.356%	557	321	294	761	1,933	551	317	291	753	1,912	(21)	-1%
Portola Valley	0.045%	0.045%	70	41	39	101	251	70	40	39	99	248	(3)	-1%
Redwood City	1.102%	0.984%	1,284	739	885	2,291	5,199	1,141	658	789	2,041	4,629	(570)	-11%
San Bruno	0.486%	0.730%	481	278	382	989	2,130	721	415	573	1,483	3,192	1,062	50%
San Carlos	0.398%	0.455%	647	372	383	991	2,393	739	425	438	1,133	2,735	342	14%
San Mateo	1.338%	1.419%	1,722	991	1,111	2,873	6,697	1,819	1,047	1,175	3,040	7,081	384	6%
South San Francisco	0.923%	0.929%	892	513	717	1,856	3,978	892	514	720	1,863	3,989	11	0%
Unincorporated San Mateo	0.827%	0.809%	852	490	443	1,148	2,933	830	479	433	1,121	2,863	(70)	-2%
Woodside	0.057%	0.058%	90	52	51	133	326	90	52	52	134	328	2	1%
<b>San Mateo County</b>	<b>10.002%</b>	<b>9.740%</b>	<b>12,231</b>	<b>7,045</b>	<b>8,143</b>	<b>21,071</b>	<b>48,490</b>	<b>11,963</b>	<b>6,890</b>	<b>7,937</b>	<b>20,531</b>	<b>47,321</b>	<b>(1,169)</b>	<b>-2%</b>



## Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Campbell	0.741%	0.563%	1,017	585	659	1,703	3,964	770	444	499	1,292	3,005	(959)	-24%
Cupertino	0.980%	0.724%	1,619	932	1,023	2,648	6,222	1,193	687	755	1,953	4,588	(1,634)	-26%
Gilroy	0.523%	0.461%	410	236	228	590	1,464	359	207	200	519	1,285	(179)	-12%
Los Altos	0.348%	0.301%	580	333	377	977	2,267	501	288	326	843	1,958	(309)	-14%
Los Altos Hills	0.084%	0.076%	139	81	91	234	545	125	72	82	210	489	(56)	-10%
Los Gatos	0.326%	0.335%	523	301	311	804	1,939	537	310	320	826	1,993	54	3%
Milpitas	1.228%	1.257%	1,653	952	1,108	2,866	6,579	1,685	970	1,131	2,927	6,713	134	2%
Monte Sereno	0.032%	0.032%	51	30	31	80	192	51	30	31	79	191	(1)	-1%
Morgan Hill	0.444%	0.410%	291	168	189	488	1,136	268	155	174	450	1,047	(89)	-8%
Mountain View	1.772%	1.754%	2,876	1,656	1,909	4,939	11,380	2,838	1,635	1,885	4,880	11,238	(142)	-1%
Palo Alto	1.541%	0.935%	2,573	1,482	1,673	4,330	10,058	1,556	896	1,013	2,621	6,086	(3,972)	-39%
San Jose	15.242%	14.426%	16,391	9,437	11,344	29,350	66,522	15,444	8,892	10,711	27,714	62,761	(3,761)	-6%
Santa Clara	2.184%	2.135%	3,020	1,739	2,031	5,257	12,047	2,940	1,692	1,981	5,126	11,739	(308)	-3%
Saratoga	0.343%	0.280%	556	321	341	882	2,100	454	261	278	719	1,712	(388)	-18%
Sunnyvale	2.262%	2.088%	3,227	1,858	2,206	5,707	12,998	2,968	1,709	2,032	5,257	11,966	(1,032)	-8%
Unincorporated Santa Clara	1.065%	0.815%	1,113	641	664	1,719	4,137	848	488	508	1,312	3,156	(981)	-24%
<b>Santa Clara County</b>	<b>29.114%</b>	<b>26.591%</b>	<b>36,039</b>	<b>20,752</b>	<b>24,185</b>	<b>62,574</b>	<b>143,550</b>	<b>32,537</b>	<b>18,736</b>	<b>21,926</b>	<b>56,728</b>	<b>129,927</b>	<b>(13,623)</b>	<b>-9%</b>
Benicia	0.286%	0.271%	222	127	143	370	862	208	120	135	351	814	(48)	-6%
Dixon	0.159%	0.146%	103	58	62	159	382	93	54	57	146	350	(32)	-8%
Fairfield	1.438%	1.226%	938	540	596	1,544	3,618	796	458	508	1,314	3,076	(542)	-15%
Rio Vista	0.098%	0.207%	62	36	36	94	228	130	75	76	197	478	250	110%
Suisun City	0.242%	0.246%	158	91	101	260	610	160	92	101	264	617	7	1%
Unincorporated Solano	0.420%	0.381%	270	155	165	426	1,016	243	140	149	385	917	(99)	-10%
Vacaville	0.828%	0.775%	535	308	328	848	2,019	498	286	305	791	1,880	(139)	-7%
Vallejo	1.190%	1.117%	794	457	535	1,385	3,171	741	426	501	1,297	2,965	(206)	-6%
<b>Solano County</b>	<b>4.662%</b>	<b>4.368%</b>	<b>3,082</b>	<b>1,772</b>	<b>1,966</b>	<b>5,086</b>	<b>11,906</b>	<b>2,869</b>	<b>1,651</b>	<b>1,832</b>	<b>4,745</b>	<b>11,097</b>	<b>(809)</b>	<b>-7%</b>
Cloverdale	0.126%	0.120%	80	46	47	121	294	76	44	45	116	281	(13)	-4%
Cotati	0.105%	0.092%	68	39	44	116	267	61	35	39	101	236	(31)	-12%
Healdsburg	0.145%	0.121%	93	54	59	153	359	78	45	49	128	300	(59)	-16%
Petaluma	0.781%	0.716%	560	323	342	885	2,110	511	295	313	810	1,929	(181)	-9%
Rohnert Park	0.492%	0.625%	322	186	209	541	1,258	408	235	265	686	1,594	336	27%
Santa Rosa	2.404%	1.745%	1,727	993	1,064	2,754	6,538	1,247	718	771	1,995	4,731	(1,807)	-28%
Sebastopol	0.163%	0.086%	106	61	67	175	409	56	32	35	92	215	(194)	-47%
Sonoma	0.143%	0.133%	91	53	54	140	338	85	49	50	130	314	(24)	-7%
Unincorporated Sonoma	2.058%	1.540%	1,424	820	840	2,173	5,257	1,060	610	627	1,622	3,919	(1,338)	-25%
Windsor	0.283%	0.260%	184	106	118	305	713	168	97	108	279	652	(61)	-9%
<b>Sonoma County</b>	<b>6.700%</b>	<b>5.440%</b>	<b>4,655</b>	<b>2,681</b>	<b>2,844</b>	<b>7,363</b>	<b>17,543</b>	<b>3,750</b>	<b>2,160</b>	<b>2,302</b>	<b>5,959</b>	<b>14,171</b>	<b>(3,372)</b>	<b>-19%</b>
	<b>100.000%</b>	<b>100.000%</b>	<b>114,442</b>	<b>65,892</b>	<b>72,712</b>	<b>188,130</b>	<b>441,176</b>	<b>114,442</b>	<b>65,892</b>	<b>72,712</b>	<b>188,130</b>	<b>441,176</b>		

\* Jurisdiction-level forecasts from Plan Bay Area 2050 Final Blueprint are intended solely for use in crafting the RHNA baseline allocation; official Plan Bay Area 2050 growth pattern focuses on county- and subcounty-level forecasts.

#### Appendix 4: Performance Evaluation Metrics

The RHNA allocation methodology must meet five objectives identified in Housing Element Law.<sup>1</sup> To help ensure that any proposed methodology will meet the statutory RHNA objectives and receive approval from the California Department of Housing and Community Development (HCD), ABAG-MTC staff developed a set of evaluation metrics to assess different methodology options. These metrics are based largely on the analytical framework used by HCD in evaluating the draft methodologies completed by other regions in California, as evidenced by the approval letters HCD provided to the Sacramento Area Council of Governments (SACOG), San Diego Association of Governments (SANDAG), and Southern California Association of Governments (SCAG).<sup>2</sup> Other metrics reflect input from members of the [Housing Methodology Committee](#) (HMC).

In the evaluation metrics, each statutory objective has been reframed as a question that reflects the language Housing Element Law uses to define the objectives. Each statutory objective is accompanied by quantitative metrics for evaluating the allocation produced by a methodology. The metrics are structured as a comparison between the allocations to the top jurisdictions in the region for a particular characteristic – such as jurisdictions with the most expensive housing costs – and the allocations to the rest of the jurisdictions in the region.

#### Metrics Based on Lower-Income Unit Percentage vs. Metrics Based on Total Allocation

Several of the metrics focus on whether jurisdictions with certain characteristics receive a significant share of their RHNA as *lower-income units*. These metrics reflect HCD's analysis in its letters evaluating RHNA methodologies from other regions. However, HMC members advocated for metrics that also examine *the total number of units* assigned to a jurisdiction. These HMC members asserted that it is ultimately less impactful if a jurisdiction receives a high share of its RHNA as lower-income units if that same jurisdiction receives few units overall. Accordingly, each metric that focuses on the share of lower-income units assigned to jurisdictions with certain characteristics is paired with a complementary metric that examines whether those jurisdictions also receive a share of the regional housing need that is at least proportional to their share of the region's households. A value of 1.0 for these complementary metrics means that the group of jurisdictions' overall share of RHNA is proportional relative to its overall share of households in 2019, while a value below 1.0 is less than proportional.

#### Evaluation of Draft RHNA Methodology Compared to Proposed RHNA Methodology

The graphs below compare the performance of the Draft RHNA Methodology and Proposed RHNA Methodology in achieving the five statutory RHNA objectives based on the evaluation metrics. Although there are some variations on individual metrics, the results indicate that both the Proposed RHNA Methodology and the Draft RHNA Methodology perform well in advancing all of the statutory objectives.

---

<sup>1</sup> See [California Government Code Section 65584\(d\)](#).

<sup>2</sup> For copies of letters HCD sent to other regions, see [this document](#) from the January 2020 HMC meeting agenda packet.

**OBJECTIVE 1: Does the allocation increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner?**

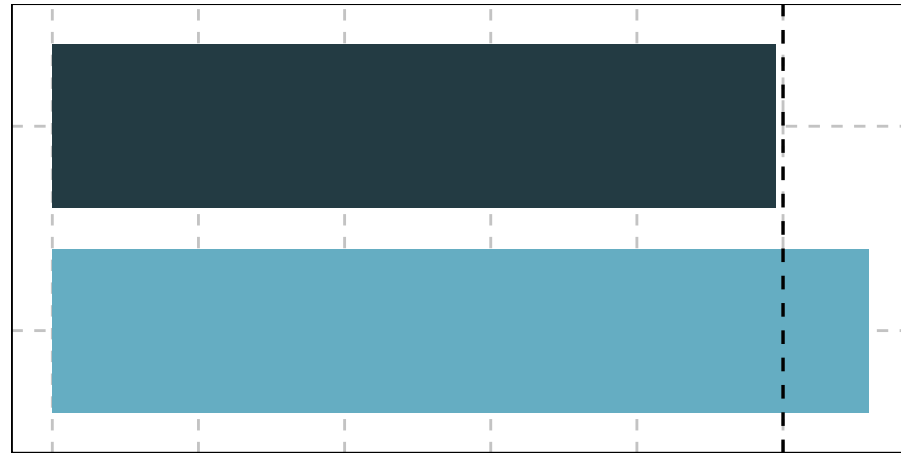
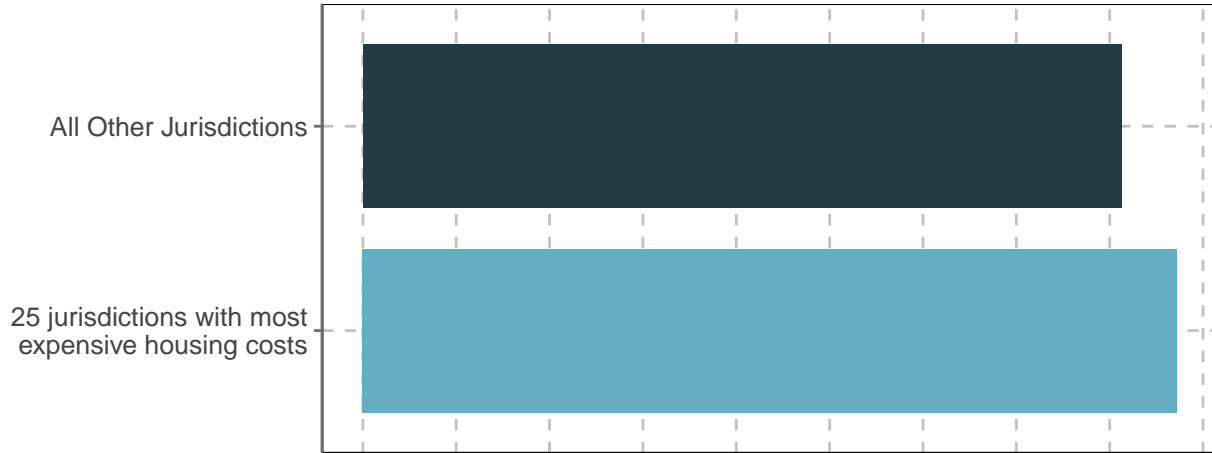
*Comparison between the top 25 jurisdictions with the most expensive housing costs and the rest of the region*

**METRIC 1a.1: Do jurisdictions with the most expensive housing costs receive a significant percentage of their RHNA as lower-income units?**

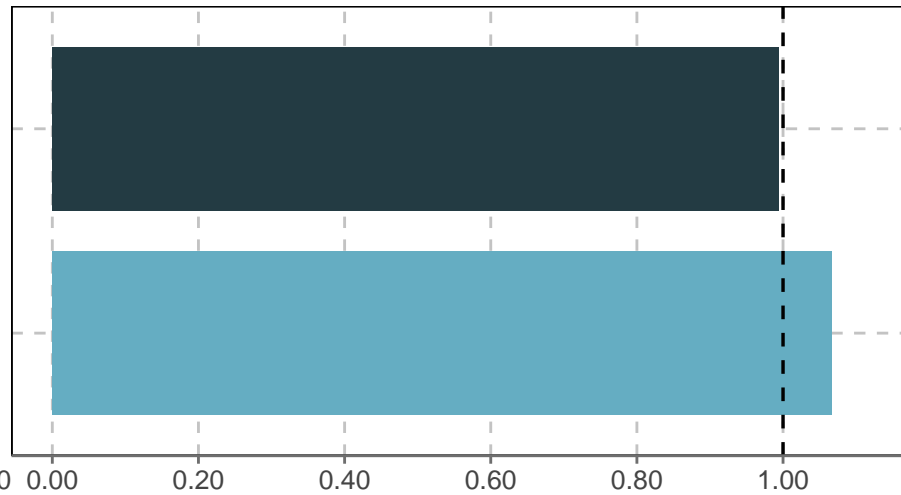
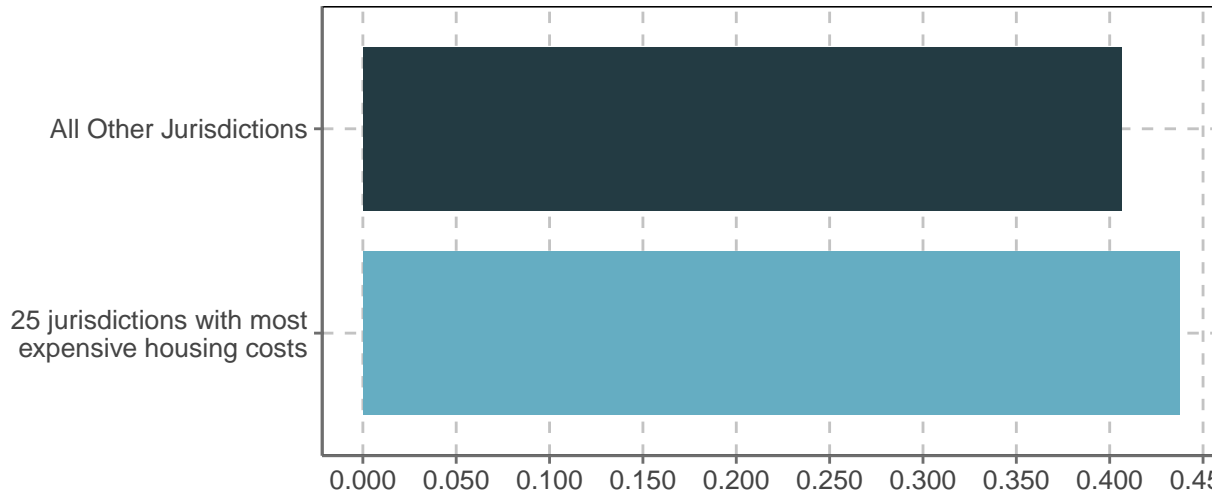
**METRIC 1a.2: Do jurisdictions with the most expensive housing costs receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Percent of RHNA as lower income units**

**Ratio of share of total RHNA to share of region's households**



**Proposed RHNA Methodology  
(2050 Households – Draft Blueprint)**



**Draft RHNA Methodology  
(2050 Households – Final Blueprint)**

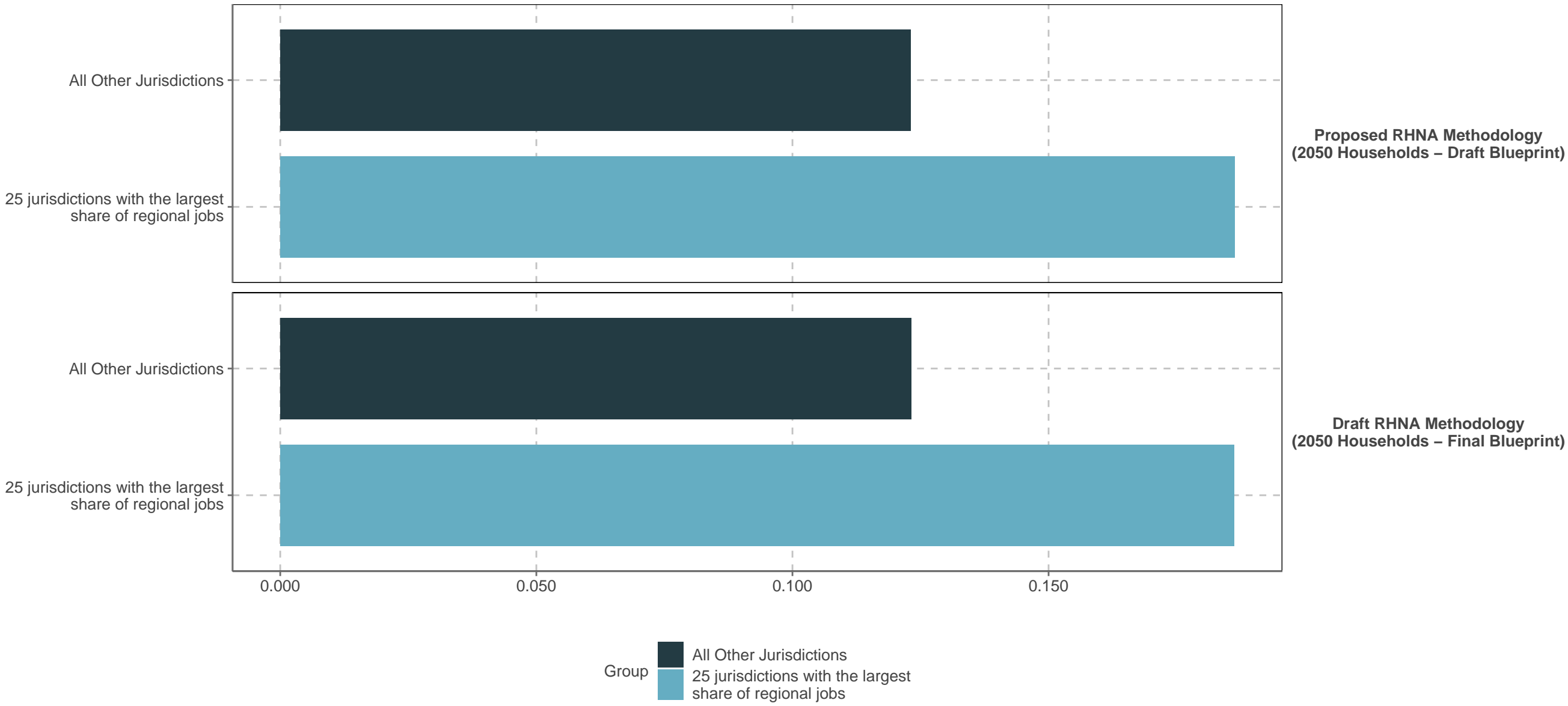
Group  
 All Other Jurisdictions  
 25 jurisdictions with most expensive housing costs

**OBJECTIVE 2: Does the allocation promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets?**

*Comparison between the top 25 jurisdictions with the most jobs and the rest of the region*

**METRIC 2a: Do jurisdictions with the largest share of the region's jobs have the highest growth rates resulting from RHNA?**

**Average growth rate resulting from RHNA**

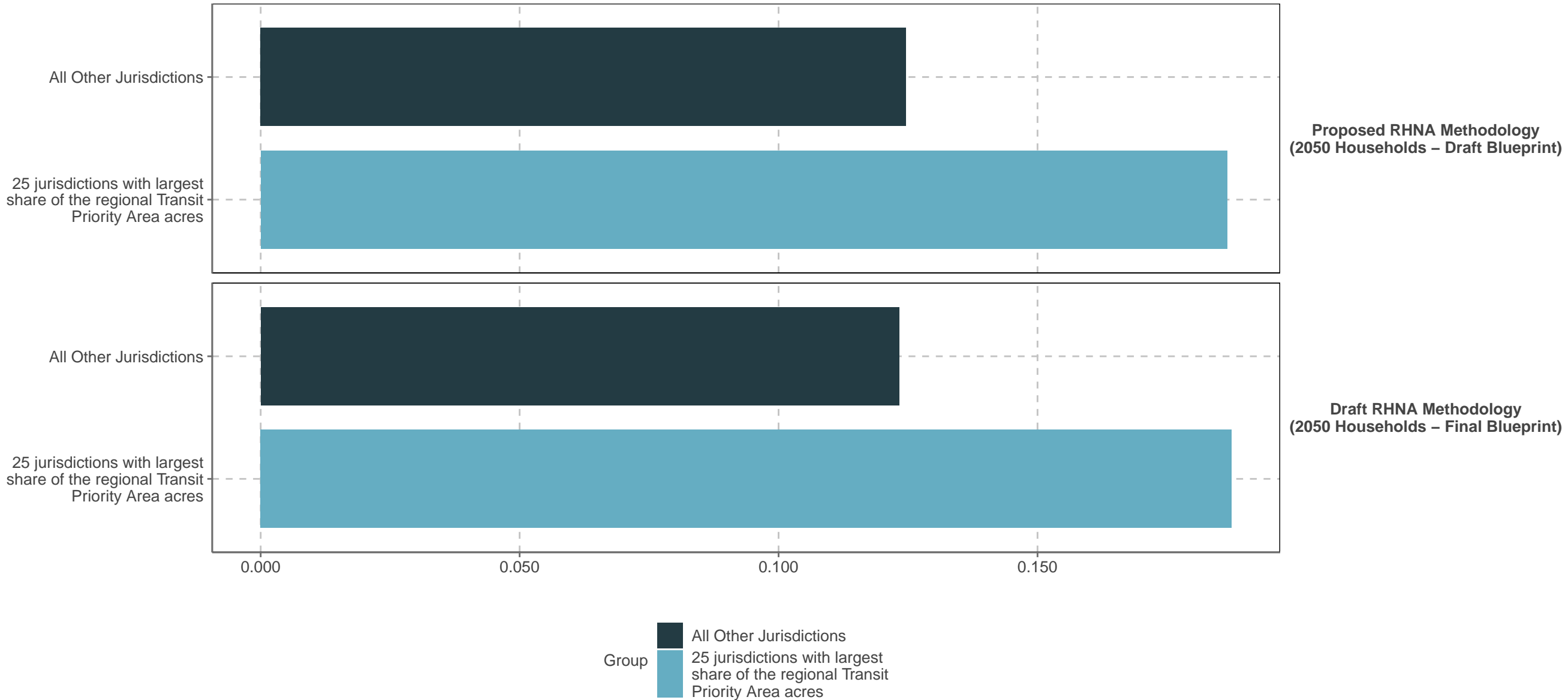


**OBJECTIVE 2: Does the allocation promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets?**

*Comparison between the top 25 jurisdictions with the most transit access and the rest of the region*

**METRIC 2b: Do jurisdictions with the largest share of the region's Transit Priority Area acres have the highest growth rates resulting from RHNA?**

**Average growth rate resulting from RHNA**

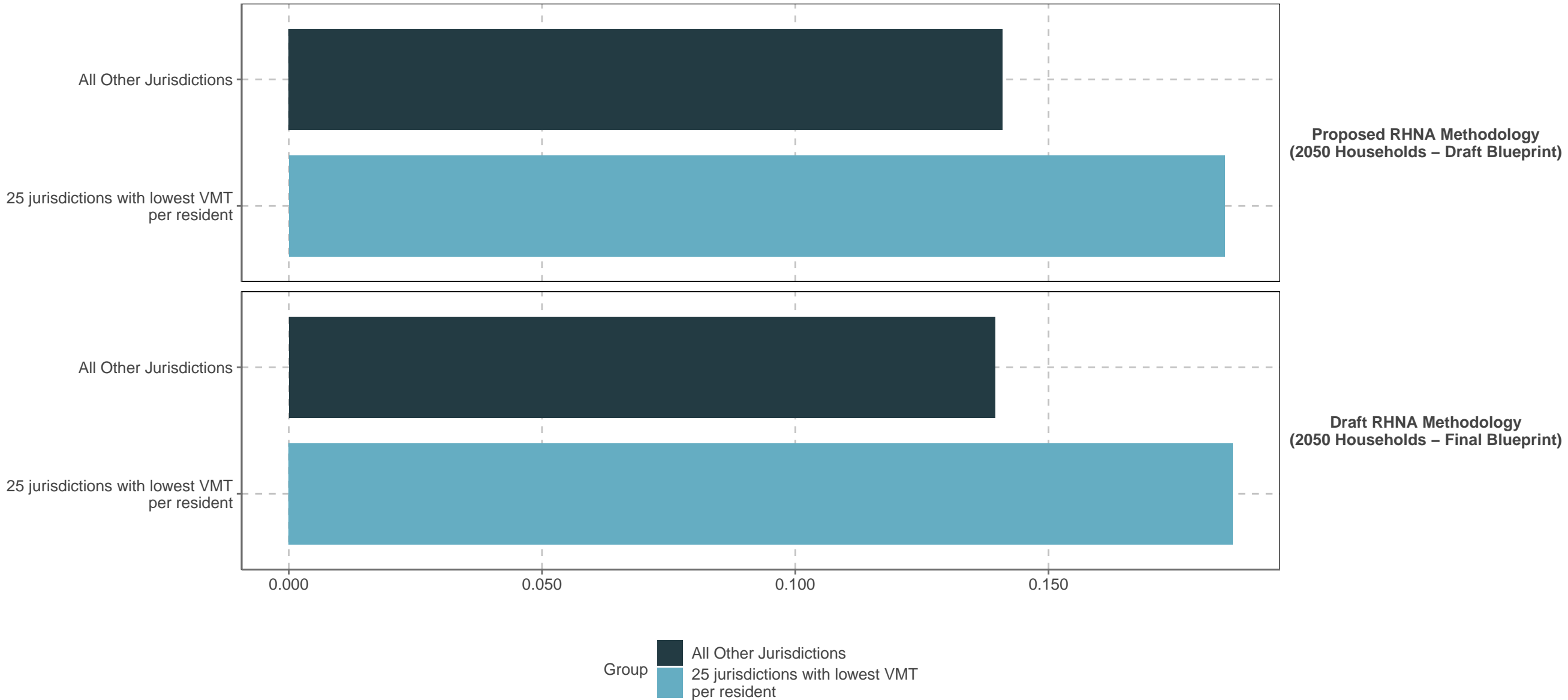


**OBJECTIVE 2: Does the allocation promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets?**

*Comparison between the top 25 jurisdictions with the lowest VMT per resident the rest of the region*

**METRIC 2c: Do jurisdictions whose residents drive the least have the highest growth rates resulting from RHNA?**

**Average growth rate resulting from RHNA**



**OBJECTIVE 3: Does the allocation promote an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction?**

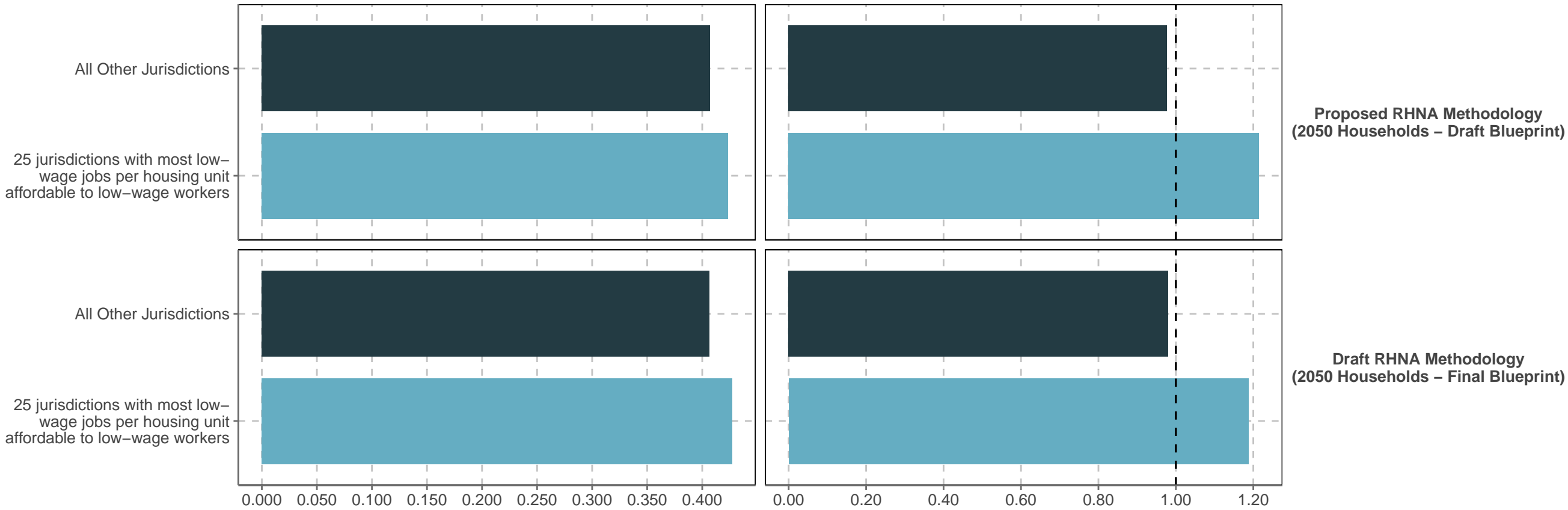
*Comparison between the top 25 jurisdictions with the most unbalanced jobs-housing fit and the rest of the region*

**METRIC 3a.1: Do jurisdictions with the most low-wage workers per housing unit affordable to low-wage workers receive a significant percentage of their RHNA as lower-income units?**

**METRIC 3a.2: Do jurisdictions with the most low-wage workers per housing unit affordable to low-wage workers receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Percent of RHNA as lower income units**

**Ratio of share of total RHNA to share of region's households**



Group

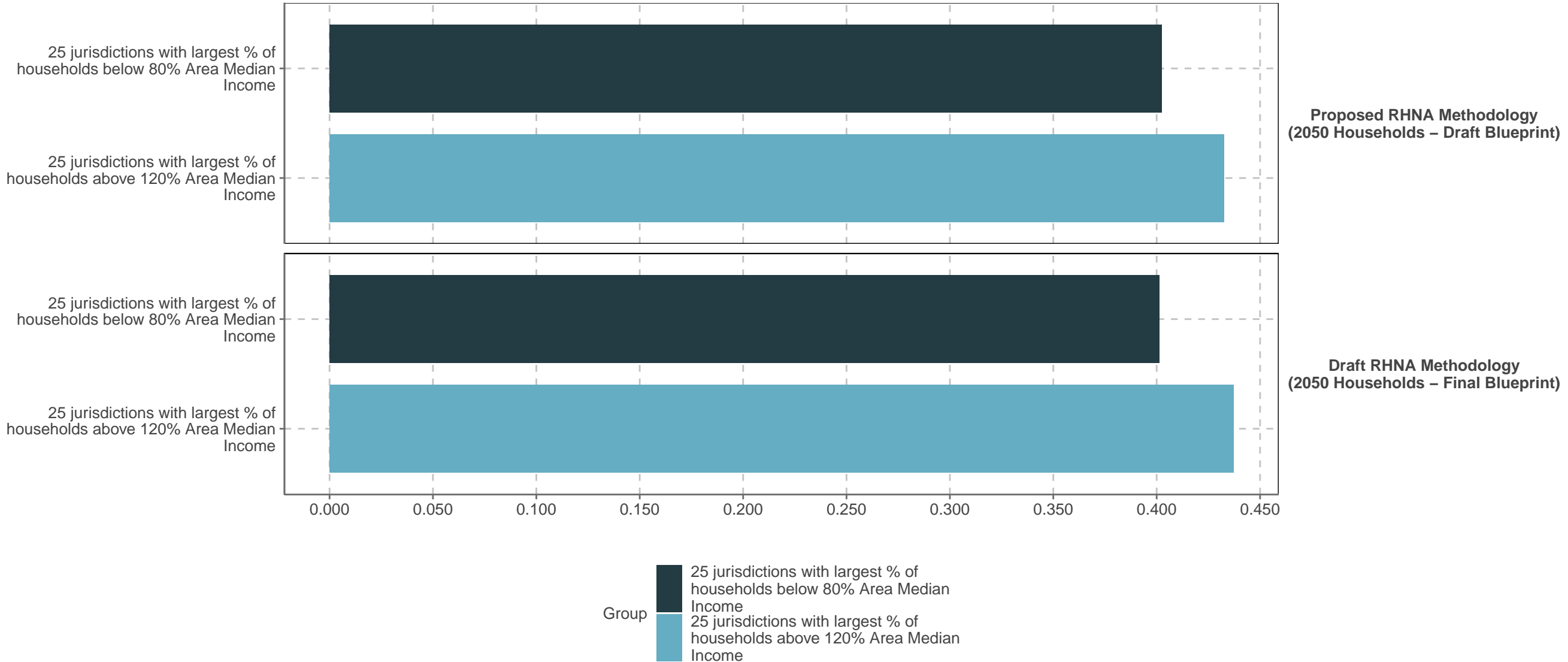
- All Other Jurisdictions
- 25 jurisdictions with most low-wage jobs per housing unit affordable to low-wage workers

**OBJECTIVE 4: Does the allocation direct a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category?**

*Comparison between the top 25 most disproportionately high-income jurisdictions and top 25 most disproportionately low-income jurisdictions*

**METRIC 4: Do jurisdictions with the largest percentage of high-income residents receive a larger share of their RHNA as lower-income units than jurisdictions with the largest percentage of low-income residents?**

**Percent of RHNA as lower income units**





**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

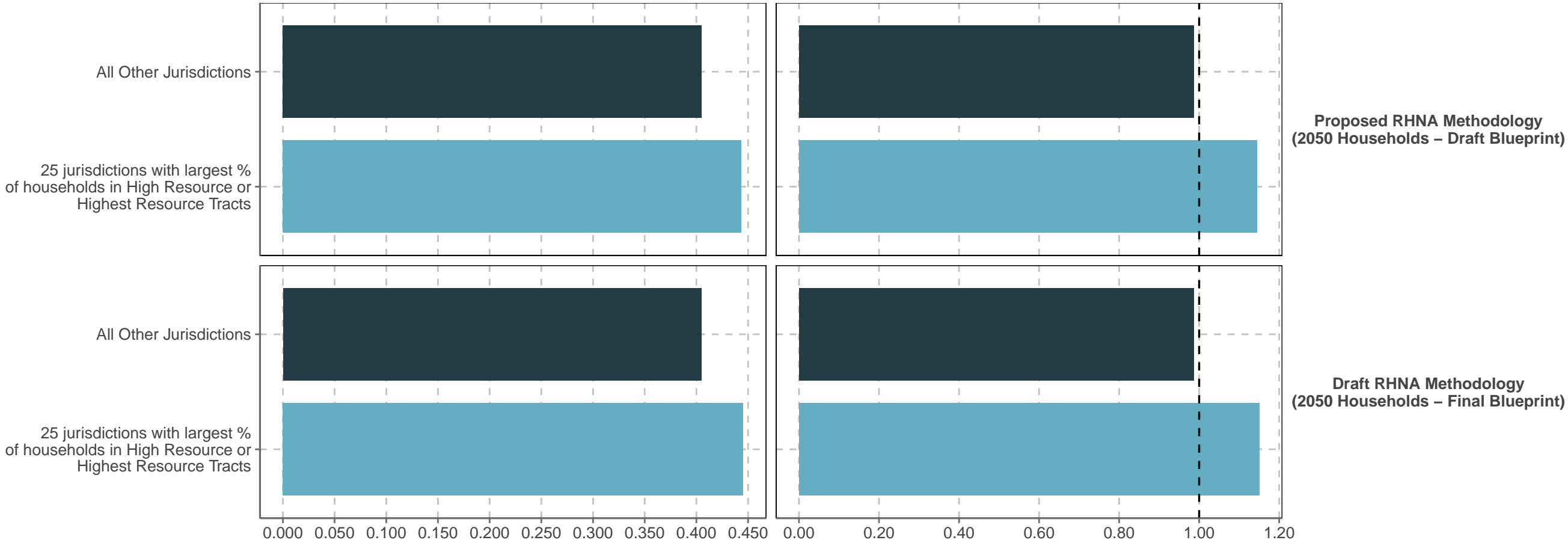
*Comparison between the top 25 jurisdictions with the most access to resources and the rest of the region*

**METRIC 5a.1: Do jurisdictions with the largest percentage of households living in High or Highest Resource tracts receive a significant percentage of their RHNA as lower-income units?**

**METRIC 5a.2: Do jurisdictions with the largest percentage of households living in High or Highest Resource tracts receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Percent of RHNA as lower income units**

**Ratio of share of total RHNA to share of region's households**



Group

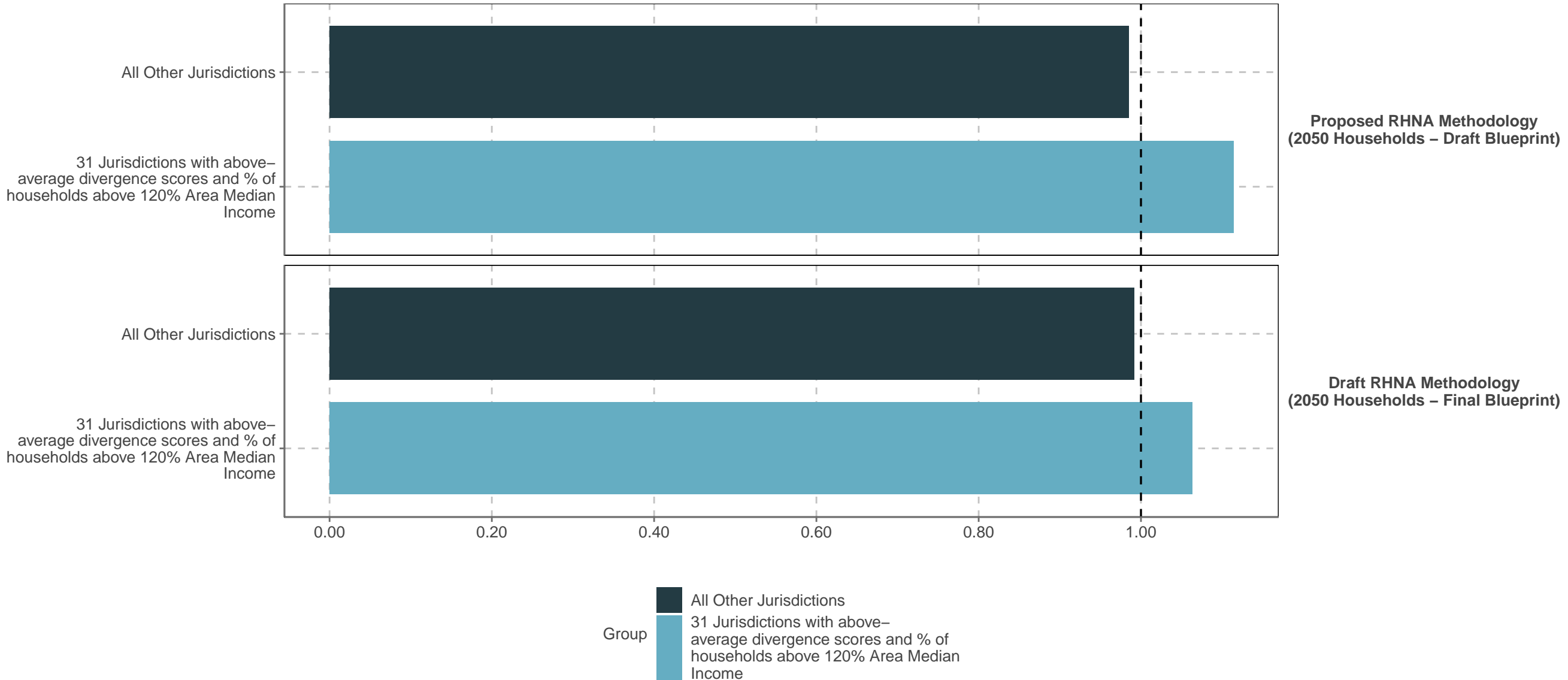
- All Other Jurisdictions
- 25 jurisdictions with largest % of households in High Resource or Highest Resource Tracts

**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

*Comparison between jurisdictions that have both above-average divergence scores and disproportionately large shares of high-income residents and the rest of the region*

**METRIC 5b: Do jurisdictions exhibiting racial and economic exclusion receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Ratio of share of total RHNA to share of region's households**

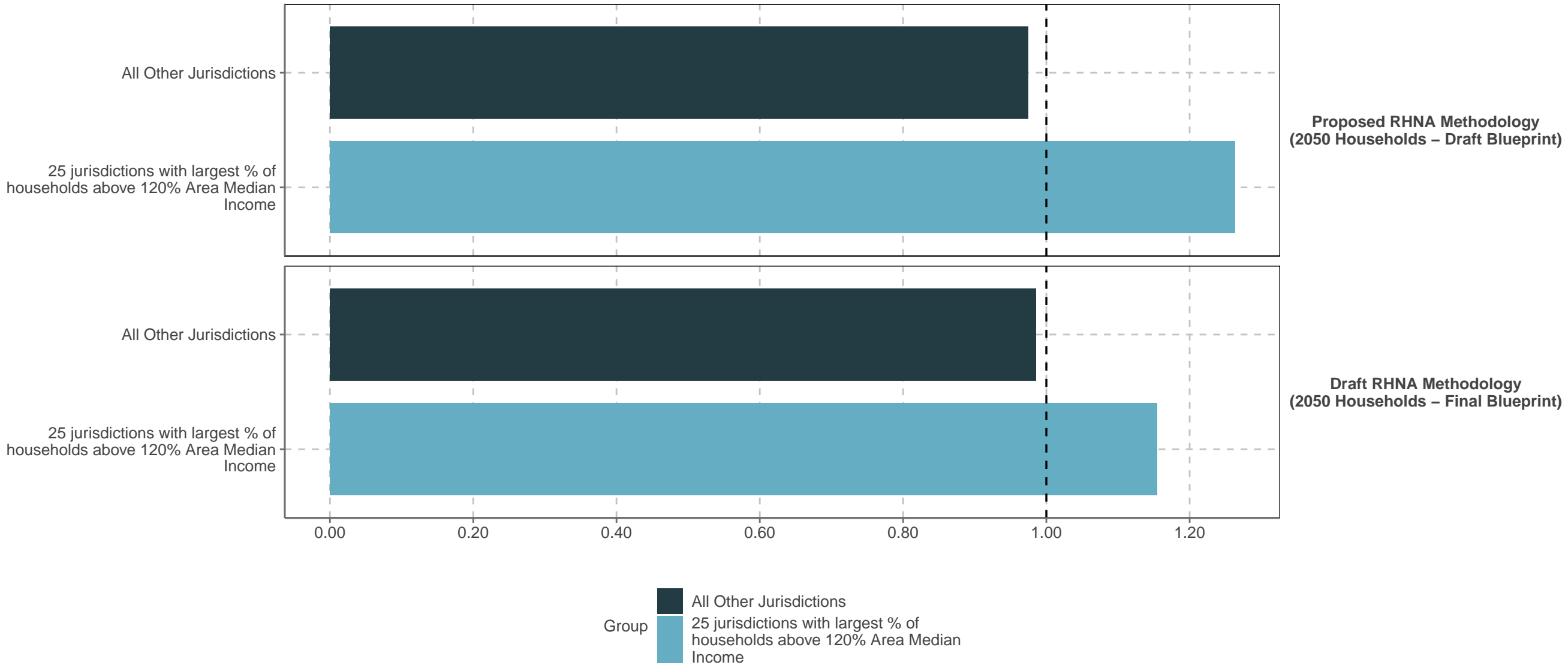


**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

*Comparison between the top 25 most disproportionately high-income jurisdictions and the rest of the region*

**METRIC 5c: Do jurisdictions with the largest percentage of high-income residents receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Ratio of share of total RHNA to share of region's households**



**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

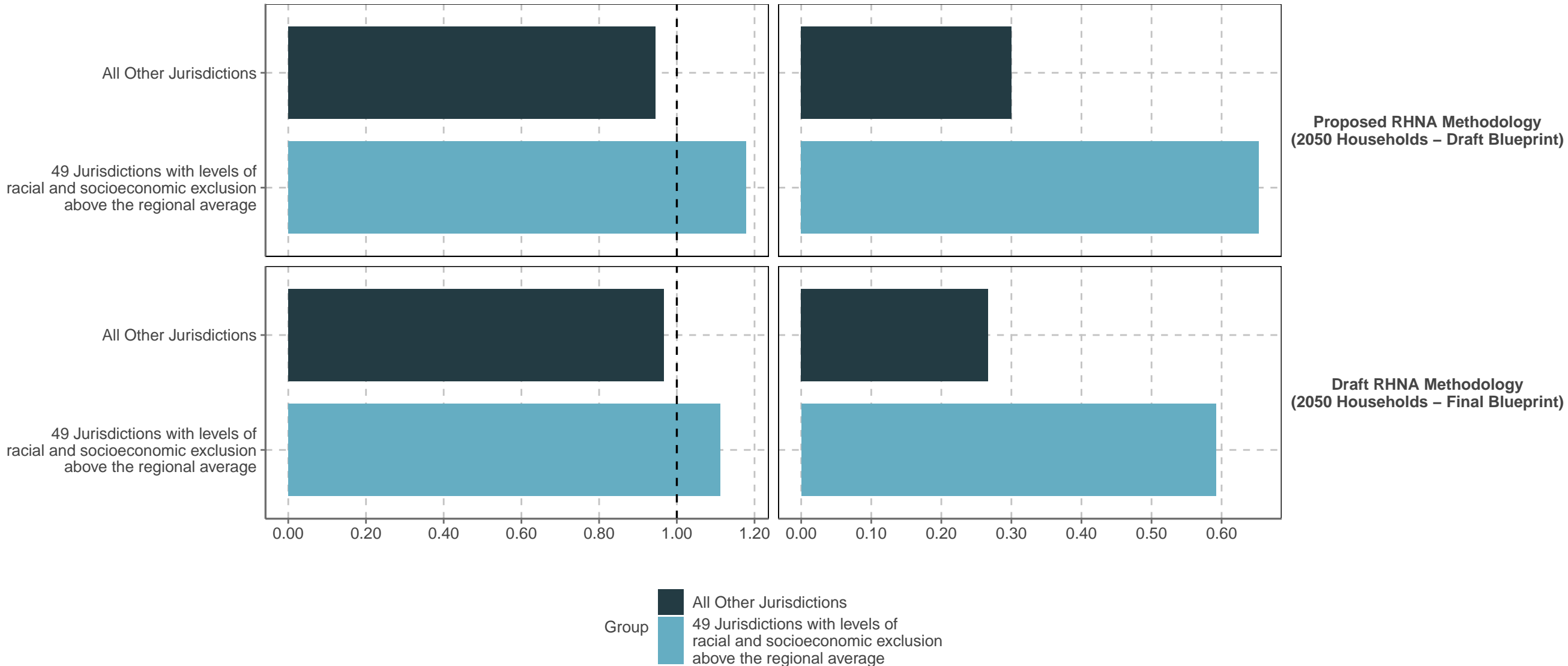
*Comparison between the top 49 jurisdictions exhibiting above average racial and socioeconomic exclusion and the rest of the region*

**METRIC 5d.1: Do jurisdictions with levels of racial and socioeconomic exclusion above the regional average receive a total share of the region's very low- and low-income housing need that is at least proportional to their total share of the region's households?**

**METRIC 5d.2: Does each jurisdiction exhibiting racial and socioeconomic exclusion above the regional average receive a share of the region's very low- and low-income housing need that is at least proportional to its total share of the region's households?**

**Ratio of share of lower-income RHNA to share of region's households**

**Jurisdictions receiving at least a proportional lower-income allocation**



## Appendix 5: Final Subregional Shares

State Housing Element Law allows two or more neighboring jurisdictions to form a “subregion” to conduct a parallel RHNA process to allocate the subregion’s housing need among its members.<sup>1</sup> A subregion is responsible for conducting its own RHNA process that meets all of the statutory requirements related to process and outcomes, including developing its own RHNA methodology, allocating a share of need to each member jurisdiction, and conducting its own appeals process.

For the 2023–31 RHNA, subregions were formed in:

1. **Napa County:** includes City of American Canyon, City of Napa, Town of Yountville, and the County of Napa (*does not include City of Calistoga or City of St. Helena*)
2. **Solano County:** includes City of Benicia, City of Dixon, City of Fairfield, City of Rio Vista, City of Suisun City, City of Vacaville, City of Vallejo, and County of Solano

ABAG must assign each subregion a share of the Bay Area’s Regional Housing Need Determination (RHND), which represents the total number of units, by income category, the subregion must allocate to its member jurisdictions. Each subregion’s portion of the RHND has been removed from the units allocated by ABAG’s process for the rest of the region’s jurisdictions.

On May 21, 2020, the ABAG Executive Board adopted the methodology for assigning a subregion its share of the RHND. The adopted methodology stipulates that the share of the RHND for each subregion will be based on the sum of the default allocations, by income category, from the ABAG RHNA methodology for each jurisdiction in the subregion. Using ABAG’s RHNA methodology as the input into the subregion shares ensures every jurisdiction that is a member of a subregion receives the same allocation it would have received if it were not part of a subregion. This approach ensures that formation of a subregion does not confer any harm or benefit to member jurisdictions or to other jurisdictions in the region.

On October 15, 2020, the ABAG Executive Board approved release of the Draft Subregional Shares.<sup>2</sup> The Draft Subregional Shares were based on the Proposed RHNA Methodology, which reflected baseline data on 2050 households from the Plan Bay Area 2050 Draft Blueprint. Applying the subregional share methodology to the Bay Area’s RHND of 441,176, the Draft Subregional Share for the Napa County subregion is 0.78 percent of the region’s housing needs and the Draft Subregional Share for the Solano County subregion is 2.7 percent of the region’s housing needs. **Table 1** shows each subregion’s draft share by income category.

---

<sup>1</sup> [Government Code Section 65584.03](#).

<sup>2</sup> For more information, see <https://mtc.legistar.com/LegislationDetail.aspx?ID=4665721&GUID=6B565EC3-A706-4695-8A87-277F6791A1DB&Options=&Search=>

**Table 1: Draft Subregional Shares, Total Units by Income Category**

<b>Subregion</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>TOTAL</b>
Napa County	912	527	557	1,440	3,436
Solano County	3,082	1,772	1,966	5,086	11,906

Housing Element Law requires ABAG to hold a public comment period and conduct at least one public hearing to receive comments on the Draft Subregional Shares<sup>3</sup> prior to adoption of the Final Subregional Shares. The written public comment period began on October 25 and ended on November 27 per the Notice of Public Hearing published in newspapers and an ABAG press release. Additionally, ABAG held a public hearing at the November 12 meeting of the Regional Planning Committee. ABAG received no comments on the Draft Subregional Shares.

The Final Subregional Shares are based on the Draft RHNA Methodology, which incorporates updates made throughout fall 2020 to reflect the revised Strategies and Growth Geographies approved by the ABAG Executive Board and Commission in September 2020 for the Final Blueprint. Integrating the updated data about future year 2050 households from the Final Blueprint into the Draft RHNA Methodology results in changes to the allocations to local jurisdictions, and thus the subregional shares.

In December 2020, the jurisdictions who were members of the Napa Subregion decided to dissolve their subregion. As a result, these jurisdictions will participate in the RHNA process ABAG is conducting and will receive allocations based on the RHNA methodology adopted by ABAG. Accordingly, ABAG-MTC staff has only identified a Final Subregional Share for the Solano County subregion. Applying the subregional share methodology to the Bay Area's RHND of 441,176, the Final Subregional Share for the Solano County subregion is 2.52 percent of the region's housing needs. **Table 2** shows the subregion's final share by income category.

**Table 2: Final Subregional Shares, Total Units by Income Category**

<b>Subregion</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>TOTAL</b>
Solano County	2,869	1,651	1,832	4,745	11,097

<sup>3</sup> [California Government Code 65584.03 \(c\)](#)

**From:** [Ellen Smith](#)  
**To:** [Planning Commission](#)  
**Subject:** January 13th North Ventura Coordinated Area Plan (NVCAP) Study Session  
**Date:** Sunday, January 10, 2021 2:52:56 PM

---

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

---

I am writing to ask you to explore and expand Alternative 3. The 60 acres next to Caltrain and California Avenue's business district that form the North Ventura Coordinated Area are an ideal location for a bike and pedestrian-friendly, multi-use neighborhood with housing at all income levels and already available transit. But the current options constrain the future of Palo Alto by limiting the number of homes, heights, and density. Unless we build taller and more compact in locations like this one, we will continue to see sprawling communities reliant on single occupancy vehicles - and face the threat of State intervention. If Palo Alto wants to meet its housing and climate change, expanding Alternative 3 to include more homes provides an excellent opportunity.

Ellen Smith  
1469 Dana Ave.

**From:** [Sudhanshu Priyadarshi](#)  
**To:** [Planning Commission](#)  
**Subject:** Supporting Castilleja's Expansion  
**Date:** Saturday, January 9, 2021 10:33:30 PM

---

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

---

Dear Planning Commission Members,

My name is Sudhanshu Priyadarshi and I have been a resident of Palo Alto for the last 3 years. We have 2 daughters and we moved to Palo Alto because of the reputation of the surrounding schools.

Castilleja is one of the few all-girls schools in the area and one of the top-rated schools in the country. Castilleja is one of the reasons families like ours are attracted to Palo Alto. I am writing this email to support the expansion of Castilleja. The school has been transparent with the residents and worked with the city and the residents to find a common ground. The school has been very mindful about traffic congestion and I'm sure will take appropriate steps to ensure there isn't any disruption to residents in the future.

We should be proud of having such a fantastic school within walking distance. As residents, we should ensure Castilleja is able to renovate and increase enrollment, which will give several other girls the opportunity to be part of their fantastic community.

Please email me if you have any questions. We will be very happy to attend any hearings in the future as well.

Thanks in advance for your support to the expansion.

Sudhanshu Priyadarshi  
410 Marion Avenue  
Palo Alto, CA 94301



**From:** [carlin otto](#)  
**To:** [Planning Commission](#)  
**Subject:** South Palo Alto Rail  
**Date:** Monday, December 28, 2020 5:15:54 PM

---

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

---

Dear PTC:

Now that we can all actually see how ugly and invasive and divisive the rail corridor looks with the newly installed high electrical wire supports, we can envision better how incredibly UGLY and DIVISIVE and INVASIVE a more massive rail structure would be.

Those of us living within sight of these new electrical support structures are horrified !!! If we were against above-ground-level rails before, now we are even MORE against them.

PLEASE, NO ABOVE GROUND RAILS !!  
No hybrid, no berm, no viaduct.

Carlin Otto  
231 Whitclem Court  
Palo Alto CA

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Steve Levy](#)  
**Subject:** Bay Area economic update  
**Date:** Saturday, December 26, 2020 11:04:39 AM

---

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

---

Happy and I hope a better New Year,

Below is the link to my December Bay Area economic update

<http://www.bayareaeconomy.org/bay-area-job-watch-51/>

### **The highlights:**

- The past four weeks have brought discouraging economic news for the near-term as a result of the virus spread and resulting restrictions on activity in the Bay Area. At the same time, news of vaccine approval and distribution, a possible stimulus package and the Biden focus on immigration, infrastructure and job growth point to a better outlook by mid-year 2021. The usual caveats about housing supply and affordability and maintaining a competitive economic environment remain.
- The Bay Area recorded added 17,300 jobs in November down from 32,900 in October. The activity restrictions should limit job growth while they last.
- Between April and November, the Bay Area recovered 42.5% of the jobs lost between February and April trailing the state and nation.
- The regional unemployment rate was 2.7% in February, 13.1% in April and 5.9% in November. However, 79,000 residents left the workforce in November though these numbers fluctuate month to month.
- This update also looks at just released population estimates showing very small growth in 2020 as out migration surged.

I hope that as we pursue the Equity and Environment goals of the Three E triple bottom line that we also focus on the third E the economy.

Successful equity and environmental initiatives usually go more smoothly and with greater support and \$\$ when the economy is strong.

In 2021 for me the triple bottom line initiatives are around housing (an equity, environmental and economic necessity) and a needed discussion about the foundations for economic competitiveness.

Steve

**From:** [Aram James](#)  
**To:** [Rebecca Eisenberg](#)  
**Cc:** [Lait, Jonathan](#); [Shikada, Ed](#); [Council, City](#); [Architectural Review Board](#); [Planning Commission](#); [Stump, Molly](#)  
**Subject:** Re: How to save Jonathan Lait money this Holiday Season  
**Date:** Wednesday, December 23, 2020 11:42:37 PM

---

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

---

AB 3121: California's new Reparations Act passed by Newsom September 30, 2020. Nine person commission to be appointed each with specified academic skills, long time reparations and civil rights advocacy skill set. Newsom appoints 5 of the 9 members. This is the first of its kind Reparation Act in the Nation. A detailed report will be drafted with mechanisms designed re how to implement and deliver on the historical debt of slavery, Jim Crow, historical educational exclusionary white supremacy tactics to exclude large numbers of blacks ( think and know Castilleja has been a large part of the exclusionary segregationist policies going back to 1907).

We will push to put Castilleja under an historical microscope with the goal of closing down Castilleja as it currently exist. Instead of Palo Alto being a city of token (word only) support of the BLM movement combined the new power of our new Reparation Act we propose the following: Castilleja be sold to the city of Palo Alto or a large donor -and the entire campus be turned in to a black educational & culture institution -with the same resources put towards black education that have historically been reserved for predominantly young white ruling class women. This is the right and moral thing to do if Palo Alto is to begin to pay back the African American Community for the sins of slavery, Jim Crow laws, mass incarceration, housing discrimination, lack of quality medical care access all of which our white community has benefited over generation..

Palo Alto must create its own parallel Reparations Act ( Parallel the state act).

I suggest that rather than each of you thumbing your nose as such a proposal, that you take 1/2 hr to read this relatively short but powerful Reparations Act.

Sent from my iPhone

On Dec 23, 2020, at 6:13 PM, Rebecca Eisenberg  
<[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)> wrote:

Dear Mr. Lait,

I heard you say in tonight's Special City Council Meeting that your department has many expenses this year, which is why you seek at least \$150,000 to assist you and your department with "administrative expenses" and to pay "consultants."

According to my research, your largest avoidable cost is the huge, irrational and

inappropriate amount of city department time and resources you continue to spend on enabling Castilleja's amended CUP (despite your legal obligation to protect the community from exploitative actions taken by wealthy private interests like Castilleja, as explained in the attached documents).

Given that you have zero legal right to approve Castilleja's harmful and dangerous proposed Amended CUP (which you can read about in greater detail in the attached emails), wouldn't saying NO to Castilleja for once and all save far more than the \$150,000 you seek to take away from housing the homeless?

You may fear that Castilleja will sue you if you say no. But what you fail to recognize is that if you grant Castilleja its arrogantly overreaching CUP, you create an even greater risk of being sued -- and those lawsuits are even more likely to succeed. As a reminder, Brown Act violations come with the possibility of personal liability, and most government immunity rules do not apply.

I solved your problem without causing even greater harm to Palo Alto's large and growing vulnerable population.

Happy Holidays!  
Best,  
Rebecca Eisenberg

Rebecca Eisenberg, Esq.  
Principal & Founder  
**Private Client Legal Services**  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
[rebecca@privateclientlegal.com](mailto:rebecca@privateclientlegal.com)  
415-235-8078

Rebecca Eisenberg for Positive Change  
*Our Community Deserves Better*  
415-235-8078

[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)

Twitter: [@rle](https://twitter.com/rle) Facebook [@reisenberg](https://www.facebook.com/reisenberg)

<Eisenberg Castilleja Letter - 1.pdf>

<Moncharsh Formal Complaint for PNQL.pdf>

<Eisenberg Letter to PACC PTC ARB November 22 2020 copy.pdf>

**From:** [mark.weiss](#)  
**To:** [Rebecca Eisenberg](#)  
**Cc:** [Lait, Jonathan](#); [Shikada, Ed](#); [Council, City](#); [Architectural Review Board](#); [Planning Commission](#); [Stump, Molly](#)  
**Subject:** Re: How to save Jonathan Lait money this Holiday Season  
**Date:** Wednesday, December 23, 2020 7:00:42 PM

---

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

---

Greetings fellow members of our community — leadership, staff:

Ms. Eisenberg, a Stanford grad who studied law at Harvard and recently got 8,000 votes in her first try at public office here makes a very good point.

Why don't we just tell Castilleja "no"?

I have two classmates from college — Dartmouth not Harvard or Stanford — who are Castilleja alumnae of the class of '82. One seems to be more tuned in to the Castilleja debate than the other although they both live in the area. But in my opinion it seems possible that leadership of Castilleja is misleading the alumnae about what is going on. The other, is ironically enough a city staff attorney of the experience base comparable to our Ms. Stump. Anecdotal evidence here — my assessment of the situation based on my understanding of three women's stance or statements — yet isn't an equally true that the whole Castilleja thing is because of a wealthy man wishing to assert his will on the rest of us (see also we the people spending \$500,000 for his phallic tower at 27 University? And the grand jury report?)

If I am right, what does it say about the state of women's (or girls') education today, and the state of attempts at local governance in an area and an era of the billionaires.

Just say no. Not gimme gimme.

Mark Weiss

In Palo Alto

Happy holidays

Sent from my iPhone

On Dec 23, 2020, at 6:13 PM, Rebecca Eisenberg  
<[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)> wrote:

Dear Mr. Lait,

I heard you say in tonight's Special City Council Meeting that your department has many expenses this year, which is why you seek at least \$150,000 to assist you and your department with "administrative expenses" and to pay "consultants."

According to my research, your largest avoidable cost is the huge, irrational and inappropriate amount of city department time and resources you continue to spend on enabling Castilleja's amended CUP (despite your legal obligation to protect the community from exploitative actions taken by wealthy private interests like Castilleja, as explained in the attached documents).

Given that you have zero legal right to approve Castilleja's harmful and dangerous

proposed Amended CUP (which you can read about in greater detail in the attached emails), wouldn't saying NO to Castilleja for once and all save far more than the \$150,000 you seek to take away from housing the homeless?

You may fear that Castilleja will sue you if you say no. But what you fail to recognize is that if you grant Castilleja its arrogantly overreaching CUP, you create an even greater risk of being sued -- and those lawsuits are even more likely to succeed. As a reminder, Brown Act violations come with the possibility of personal liability, and most government immunity rules do not apply.

I solved your problem without causing even greater harm to Palo Alto's large and growing vulnerable population.

Happy Holidays!  
Best,  
Rebecca Eisenberg

Rebecca Eisenberg, Esq.  
Principal & Founder  
**Private Client Legal Services**  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
[rebecca@privateclientlegal.com](mailto:rebecca@privateclientlegal.com)  
415-235-8078

Rebecca Eisenberg for Positive Change  
*Our Community Deserves Better*  
415-235-8078

[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)

Twitter: [@rle](https://twitter.com/rle) Facebook [@reisenberg](https://www.facebook.com/reisenberg)

<Eisenberg Castilleja Letter - 1.pdf>

<Moncharsh Formal Complaint for PNQL.pdf>

<Eisenberg Letter to PACC PTC ARB November 22 2020 copy.pdf>

**From:** [Rebecca Eisenberg](#)  
**To:** [Lait, Jonathan](#); [Shikada, Ed](#); [Council, City](#); [Architectural Review Board](#); [Planning Commission](#); [Stump, Molly](#)  
**Subject:** How to save Jonathan Lait money this Holiday Season  
**Date:** Wednesday, December 23, 2020 6:14:38 PM  
**Attachments:** [Eisenberg Castilleja Letter - 1.pdf](#)  
[Moncharsh Formal Complaint for PNQL.pdf](#)  
[Eisenberg Letter to PACC PTC ARB November 22 2020 copy.pdf](#)

---

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

---

Dear Mr. Lait,

I heard you say in tonight's Special City Council Meeting that your department has many expenses this year, which is why you seek at least \$150,000 to assist you and your department with "administrative expenses" and to pay "consultants."

According to my research, your largest avoidable cost is the huge, irrational and inappropriate amount of city department time and resources you continue to spend on enabling Castilleja's amended CUP (despite your legal obligation to protect the community from exploitative actions taken by wealthy private interests like Castilleja, as explained in the attached documents).

Given that you have zero legal right to approve Castilleja's harmful and dangerous proposed Amended CUP (which you can read about in greater detail in the attached emails), wouldn't saying NO to Castilleja for once and all save far more than the \$150,000 you seek to take away from housing the homeless?

You may fear that Castilleja will sue you if you say no. But what you fail to recognize is that if you grant Castilleja its arrogantly overreaching CUP, you create an even greater risk of being sued -- and those lawsuits are even more likely to succeed. As a reminder, Brown Act violations come with the possibility of personal liability, and most government immunity rules do not apply.

I solved your problem without causing even greater harm to Palo Alto's large and growing vulnerable population.

Happy Holidays!  
Best,  
Rebecca Eisenberg

Rebecca Eisenberg, Esq.  
Principal & Founder  
**Private Client Legal Services**  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
[rebecca@privateclientlegal.com](mailto:rebecca@privateclientlegal.com)  
415-235-8078

Rebecca Eisenberg for Positive Change  
*Our Community Deserves Better*

415-235-8078

[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)

[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)

Twitter: [@rle](#) Facebook [@reisenberg](#)





Rebecca Eisenberg <rebecca@winwithrebecca.com>

## Why care about Castilleja's Proposed Expansion?

8 messages

Rebecca Eisenberg <rebecca@winwithrebecca.com>

Tue, Nov 24, 2020 at 5:10 PM

To: Aram James <abjpd1@gmail.com>, Roberta Ahlquist <roberta.ahlquist@sjsu.edu>, Iadoris@judgecordell.com, Giselle Galper <giselle@galper.us>, mark weiss <earwopa@yahoo.com>, Gail Price <gail.price3@gmail.com>, Curtis Smolar <csmolar@gmail.com>, Rebecca Sanders <rebsanders@gmail.com>, Kelsey Banes <kelsey@yimbyaction.org>, angebevans@gmail.com, Kristin Jordahl Hansen <kjordahl@gmail.com>, Adina Sterling <adinasterling@gmail.com>, Josh Becker <becker.josh@gmail.com>, ro@rokhanna.com, supervisor.simitian@bos.sccgov.org, Elizabeth Collet Funk <elizabeth@dignityfund.com>, Bruce Reyes-Chow <breyeschow@fprespa.org>, Megan@techequitycollaborative.org, moore2j@att.net, Laurel Tamariz <laurel@schoolsandcommunitiesfirst.org>, teriolleSF@gmail.com, Teri Baldwin <teribaldwin@paeacta.org>

Bcc: Rebecca Eisenberg <rebecca@winwithrebecca.com>, Rebecca Eisenberg <rebecca@privateclientlegal.com>

Friends:

Some of you have asked me why I spend so much time fighting against private school Castilleja's proposed expansion on its 6+ acre site in RH-1 zoned Old Palo Alto, including the demolition of several existing homes, and the destruction of hundreds of protected ancient trees, so that it can increase its enrollment, add an underground parking garage for students only (not teachers or staff), and add a high-tech sound-enabled swimming pool -- none of which it intends to share at all with the community.

The answer is: Castilleja's current presence on 55 residential lots as a non-tax-payer (Castilleja is tax-exempt even though it has no charitable purpose nor any requirement to serve the public benefit) harms every single one of us in Palo Alto. It deprives the public schools of necessary property tax revenue, it monopolizes city council and commission time and resources that our city needs to be spending on affordable housing and other urgent needs, and it diverts towards an upper-caste privileged institution millions of dollars of funding and support every year. While unhoused and home-unstable numbers mount in Palo Alto -- without a single shelter bed for any -- our City continues to subsidize and accommodate the whims of an extremely wealthy non-diverse private school that closes its gates to public entry and that refuses to offer even one full scholarship to needy children from nearby neighborhoods of color. Expanding this problem by 30% - what Castilleja seeks -- deprives our community's hardest hit by 30% more needed services.

While most in our community is unaware that this is happening, City Council is about to deliver an unprecedented windfall beyond all it has in the past. Even worse, City Council is on track to give this windfall to Castilleja without asking to collect on behalf of our community the mitigations every other private school is forced to pay, even without being located on residential lots. To clarify, our City Council has not required Castilleja to provide shuttles (instead agreeing to an 100-space parking garage), or to pay funds to compensate our public schools for the \$5 million in property tax a year that our public schools would receive if these lots were used for their zoned purpose. City Council is not requiring Castilleja to open its doors at any time, for any community use -- not even use of its high-tech swimming pool or regulation-sized gym. Not even use of its 100-car underground garage. Not surprisingly, Palo Alto City Council never demanded that Castilleja provide even ONE fully paid scholarship to any child from communities of color that have been deprived of wealth and opportunity due to decades of caste exclusion at the hands of cities like Palo Alto and upper caste organizations like Castilleja, both of which have histories (decades/centuries) of intentional racial exclusion.

Rather, the City Council intends to give Castilleja the equivalent of tens of millions of dollars of public resources, variances, and city department time - for free. Unlike with every other similar development Castilleja is not being asked to pay for the millions of dollars in city costs of administering its applications, inspecting its progress, or enforcing its compliance. Given that the Palo Alto City Council has all but completely dismantled Palo Alto's Department of Enforcement and Inspections (likely caving to developer pressure, given that the enforcement department historically has been revenue-positive), the result will be more of the same -- no enforcement. If Castilleja had a record of compliance, that would be one matter. Instead, Castilleja has been in known and admitted violation of Palo Alto's codes and its Conditional Use Permit for the past 20 years. Had the City of Palo Alto collected the statutory penalties that Castilleja owed, Castilleja would have paid between \$3 million to \$10 million a year in penalties for its illegal over-enrollment alone. But the City of Palo Alto never even sought to collect penalties for Castilleja's code violations. For its entire history, Castilleja has received countless subsidies, windfalls, and special treatment - and now its windfalls and subsidies are about to be doubled, all to the cost of Palo Alto residents, small businesses, taxpayers, and public schools.

We must stop our City Council from enabling Castilleja to exploit our neighborhoods, to raid our public coffers, to usurp our community resources, and to divert our limited resources that are needed by our communities and public schools. We

must work to prevent our Council from ceding to Castilleja's demands, and we must demand that it enforce Palo Alto's laws and permits -- including either by collecting the tens of millions of dollars that Castilleja owes in code penalties, and/or by revoking Castilleja's CUP due to decades of noncompliance without consequence. The City Council seems determined to grant Castilleja everything it seeks before year's end. Many of us watched in horror while the City Council falsely claimed that they had "no choice" but to allow Chicago-based commercial developer AJ Capital to convert the apartment building they purchased (President Hotel) into an upscale hotel to serve wealthy business executives. Castilleja will become an even bigger Hotel President unless we stop this now.

For your reference I attach a short letter that was written to the City Council by Leila Moncharsh, an attorney for some of Castilleja's neighbors. Of particular interest are **Parts D and E, in which Ms. Moncharsh puts Castilleja's actions within their cultural context** -- which is even more true today than they were almost 4 years ago when the letter was written. Also attached is my letter to the City Council, the PTC, and the ARB on which I bcc'd many of you on Sunday. And you can read the letter I posted on my campaign website here: [winwithrebecca.com/castilleja](http://winwithrebecca.com/castilleja)

I welcome your input, ideas, suggestions, and support in forcing our elected officials to serve the community, rather than continue to enrich powerful private interests.

Imagine what Palo Alto could do, by reclaiming those almost-7 acres with housing for teachers and first responders!

Please forward, summarize, and/or share as you see fit. We can create positive change, but only by working together.

Thank you in advance for your attention to this important matter, and

Happy (and Healthy) Thanksgiving wishes -

Best,  
Rebecca

Rebecca Eisenberg, Esq.  
Principal & Founder  
**Private Client Legal Services**  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
[rebecca@privateclientlegal.com](mailto:rebecca@privateclientlegal.com)  
415-235-8078

Rebecca Eisenberg for Positive Change  
*Our Community Deserves Better*  
415-235-8078  
[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
Twitter: [@rle](https://twitter.com/rle) Facebook [@reisenberg](https://facebook.com/reisenberg)

---

## 2 attachments

 **Moncharsh Formal Complaint for PNQL.pdf**  
738K

 **Eisenberg Letter to PACC PTC ARB November 22 2020.pdf**  
309K

---

mark weiss <earwopa@yahoo.com>

Tue, Nov 24, 2020 at 7:15 PM

To: Rebecca Eisenberg <rebecca@winwithrebecca.com>

Cc: Aram James <abjpd1@gmail.com>, Roberta Ahlquist <roberta.ahlquist@sjsu.edu>, ladoris@judgecordell.com, Giselle Galper <giselle@galper.us>, Gail Price <gail.price3@gmail.com>, Curtis Smolar <csmolar@gmail.com>, Rebecca Sanders <rebsanders@gmail.com>, Kelsey Baner <kelsey@yimbyaction.org>, angiebevans@gmail.com, Kristin Jordahl Hansen <kjordahl@gmail.com>, Adina Sterling <adinasterling@gmail.com>, Josh Becker <becker.josh@gmail.com>, ro@rokhanna.com, supervisor.simitian@bos.sccgov.org, Elizabeth Collet Funk <elizabeth@dignityfund.com>, Bruce Reyes-Chow <breyeschow@fprespa.org>, Megan@techequitycollaborative.org, moore2j@att.net, Laurel Tamariz <laurel@schoolsandcommunitiesfirst.org>, teriolleSF@gmail.com, Teri Baldwin <teribaldwin@paeacta.org>

Somehow reminds me of the sign in the bathroom of my neighbors the Diedens growing up in Saratoga, CA forty-eight years ago:

WE DON'T SWIM IN YOUR TOILET, SO PLEASE DON'T PEE IN OUR POOL.  
But in this case it's more like "We just shat in your toilet, but you still can't swim in our pool".

Rebecca 2022!!  
—mbw

Sent from my iPhone

On Nov 24, 2020, at 5:11 PM, Rebecca Eisenberg <[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)> wrote:

[Quoted text hidden]

<Moncharsh Formal Complaint for PNQL.pdf>  
<Eisenberg Letter to PACC PTC ARB November 22 2020.pdf>

---

**Angie Evans** <[angiebevans@gmail.com](mailto:angiebevans@gmail.com)>  
To: Rebecca Eisenberg <[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)>

Tue, Nov 24, 2020 at 8:03 PM

Would it be okay to share this with a friend who has been asking more about Castilleja?

[Quoted text hidden]

---

**Rebecca Eisenberg** <[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)>  
To: Angie Evans <[angiebevans@gmail.com](mailto:angiebevans@gmail.com)>

Tue, Nov 24, 2020 at 8:25 PM

Yes, absolutely! I wrote it (despite typos etc) to share with attachments. Per the email, I suspect that most Palo Altans - including many Castilleja families - are not aware of the cost of Castilleja's presence and actions on the community.

Also - per my earlier, longer note that I attached to this more recent note, I know for a fact that many Palo Alto-based Castilleja families do not support Nanci Kauffman's actions and tenor. More than 10% of the money I raised for my campaign (actually, closer to 15%) came from Castilleja families who object to the expansion, and particularly object to Nanci Kauffman's attitude towards the community. If your friend is considering Castilleja and can afford the tuition, I think it is an exceptional school. My problem has nothing to do with its academics -- it has to do with the fact that the City of Palo Alto has been subsidizing those academics without voter knowledge or consent, and at the expense of affordable housing and public education, for decades. It's Castilleja's right to ask for what it wants; but it is our local government's obligation to say No to demands that harm our community.

I hope your travels have been going smoothly, and that your mother and mother-in-law are both doing as well as possible. I recognize that the trip you are taking must not be easy or simple, and I have been sending you my warmest and best thoughts. Please stay in touch when you are able.

With warmest wishes,  
Rebecca

[Quoted text hidden]

---

**Aram James** <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)>  
To: mark weiss <[earwopa@yahoo.com](mailto:earwopa@yahoo.com)>

Tue, Nov 24, 2020 at 8:56 PM

Cc: Rebecca Eisenberg <[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)>, Roberta Ahlquist <[roberta.ahlquist@sjsu.edu](mailto:roberta.ahlquist@sjsu.edu)>, ladoris@judgecordell.com, Giselle Galper <[giselle@galper.us](mailto:giselle@galper.us)>, Gail Price <[gail.price3@gmail.com](mailto:gail.price3@gmail.com)>, Curtis Smolar <[csmolar@gmail.com](mailto:csmolar@gmail.com)>, Rebecca Sanders <[rebsanders@gmail.com](mailto:rebsanders@gmail.com)>, Kelsey Banes <[kelsey@yimbyaction.org](mailto:kelsey@yimbyaction.org)>, [angiebevans@gmail.com](mailto:angiebevans@gmail.com), Kristin Jordahl Hansen <[kjordahl@gmail.com](mailto:kjordahl@gmail.com)>, Adina Sterling <[adinasterling@gmail.com](mailto:adinasterling@gmail.com)>, Josh Becker <[becker.josh@gmail.com](mailto:becker.josh@gmail.com)>, [ro@rokhanna.com](mailto:ro@rokhanna.com), [supervisor.simitian@bos.sccgov.org](mailto:supervisor.simitian@bos.sccgov.org), Elizabeth Collet Funk <[elizabeth@dignityfund.com](mailto:elizabeth@dignityfund.com)>, Bruce Reyes-Chow <[breyeschow@fprespa.org](mailto:breyeschow@fprespa.org)>, [Megan@techequitycollaborative.org](mailto:Megan@techequitycollaborative.org), [moore2j@att.net](mailto:moore2j@att.net), Laurel Tamariz <[laurel@schoolsandcommunitiesfirst.org](mailto:laurel@schoolsandcommunitiesfirst.org)>, [teriolleSF@gmail.com](mailto:teriolleSF@gmail.com), Teri Baldwin <[teribaldwin@paeacta.org](mailto:teribaldwin@paeacta.org)>

See  
11-24-2020

Hi Rebecca,

You are doing an extraordinary job of educating the community( including me, thanks so much) re a bastion of racism, elitism, and casteism in our own backyard. The entire community owes you a huge debt of gratitude for opening our eyes to an issue ( Castilleja's continued existence) that needs a full and robust community debate, now that you have fully informed us re the true history of this institution.

Regards, aram

Slightly edited piece

Hi Rebecca,

You've made a brilliant case re why this dishonest and lacking In integrity elitist casteist corporate model of a private school, whose actions work to defund our public schools, and take from our tax base, needs to be held accountable.

Yes, I'd like to see this school moved out of town and the six-acre plot set aside as a form of reparations (see the recently passed Reparations Act (AB 3121) signed by our governor on Sept 30, 2020 and authored by the brilliant assemblywoman Dr. Shirley Weber.

The six-acre campus to be set aside for low and very low-income housing for African Americans whose sweat, muscle, and smarts helped to built this city. The same city, Palo Alto, that stole African-Americans' equity by racist Palo Alto laws excluding African Americans from much of Palo Alto.

Similarly equal educational opportunities have been stolen from generations of African Americans, and of course our extraordinarily racist police ( now and historically) have acted with the complicity of this entire community to push the bulk of African Americans permanently from Palo Alto.

As part of my vision 1/2 of the six acres at the Castilleja campus would be set aside for a primarily, if not exclusively, black institution of higher learning -or as a grade 6-12 school designed to provide the same level of educational exposure and resources as formerly given to the predominantly white and wealthy students of Castilleja. Now that would be at least a little bit of justice! What say you?

Aram James

Slightly edited piece ( 11-24-2020)

On Nov 22, 2020, at 6:35 PM, Rebecca Eisenberg <[rebecca@winwithrebecca.com](mailto:rebecca@winwithrebecca.com)> wrote:

Planning Commission, Architectural Review Board, City Council, and City Attorney's Office:

I ask that this letter and the attached files be placed in the packets for both commissions and the City Council. If I need to resent this separately to attain that goal, please let me know, as I will do so. It is lengthy to avoid having to write multiple shorter letters as in the past.

Having spoken with the City Attorney yesterday, I am following up, per Ms. Stump's suggestion, with more communications regarding Castilleja, conflicts of interest, the Municipal Code, and the documented harm that wealthy private schools cause to public school districts.

This letter addresses two primary issues, in reverse order: (B) Potential Conflict of Interest; and (A) Legal Noncompliance/non-enforcement/non-authorization by the City of Palo Alto. I apologize for the length. This summary of problems is merely a fraction of the irresponsible, irrational, and harmful actions that the Palo Alto City Council and its appointed Commissioners continue to make regarding Castilleja's proposed expansion and modernization to serve its well-heeled school body (and explicitly, no one else).

I write this letter on my own behalf, as a Palo Alto resident, a parent of public school students, an attorney licensed to practice law in California with three decades of professional experience, including direct experience with dozens of high-value land transactions and financing transactions, and as a lifelong supporter of sustainability, equity, and the essential value of strong public schools. I have standing to challenge the City's decisions and actions in these and other ways. I believe that my children's interest, and that of Palo Alto generally, will be irrevocably harmed should Palo Alto City Council approve Castilleja's CUP application, as discussed below, due to inappropriate actions and decisions made by the City and its relevant departments and commissions.

Part A:

### **A. LACK OF ENFORCEMENT OF PALO ALTO'S MUNICIPAL CODE AND THE AGREEMENTS IT SIGNED ON BEHALF OF THE CITY**

Palo Alto has failed to enforce its own laws against Castilleja for decades, while it does so regularly for residents, small businesses, and far less-wealthy organizations and individuals with far smaller legal violations. This intentional lack of legal enforcement of its own regulations, zoning codes, and penalties has caused our community significant harm. The lack of enforcement of its own negotiated agreements is why the City faces the groundswell of community anger, unrest, discontent, and collective opposition that has gathered to prevent the City to make an even larger error in law and judgment than it made with the President Hotel. Here I walk you through an incomplete list of the issues.

#### **1. FAILURE TO ABIDE BY THE AGREEMENTS IT MADE ON BEHALF OF THE CITY OF PALO ALTO:**

**In 2013 the City began Revocation Hearing against Castilleja to Revoke its Current CUP.** (see attached letter, titled "Notice of Noncompliance and Requirement to Abate" from the City to Castilleja) To avoid impending certain revocation of the CUP, Nancy Kauffman agreed in writing that she would move Castilleja from its current site if the private school did not comply with the law, including its enrollment cap of 415, and its traffic demand management plan of 350 vehicles, by year 2018. See attached documents, obtained through Public Records Requests. She agreed that if she did comply in five years, she would agree to revocation hearings at that time.

Although the City performed its end of the bargain, charging Castilleja a minor fraction of the penalties it owes (see below), and allowing it to continue in breach for another 5 years, as long as it complies to a reduction plan proposed by Castilleja (see attached), Castilleja never performed its obligations under the 2013 agreement. It never reduced its enrollment to 415. Nor did it sufficiently (if at all) reduce traffic.

Given that Castilleja had no legal right to file for an Amended CUP, **the City had no legal authority to accept the Amended CUP** for consideration and was and is legally mandated to reject it in its entirety and halt any and all use of public resources towards this CUP which was filed in direct breach of a binding agreement between the City and Castilleja.

Additionally, according to its own agreements, the **City is legally required to initiate Revocation Hearings.** How did we get to this place? All we know is further record of the City of Palo Alto breaking its own laws to accommodate its wealthiest private interest - a private interest that donates tens of thousands of dollars via its wealthiest supporters to elected officials, but which fails to pay one dime in taxes or mitigation to public funds.

## **2. FAILURE TO PRIORITIZE THE GOVERNMENT INTEREST IN THE WELL-BEING OF ITS COMMUNITY AND PUBLIC SCHOOL DISTRICT OVER THE PRIVATE INTEREST OF CASTILLEJA:**

Palo Alto Public Schools are suffering. Most students have been out of school for almost an entire year, and all students faced a huge reduction in services and educational minutes. The PAUSD lacks resources to stream classes, and officially gave up on plans to open schools in any manner whatsoever until August 2021 the earliest. Students are facing emotional and academic crises like never seen before in Palo Alto history.

Contrast this state of affairs -- where public schools lack an opportunity to open for class -- with Castilleja's urgent need for a remodeled, higher-tech school building, an Olympic-sized, sound-enabled swimming pool, and an underground parking bunker to serve its high school aged car-owning student population. Why is Castilleja's arrogant wholly unnecessary remodel and expansion usurping so much public time, money, and resources, when our public schools literally are closed to students?

Put in the context of the growing poverty and homeless levels in the PAUSD, the City Council's and Commission's priorities are particularly distressing. In the **PAUSD, 800 students are at poverty levels to qualify for free meals -- approximately 7% of families at pre-covid measurements.** As many as 75% of Palo Alto public school students live in homes that are rented, not owned. Many of these families will face eviction when the eviction moratorium ends in early 2021.

Castilleja serves a school population of which only 20-30% of its students live in Palo Alto. 80% of Castilleja's students pay full tuition of \$50,000 to \$55,000/year per child. Only 20% of Castilleja students receive any financial aid, and those who do receive aid generally receive far less than half of tuition, according to disclosures made by Castilleja over the years.

Given Palo Alto's median household income of \$145,000/year, the vast number of Palo Alto children's families could not conceive of being able to afford a private school like Castilleja -- even if they were admitted in Castilleja's exclusive, discretionary, and secret admissions process (as a reminder, only 20% of families receive any financial aid, with the majority of grants equalling less than half of tuition) that is said to admit as few as one of every 20 applicants.

In the same calendar year that the City Council terminated most of its Cubberley lease -- which was an essential source of revenue for the PAUSD -- thereby depriving the PAUSD of almost five million dollars of public funds it previously had given the District, City Council is giving Castilleja invaluable sums of City Department time and resources, City Council time, and public resources to enable it to build a campus that makes public schools appear like hostels, and Castilleja stand out like the Taj Mahal - but no visitors may enter.

This would be an ideal time for Palo Alto to demand its legally-required mitigations, including - like virtually every other wealthy private school that insists on locating on residential lots -- payments to PAUSD to account for the loss of property tax revenues that would be generated by those residential lots if they were being used for the legally restricted purposes. In the case of the 55 residential lots on which Castilleja sits (and pays nothing for the privilege).

**The lost property tax revenue due to Castilleja's tax-free commercial use of 55 R-1 lots in one of the most expensive neighborhoods of Palo Alto (much less, the country) is estimated at somewhere between \$3 million and \$5 million a year.** In other words, about the same amount that City Council cut from the public schools' budget this year.

Given that almost no Palo Alto firefighters, first responders, and public school teachers can afford to live in Palo Alto, wouldn't it be better for the City to devote its Planning Department time and resources, as well as PTC, PACC and ARB time and resources to something clearly in the public interest: the need for affordable housing? How can the City of Palo Alto provide such time and resources to a private school's quest to compete with the other private schools with the biggest and fanciest facilities, while at the same time the City of **Palo Alto claims complete inability to comply with State Law requiring it to build housing for low and very low income families**? Time is a limited resource, and right now, countless Department, Commission and Council time is dedicated to the illegal and unjustified goal of helping Castilleja have a high-tech swimming pool, and the only time devoted to affordable housing is the time the PACC takes untold time to draft letters claiming it lacks time and resources to build

housing -- and no available land to set aside for housing. **How about the 55 residential lots being used for a commercial purpose by Castilleja**, Palo Alto?

How does conversion of more than six acres of residentially-zoned land for commercial use comply with the mandates of the Comp Plan, your stated goals, and the legal mandates of SB 35 and other California housing laws?

**If Palo Alto were to say NO to Castilleja -- as it is required to do under its own laws and contracts -- then Palo Alto could reclaim millions of dollars of local resources to spend on its stated TOP priority: affordable housing.** Nowhere in the Comp Plan or City Council values or goals is the interest of furthering the community-subsidized (through police, fire, utilities delivery, thousands of hours of department and commission time, theoretical enforcement, and mitigation of safety hazards for which Castilleja refuses to pay) **commercial development of a private school that locks its gates to the community, so it can build a commercial development on 55 urgently needed Residential Lots?** (Didn't the newly elected City Council members vow to protect R-1 lots? **You do not allow a duplex, yet you allow a commercial development to serve 1000 students, faculty, and staff?**)

All this rests on top of the fact that Castilleja uses millions of dollars worth of public services -- street cleaning, road maintenance, tree trimming, utilities delivery, fire protection, police protection, other first responder protection, and others -- without paying a cent into public coffers. Although Castilleja is tax-exempt, it is not a charity nor does it have a charitable purpose, or even any purpose that serves public interest (despite its claims to the contrary - if it could be considered a charity, it would be).

It also rests on top of the well-documented harm caused by public school districts by private schools, including diversion of resources away from public school districts as well as unmitigated free use of public services. See e.g, [this article](#), [this article](#), [this article](#), and [this article](#). Given that Castilleja contributes nothing to public funds, yet takes so much of public resource time, money, and receipt of public services, every dollar used by Castilleja for free is a dollar deprived from the public school students of Palo Alto. This fact cannot be disputed, so Castilleja does not try.

While children in the Palo Alto public schools are told they must have remote class sizes of 39 students, and no access to a live classroom, Castilleja demands an olympic sized swimming pool and underground parking garage for able-bodied teenagers to drive their cars that the vast majority of Palo Alto families could not dream of affording. **Where is the public interest in this shameful process?**

It should come as no surprise that so many members of the public lack trust in Palo Alto City government, including its elected and appointed officials. The public trust was further damaged by reports that so many elected officials (including most of the recently elected city council members) accepted tens of thousands of dollars in campaign contributions from individuals closely associated (through donations, leadership roles, and/or family members who attended or currently attend Castilleja) with Castilleja. (Conflict of interest is addressed in greater detail below.)

### **3. FAILURE TO COLLECT CODE FINES AND PENALTIES**

Palo Alto's Municipal Code requires statutory penalties of \$500 per violation per day. When Castilleja was 40 students over its legal limit of 415, it owed **40 times \$500 per day = \$20,000/day**. Given operations during 300 days a year (underestimate), **Castilleja should have paid \$6 MILLION in penalties a year**. This money is BADLY needed by the Palo Alto public schools, who are directly harmed by Castilleja's presence. With a 3-year lookback, at the **only** time that the City of Palo Alto collected a penalty from Castilleja, it collected \$365,000 to represent 3 years of violations (see attached). That illegally low assessment (presumably allowed in exchange for Ms. Kauffman's promise that she would agree to CUP revocation if she failed to comply by 2018). **That fee of \$122,000/year approximated the income generated by Castilleja from tuition for approximately 2 students Castilleja enrolled over its legal limit -- rather than the 40 students Castilleja was overenrolled**. It is nonsensical to expect profit-seeking private commercial properties (please note: **Castilleja is tax-exempt but it is NOT CHARITABLE**) to follow the law, **when Castilleja literally generates \$2 million a year in tuition through legal violations that are not enforced**. (Castilleja's tuition is \$50,000/year, so 40 students over legal limit = \$2 million/year)

#### **4. FAILURE TO MANDATE MITIGATIONS REQUIRED UNDER MUNICIPAL LAW:**

And all this is true yet neither the ARB or PTC have demanded that Castilleja provide mitigations - **which Castilleja clearly can afford with the \$30 million/year in tuition it will receive if you approve its commercial construction demands.** For examples of common mitigations, one may look at the example of Stanford University, a much better public citizen, which provides free shuttles open to the public (unlike Castilleja), which opens the vast majority of its campus to the community to enjoy the art and use most of its resources (unlike Castilleja, which refuses to share even its proposed garage or Olympic sized swimming pool!), and which offers numerous full scholarships to local students from disadvantaged backgrounds (Castilleja refuses to offer any free scholarship to truly needy girls from disadvantaged circumstances in EPA or MP!), and which also contributes financially to Palo Alto Public Schools (Castilleja only takes but does not give).

Recently, when San Francisco Friends School opened in San Francisco's Mission District, it agreed (1) not to have a parking lot, requiring all families to commute via public transportation; (2) it agreed to give multiple full scholarships at every grade level to poor children who live in nearby Section 8 Housing, and (3) it makes material contributions to the financial well being of SF public schools.

**Why is nothing asked of Castilleja -- not even tuition scholarships for needy EPA girls, if Castilleja truly valued ALL women's education** and not just the best education money can buy for the wealthiest girls in the Bay Area? As a reminder, despite Castilleja's \$60 million endowment, \$55,000 enrollment costs (with meals and books), and the \$14 million it receives in donations each year, it provides ANY financial aid to only 1/5th of the students enrolled -- meaning that 80% of Castilleja families pay full fare of up to \$55,000 in tuition, fees, and costs every year per daughter enrolled at Castilleja. For many Castilleja families, tuition alone costs a post-tax \$150,000/year. Median income per household in Palo Alto is \$145,000/year, which is one reason that Castilleja draws such a small minority of its attendance base from Palo Alto families and has no reported students from very low income families (as defined by state law) in attendance.

#### **5. FAILURE TO ABIDE BY MUNICIPAL CODE RESTRICTIONS ON THE CITY'S RIGHT TO GRANT A CONDITIONAL USE PERMIT:**

As a reminder, **Palo Alto Municipal Code makes it illegal for the City Council to grant a Conditional Use Permit if the Permitted Use causes any inconvenience or harm to the community.** See **Palo Alto Municipal Code chapter 18.76.** Does the City truly believe that this unprecedented commercial construction project and the resulting underground bunker-based garage to house only cars driven by teenage girls, will cause no inconvenience to residents?

##### **18.76.010 Conditional Use Permit (CUP)**

(c) Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will: **(1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;**  
(2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

#### **6. FAILURE TO MAKE LEGALLY MANDATED FINDINGS TO SUPPORT REMOVAL OF OPTION OF CASTILLEJA MOVING FROM ITS SITE FROM CONSIDERATION AND ANALYSIS:**

Not only do the facts fail to support the illegal and irresponsible decision to remove the option of Castilleja moving from the school site even Castilleja admits it has overwhelmingly outgrown .. but the very notion of Castilleja not being able to move to an alternate site, given the thousands of available acres and much larger available sites already zoned for its use in Palo Alto is preposterous. It also flies in the face of legally binding representations made by Castilleja just a few years ago.

In 2013, Nancy Kauffman agreed in writing that she would move Castilleja from its current site if the private school did not comply with the law, including its enrollment cap of 415, and its traffic demand management plan of 350 vehicles, by year 2018. Apart from the fact that the



City of Palo Alto , why exactly did the PTC find that Castilleja was not capable of moving to a new campus? If Castilleja can tear this one down and rebuild, wouldn't it be easier and better for Castilleja's students to stay put while **Castilleja builds its new campus on a site that is zoned for schools, like every other private and public school in the region?**

Was Nancy Kauffman lying when she agreed to move to a new campus if the school failed to comply with its 415 student enrollment cap by 2018? (see attached)

According to Castilleja's tax records, Castilleja is flush with money, with annual income above \$50 million, and net assets - not including the (non-re-assessed) land --- of more than \$120M - and additionally has an Endowment of more than \$60 million.

<https://www.guidestar.org/profile/94-0373222>

<https://apps.irs.gov/app/eos/displayCopyOfReturns.do?dispatchMethod=displayCORInfo&CopyOfReturnId=172025&ein=940373222&country=US&deductibility=all&dispatchMethod=searchCopyOfReturns&isDescending=false&city=&ein1=&postDateFrom=&exemptTypeCode=al&submitName=Search&sortColumn=orgName&totalResults=1&names=castilleja+school&resultsPerPage=25&indexOfFirstRow=0&postDateTo=&state=All+States>

In fact, some local tax lawyers believe that Castilleja may be committing tax fraud by failure to pay tax on its millions of dollars of income generated by non-educational sources, including rental income for the multiple Palo Alto homes it owns and rents to private tenants unassociated with the school.

## **7. EXCLUSION OF COMMUNITY COMMENT, AND MISREPRESENTATION OF COMMUNITY SUPPORT, WHEN THE PROJECT CLEARLY HARMS PUBLIC INTEREST, EVEN IF A HANDFUL OF NEIGHBORS SUPPORT IT**

Critically: the ARB, PTC, and PACC should be aware that not every Palo Alto based Castilleja family favors this development. **Approximately 10% of the money I raised for my City Council Campaign came from Palo Alto-based Castilleja parents -- many because of, not despite, the message on my website, reposted below.** Many Castilleja families oppose the actions being taken by Nancy Kauffman, but out of the best interest of their daughters, they are not able to speak out. Several others have children who attend both Castilleja and public schools, and they recognize the well-established harm that wealthy private schools like Castilleja cause to a public school district. Given how much PAUSD is struggling - and Castilleja is not - some wonder why all this attention and money is being given to Castilleja while our local public schools flounder without a workable recovery plan.

## **8. ABUSE AND MIS-USE OF THE QUASI-JUDICIAL HEARING PROCESS:**

State and local law mandate that a quasi-judicial hearing be conducted in a fair, open, and transparent manner. These rules, largely articulated by the Brown Act, are described in detail, when it comes to Quasi-Judicial Hearings, in the California League of Cities Guide to Quasi Judicial Hearings: <https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2013/2013-Annual-Conference-City-Attorneys-Track/9-2013-Annunal-Adam-U-Lindgren-Common-Issues-in-Qu>

This handbook mandates the following government requirements, all of which have been violated by the City of Palo Alto's Commissions and Council;

1. The community has a right to be heard, and short limitations on community time are discouraged given potential Brown Act and due process violations;
2. The applicant may not be represented both as itself, and also as part of community commentary -- which means that Castilleja supporters who are not neighbors in Palo Alto are legally prohibited from speaking during community comment time given their lack of standing;
3. All legal conclusions -- such as the exclusion of underground garage from EIR report, or the inability of Castilleja to afford to move to a site zoned for schools -- must be backed by specific factual findings -- such as, in these cases, the lack of impact of an underground garage on the neighborhood, and the lack of financial capacity for Castilleja to move to a site where it would not need to apply for CUPs to operate as a school.

4. Ex parte interactions are illegal -- which means that Commissioners are prohibited from taking private tours, having private meetings with Kauffman and other Castilleja leadership, and Commissioners may not gain information about the applicant through family members, or via self-interested communications including applying for admission. Those who have ex parte communications must recuse themselves from both deliberation and voting.

**5. These prohibitions on ex-parte communications do not apply to communications with the community.** - So, despite false statements that Commissioners and Council members are prohibited from speaking with the public about applications, the opposite is true: local government leaders are mandated to have open communication with the public, but prohibited from having private meetings with the applicant.

6. Crucially, the Handbook notes, "For a quasi-judicial decision to be fair, the hearing must be conducted by a fair decision making body. 'A fair tribunal is one in which the judge or other decision maker is free of bias for or against a party.' Morongo, supra, 45 Cal.4th at 737, citing Withrow v. Larkin, supra, 421 US at 46. Despite the presumption of impartiality articulated in Morongo, , as will be detailed in papers that follow, "[p]rocedural fairness requires internal separation between advocates and decision makers to preserve neutrality." Morongo, supra 45 Cal.4th at 737, citing Department of Alcohol Beverage Control v. Alcohol Beverages Appeals Bd. (2006) 40 Cal.4th 1, 10" \_

To clarify, decision-makers must be separated from applicants. This prohibition serves to prevent decision makers from being swayed away from their actual job of serving public interest. Public interest is mandated; private interests are banned.

Palo Alto literally has this backwards -- which has contributed to the spate of illegal, irrational, and unprecedented decisions made by this City Council -- including, a few months ago, the ludicrous decision that AJ Capital was forced to use the residential building it purchased for commercial use, because the one residential use it sought was a use prohibited by the Ellis Act. In other words, the PACC was correct that the Ellis Act prevents AJ Capital from turning the apartment building it purchased into condos because AJ Capital evicted the tenants illegally. Where the City Council went horribly wrong was in claiming that it somehow was "required" to allow AJ Capital to convert the residential building into a commercial building. Meanwhile, the clear language of the Ellis Act (and all cases that interpret it without exception) mandates that when tenants are evicted illegally, the landlord may not condo convert or otherwise re-rent at a rent more expensive than the rents paid by the evicted tenants. In other words, AJ Capital had a legal option: that of re-renting the units at the existing rents -- and its expensive settlement agreements with tenants did not change the force of State Law. But for reasons that defy logic, fact, or intelligence, City Council allowed AJ Capital to convert the residential building it purchased into an upscale hotel to serve businesses at a time when the entire state, and almost all commercial businesses, were on lockdown. This is the kind of damaged thought processes that Palo Alto is on track to repeat with Castilleja.

Why does this keep happening? Perhaps it is due to Palo Alto City Council's apparent belief that laws do not apply to Palo Alto -- for example, with the mandates of the RHNA Housing requirements, and the consequences of AB 35. But the law DOES apply to Palo Alto, and **our elected and appointed officials have sworn pledges to uphold our laws.**

Or, perhaps embarrassing and shameful conclusions stem from our local government's apparent comfort with corruption. Hence, Part B:

## **B. UNDISCLOSED CONFLICT OF INTEREST APPEARING TO INFLUENCE CITY DECISIONS REGARDING CASTILLEJA:**

Last year, I pointed out the non-disclosed potential conflicts of interest by then-Commissioner Asher Woldfogel. Fortunately, the City Council chose not to reappoint Mr. Waldfogel to another term. Unfortunately, the City Council instead chose to appoint a third legal representative for Commercial Developers, onto a Commission that already at the time had two lawyers whose businesses rely on the success of their client base: Commercial Developers.

Usually the conflicts that commercial development lawyers (aka "land use" lawyers, whose clients are commercial development firms) are not readily visible. Sometimes (although rarely)

these attorneys are able to temper their professional bias with occasional votes against developer financial interest. Only in the case of one commissioner is such bias so blatant, and does that Commissioner dominate so many meetings with false statements and misleading claims (e.g. the "job of a lawyer is to interpret the law," he said last Wednesday, when he knows well that his job is to interpret the law to the benefit of his client): Commissioner Alcheck.

Mr. Alcheck's biases have been on particular display in regards to Castilleja, given that every meeting, he loudly and vigorously repeats the same lies:

1. Alcheck lies that Castilleja is being treated unfairly. Per below, Castilleja is being given public windfalls equaling \$6 million/year, not to mention the free use of all community services, including utilities delivery, police, fire, road maintenance, tree trimming, and telecom provisioning, without paying a DIME to the public, in taxes or otherwise. Even Castilleja admits that it has no legal right to operate a school on its current site, which is why it needs legal approval from the City to open its doors even to one student.

2. Alcheck lies that every other school gets to do what Castilleja is prohibited from doing. The truth: if Castilleja were to move to a site zoned for schools, like every other school cited by Alcheck and Castilleja, it would not need a CUP to operate, much less, to engage in the preposterous construction project it is bullying our city into being allowed to do. **If Castilleja wants to build an underground garage and new multi-story structure, it only need to move to one of literally hundreds of available commercial lots in Palo Alto -- which is what every single other private school has done.** (Alcheck even - criminally - has compared the rights of Castilleja to those of public schools. Castilleja does not open its gates to the public ever. Public schools are required to, always.)

3. Alcheck lies that the law allows a commercial underground garage to operate in a residential neighborhood. On the contrary, the well-established legal truth backed by countless legal decisions and black letter law is: **if a residential neighborhood prohibits commercial use like a school -- it also prohibits a commercial underground garage** As a reminder, if Castilleja were legally entitled to be located on 55 R-1 lots in Old Palo Alto, it would not need a CUP. As Castilleja itself confesses, Castilleja cannot operate AT ALL on its site without a CUP. The illegality of "private educational facilities" and its associated buildings and developments to operate with CUPs for ALL uses is repeated 112 times in the relevant section of the Palo Alto Municipal Code: <https://www.cityofpaloalto.org/civica/x/filebank/documents/8700>

Although "commercial garages located below ground" is not specified as one of the MILLIONS of illegal commercial uses outlawed in residential neighborhoods, an underground garage for 100 (or however many) cars to serve a commercial interest is a commercial interest. **There is ZERO precedent for any municipality to exclude a commercial garage from commercial garage from environment impact analysis.** The fact that the City of Palo Alto has done crosses the bounds of credibility into potential misconduct. The garage is for commercial use, no matter if it is on the 10th story or in an underground bunker that will destroy - permanently - 200 irreplaceable ancient trees.

**Must we wait for a 16 year old driving a Range Rover to drive over an 8 year old child on a bicycle before recognizing the toxic absurdity of the PTC's recent decision to exclude Castilleja's garage from analysis? Michael Alcheck - whose children do not ride bikes to and from public school in Palo Alto -- does not recognize this undeniable risk to our public school children's safety -- a risk that was acknowledged by the ARB last month, when it pointed to the spate of deaths caused by construction trucks killing children on bikes when they make right turns - the exact cause of death of an 11 year old Palo Alto public school student in February.**

Perhaps the three lawyers on the PTC jointly propound this irresponsible and dangerous legal misstatement -- as well as other pro-developer biased interpretations - because all three lawyers on the Planning Commission are legally bound by the California Bar's Ethical Rules of Professional Conduct to act at all times in the best interest of their clients - commercial developers. Mr. Alcheck - the Commission who speaks as if he were on Castilleja's payroll himself (is he?) - has professional conflicts that go beyond his Legal Rules. **Mr. Alcheck is a commercial developer and commercial real estate investor himself.**

And if that were not enough, Mr. Alcheck also has undisclosed Personal Conflicts, that go beyond his Professional Conflicts:

1. **Michael Alcheck's niece(s) (last name: Bodner) attend(s) Castilleja.**
2. **Michael Alcheck's sister, Ronit Alcheck Bodner, attended Castilleja and serves as an engaged high-contributing Alumna to Castilleja.**
3. **Michael Alcheck's parents and sister are, and have been, tightly associated with Castilleja and huge financial contributors to Castilleja for years, if not decades.**

Evidence from the last 2 years, although this dates back much further:

See references to Ronit Alcheck Bodner in the following:

ANNUAL REPORT 2020

[https://issuu.com/castillejaschool/docs/annual\\_20report\\_202020\\_20issuu\\_20\\_1\\_/s/11297372](https://issuu.com/castillejaschool/docs/annual_20report_202020_20issuu_20_1_/s/11297372)

ANNUAL REPORT 2019

[https://issuu.com/castillejaschool/docs/castilleja\\_annual\\_report\\_2019\\_issuu](https://issuu.com/castillejaschool/docs/castilleja_annual_report_2019_issuu)

Ronit Alcheck Bodner listed in the following, for both years?

Parents' Annual Fund

Friend's Circle

\$1,000 - \$4,999

Ronit Alcheck Bodner '91 and

Zack Bodner

INVENTOR

\$6,500 - \$9,999

Ronit Alcheck Bodner '91

and Zack Bodner

Friends of Mary Lockey

\$5,000 - \$9,999

Ronit Alcheck Bodner '91

4. Additionally, confirmed through sources: **Michael Alcheck seeks to send his daughters to Castilleja** - which accepts as few as 5% of applicants. Currently, all three of Alcheck's children attend private - not public - school. **Doing favors for Castilleja may help his chances -- and increasing Castilleja's enrollment by 30% is guaranteed to improve his chances for admission.**

**Alcheck's lack of personal stake in the well-being of Palo Alto public schools** may be a reason that Alcheck has failed to acknowledge the documented financial harm that private schools cause public school districts. See e.g. [this article](#), [this article](#), [this article](#), and [this article](#). Given that Castilleja contributes ZERO to public funds, yet takes so much of public resource time, money, and receipt of public services, every dollar used by Castilleja for free is a dollar deprived from the public school students of Palo Alto. This fact cannot be disputed, so Castilleja does not try.

That fact alone makes it illegal to the City of Palo Alto to grant Castilleja its proposed CUP under **Palo Alto Municipal Code chapter 18.76** (see below).

5. **Michael Alcheck has additional close ties with Castilleja, including ties to Castilleja's CFO Kathleen Layendecker.** See e.g. <https://www.cityofpaloalto.org/civicax/filebank/documents/73344>

In fact, I strongly encourage the PTC, ARB, City Attorney's Office, and PACC to read all communications sent to the City's Commissions and City Council regarding Castilleja. The Community has much to say.

6. **Additional personal conflicts:** Michael Alcheck's sister sits on the Planning Commission in Los Altos, CA. Both Michael Alcheck and his sister work for the commercial development firm owned by their parents. QUERY what that firm's construction company division stands to gain from the \$300 million (or more) planned construction project for Castilleja in the residential neighborhood of Old Palo Alto, CA.

If Michael Alcheck did not think it was important to disclose that his sister and co-worker has donated more than \$100,000 over the past several years to Castilleja, that his niece(s) attend

Castilleja, and that his sister actually attended Castilleja herself when they were growing up ... what else is he concealing? **If these matters do not pose a problem, then why not disclose them?** At the most recent PTC Meeting, Commission Chair Templeton asked if any Commissioners had any potential conflicts to disclose, and Commissioner Alcheck again remained silent.

Of course, Alcheck is far from alone in having a personal stake in Castilleja's growth. Every single Palo Alto Commission has at least one Castilleja insider -- this is the case even though fewer than 20% of Castilleja's families live in Palo Alto. Given that only 50-60 (given siblings) Castilleja families live in Palo Alto, it is virtually impossible that this distribution in Palo Alto appointed leadership would occur by chance. In no recent case has any Commissioner closely associated with Castilleja recused themselves, including, recently, on the ARB, where a Commissioner appropriately disclosed that she formerly served as a Castilleja Trustee (and thus almost certainly is an Alumna and/or daughters who attended or attend Castilleja, although that was concealed). This Commissioner declined to recuse herself, and instead spoke favorably of Castilleja's application.

Given that: (1) Castilleja has been in violation of the law and its contract for almost 20 years; (2) Castilleja has been fined a fraction of a percent of what it actually owes the City of Palo Alto; (3) Castilleja is in violation of the settlement agreement it reached with the city in 2013; and (4) Castilleja is in the final stages of steamrolling an illegal, dangerous, overwhelmingly opposed unprecedented huge construction project through the ARB, the PTC, and City Council -- every potential and perceived conflict of interest should be taken seriously.

### **C. CONCLUSION:**

Palo Alto City Council must slow down and give this illegal and dangerous project another look. Imagine if this were John Arrijaga himself proposing a commercial project on 55 residential lots, rather than the private school financially backed by Mr. Arrijaga, and attended by Mr. Arrijaga's daughters, and now, granddaughters, demanding this unprecedented commercial project on 55 residential lots?

The City of Palo Alto must enforce its own laws. In order to do so, it must demand full transparency, integrity, and disclosure with regard to this project. The public deserves better. Please enforce your own contractual agreements, as well as the laws you enforce against non-billionaire stakeholders before more damage is done due to irrational and unjustified acts that harm our community's safety, security, and well being.

Sincerely,

Rebecca Eisenberg, Esq.

Rebecca Eisenberg, Esq.  
Principal & Founder  
**Private Client Legal Services**  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
[rebecca@privateclientlegal.com](mailto:rebecca@privateclientlegal.com)  
415-235-8078

<https://www.winwithrebecca.com/castilleja>

## **Dear Community Members of Palo Alto,**

I am a huge fan of all-female education. I have read the studies and I believe, without qualification, that

educating girls and women in single-sex setting is beneficial to women's equality. While at Stanford, in 1987, I received a Boothe Prize for Excellence in Undergraduate Writing for a philosophy essay that relied on both Rousseau and Wollstonecraft in supporting and defending the single-sex education of girls and women. I always have supported and will continue to support, single sex education for girls and women.

I also have great respect for Castilleja as an educational institution. Castilleja is recognized internationally as a top rated all-female middle school and high school. Castilleja deserves its international prestige.

My problems with Castilleja lie not in its performance as an educational institution, but as a campus in Palo Alto that has not complied with zoning law. Castilleja is subject to a Conditional Use Permit (CUP) issued in 2000, which limits its enrollment to 415 students, and its car usage to that which would be generated if it had only 385 students, the maximum enrollment in Castilleja's CUP prior to 2000.

Since 2002, Castilleja has been in violation of both of these primary aspects of its CUP, and by means of not coming into compliance since that time, also is in violation of our municipal and building codes. Importantly, without the CUP, Castilleja could not operate a school at that location. Castilleja sits on approximately 55 lots that are zoned

for residential use (RH-1), and the City of Palo Alto granted the CUP in a manner that is necessary to preserve the integrity of this quiet, residential neighborhood. In other words, Castilleja operates due to a zoning variance provided by the City that binds Castilleja to strict requirements that Castilleja agreed to when the CUP was issued, but Castilleja has not kept its word.

Pursuant to Castilleja's own records, Castilleja has enrolled more than 415 students since 2002. Despite numerous warnings from the City, as well as complaints from third parties regarding safety hazards, Castilleja has not come into compliance. If Palo Alto enforced its own municipal code, Castilleja would be liable to the city for \$500/day per violation of the CUP. Each additional student constitutes a violation of the CUP.

During the many years that Castilleja has enrolled 20 students above the CUP, the zoning fines amount to \$500/day per 20 students = \$10,000 in fines per day. Figuring 300 days a year, the zoning fines amount to \$3 million/year. Palo Alto has not collected these, so Castilleja has not paid them. Castilleja also is legally obligated to show through a Transportation Demand Management plan that the traffic it generates is equivalent to that which would be generated if enrollment remained at its pre-2000 maximum of 385 students.

In fact, Castilleja's violations of its

CUP have been so severe and so long standing, that in 2013, the City and Castilleja signed a settlement agreement that provided a reduced penalty for Castilleja (\$365,000) in exchange for Castilleja making two promises:

(1) that Castilleja would come immediately into compliance with its CUP limiting enrollment to 415 students by reducing enrollment by 4-6 students a year

(2) that Castilleja would NOT file for an amended CUP unless and until it became fully compliant with its existing CUP. The agreement provided that if Castilleja were to break these promises, the City of Palo Alto would consider all legal consequences, including pulling its permit and requiring Castilleja to leave its site.

Nonetheless, Castilleja broke both promises. It never reduced its enrollment to the legally mandated 415 students. Nor did it wait for compliance to file for an amended permit.

Castilleja instead filed a permit requesting a 30% increase in enrollment as well as an underground garage abutting the bike boulevard used by elementary school students. And instead of enforcing its settlement agreement, the City has done nothing.

## Why is this important?

**1. All people and companies should**



**be required to comply with the law.** Consequences for illegal behavior should be applied equally.

**2. Castilleja operates on its site due to a variance given voluntarily by the City of Palo Alto.** It does not have the legal right to operate on 55 residential lots if not for this variance (the CUP). The land is zoned for houses, and was zoned for residences when Castilleja first acquired it. In fact, Castilleja used to be a boarding school, so its location on residential lots was easier to justify then.

**3. Now that Castilleja is a commuter school, Castilleja's existence on these 55 residential lots is expensive to the city's housing supply.** Palo Alto is subject to the requirements of state law, mandating that the city add housing every year, Cities that fail to meet the state-mandated minimum new housing subject themselves to State intervention, where the State will enter the city and put housing where the State wants.

Palo Alto is among the very most behind in its housing minimums in the state. Palo Alto needs those 55 residential lots much more now than it did during the time when it gave Castilleja its CUP. Given that CUP's must be given only to the extent that a public interest is furthered by the granting of the CUP, if Castilleja had applied for its original CUP today, it is unlikely that the City of Palo Alto would have granted it.

**4. Castilleja's non-compliant existence on the 55 residential lots also significantly costs Palo Alto financially.** Castilleja is tax exempt as a private school under the IRS Code's Section 501(c)(3), so it pays no taxes to Palo Alto. That means that the residents of Palo Alto currently pay for all of Castilleja's use of city services, including street maintenance, tree safety, fire fighters, delivery of utilities, stoplights, traffic enforcement, local parks, and all other public services that students and staff at Castilleja use. For each additional student and staff member, that use increases, and those costs are borne entirely by the residents of Palo Alto, not by Castilleja.

This is what the law provides, which we cannot control. That said, the City of Palo Alto is facing a severe budget crisis that has led the City Council to cut services to our public school students, funding to our public schools, hours and services offered by our public libraries, and even community programs for children such as the Palo Alto Children's Theatre. Castilleja's over-enrollment contributes to that budget crisis.

**5. Castilleja's continued growth beyond its legal size limit has had growing negative impacts on the community.** Despite Castilleja's legal promise to Palo Alto to reduce the impact of car commutes, Castilleja has continued to make driving the most convenient way for its students to

attend school. In its most recent application for an amended CUP, Castilleja admits that it prefers that its students drive, asking for the right to build a large parking garage on its campus to enable more driving. Already Palo Alto's aging population faces risk from the increase in traffic due to so many new drivers filling the streets - elementary school bikers are also at increased risk of getting hurt. This is neither sustainable or safe. What Castilleja could do is encourage carpooling - a more environmentally sustainable solution.

**6. Construction at the Castilleja site will create hazards for Palo Alto residents for years.** In addition to construction noise, the monumental construction project that Castilleja requests for its 6 acres will create the hazards that large construction projects always create: air pollution, traffic, toxic materials, and reliance on public services such as public safety and the fire department.

Construction fires are common. Construction trucks also pose huge safety risks to neighbors. Only 4 months ago, a construction truck near California Ave struck and killed an 11 year old bicyclist due to lack of lighting in the residential neighborhood. Old Palo Alto is a residential neighborhood and is not set up to sustain the type of huge projects that Castilleja is demanding to build. What if an actual lock-down emergency were to happen at Palo Alto High School, or Walter Hays, but first responders cannot

reach the students because of the hazards at the Castilleja construction site?

## What I would like to see happen:

- 1. Castilleja needs to comply with its current Conditional Use Permit.**
- 2. If Castilleja cannot comply with its CUP, I will work with Castilleja to find a second campus that is zoned for schools rather than for residences.**
- 3. Castilleja can sell its extremely valuable parcel of land and use the proceeds to invest in a new location that is zoned for schools.** This would allow those 55 RH-1 lots to return to residential use -- and would allow Palo Alto to collect property tax from those lots as the city had planned when Palo Alto zoned the area RH-1.
- 4. If Castilleja would like to increase its enrollment over its legal limit of 415, it can open discussions with the City about ways it can pay the City of Palo Alto for its use of city services.** This is what Stanford does, and is why Stanford historically has paid millions of dollars to our public schools, and why Stanford is required to provide its electric shuttle bus system - the Margueritte - as well as make the Margueritte available to use by the public.

Stanford also has committed to keep many areas of its campus open to the

public, so that Stanford's art, biking paths, streets, and even many of its buildings, facilities, and programs are open to the public. Castilleja has not made any similar offers, for example to open its proposed pool to low-income residents for swim lessons, or to set aside fully paid up scholarships for needy children from nearby neighborhoods. Both of those things are done by many prestigious private schools nationally, even without needing to offer them in order to be granted a conditional use permit.

Although many organizations have called for Castilleja to invest in communities of needs through full scholarships set aside for poor neighbors, Castilleja has not announced any official program doing so.

**Both Castilleja representatives and Palo Alto residents are unhappy with the current situation. If we do nothing, we could potentially be endangering everyone involved. I would love to work with Castilleja, and negotiate a situation where we can maximize both safety and women's education.**

Sincerely,

## Rebecca Eisenberg

<Sept 25 2013 Notice of Noncompliance and Request to Abate.pdf>  
<Oct 25 2013 Letter from Castilleja to Palo Alto.pdf>  
<Dec 20 2013 City Letter Providing for Revocation of CUP.pdf>  
<Castilleja's \$256K fine for a decade of noncompliance.pdf>

On Nov 24, 2020, at 7:16 PM, mark weiss <earwopa@yahoo.com> wrote:

Somehow reminds me of the sign in the bathroom of my neighbors the Diedens growing up in Saratoga, CA forty-eight years ago:

WE DON'T SWIM IN YOUR TOILET, SO PLEASE DON'T PEE IN OUR POOL.

But in this case it's more like "We just shat in your toilet, but you still can't swim in our pool".

Rebecca 2022!!

—mbw

Sent from my iPhone

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

mark weiss <earwopa@yahoo.com>

Tue, Nov 24, 2020 at 10:11 PM

To: Aram James <abjpd1@gmail.com>

Cc: Rebecca Eisenberg <rebecca@winwithrebecca.com>, Roberta Ahlquist <roberta.ahlquist@sjsu.edu>, ladoris@judgewardell.com, Giselle Galper <giselle@galper.us>, Gail Price <gail.price3@gmail.com>, Curtis Smolar <csmolar@gmail.com>, Rebecca Sanders <rebsanders@gmail.com>, Kelsey Banes <kelsey@yimbyaction.org>, angiebevans@gmail.com, Kristin Jordahl Hansen <kjordahl@gmail.com>, Adina Sterling <adinasterling@gmail.com>, Josh Becker <becker.josh@gmail.com>, ro@rokhanna.com, supervisor.simitian@bos.sccgov.org, Elizabeth Collet Funk <elizabeth@dignityfund.com>, Bruce Reyes-Chow <breyeschow@fprespa.org>, Megan@techequitycollaborative.org, moore2j@att.net, teriolleSF@gmail.com, Teri Baldwin <teribaldwin@paeacta.org>, laureltamariz@gmail.com

I suggest we refer to the applicant as "Caste" as a shibboleth among people on this thread (for "Casti") and also, as Aram and Rebecca point out, its mission seems more about furthering economic disparity than gender equity in education.  
Mark Weiss

I preserve the electeds on this list although they are sworn to support all constituents regardless of how misguided some of those may be; speak truth to power with love,

Sent from my iPhone

On Nov 24, 2020, at 8:56 PM, Aram James <abjpd1@gmail.com> wrote:

[Quoted text hidden]

---

Rebecca Eisenberg <rebecca@winwithrebecca.com>

Mon, Dec 14, 2020 at 9:57 PM

To: Adrian Fine <adrian.fine@cityofpaloalto.org>

[Quoted text hidden]

---

**2 attachments**

 **Moncharsh Formal Complaint for PNQL.pdf**  
738K

 **Eisenberg Letter to PACC PTC ARB November 22 2020.pdf**  
309K

---

**Rebecca Eisenberg** <rebecca@winwithrebecca.com>  
To: Adrianfine@gmail.com

Mon, Dec 14, 2020 at 9:58 PM

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

From: **Rebecca Eisenberg** <rebecca@winwithrebecca.com>

Date: Tue, Nov 24, 2020 at 5:10 PM

Subject: Why care about Castilleja's Proposed Expansion?

To: Aram James <abjpd1@gmail.com>, Roberta Ahlquist <roberta.ahlquist@sjsu.edu>, <ladoris@judgecordell.com>, Giselle Galper <giselle@galper.us>, mark weiss <earwopa@yahoo.com>, Gail Price <gail.price3@gmail.com>, Curtis Smolar <csmolar@gmail.com>, Rebecca Sanders <rebsanders@gmail.com>, Kelsey Banes <kelsey@yimbyaction.org>, <angiebevans@gmail.com>, Kristin Jordahl Hansen <kjordahl@gmail.com>, Adina Sterling <adinasterling@gmail.com>, Josh Becker <becker.josh@gmail.com>, <ro@rokhanna.com>, <supervisor.simitian@bos.sccgov.org>, Elizabeth Collet Funk <elizabeth@dignityfund.com>, Bruce Reyes-Chow <breyeschow@fprespa.org>, <Megan@techequitycollaborative.org>, <moore2j@att.net>, Laurel Tamariz <laurel@schoolsandcommunitiesfirst.org>, <teriolleSF@gmail.com>, Teri Baldwin <teribaldwin@paeacta.org>

[Quoted text hidden]

---

**2 attachments**

 **Moncharsh Formal Complaint for PNQL.pdf**  
738K

 **Eisenberg Letter to PACC PTC ARB November 22 2020.pdf**  
309K

3/25/2017  
Leila Moncharsh  
Formal Complaint on  
behalf of PNQL  
Enrollment  
Events  
Meetings

DONNA M. VENERUSO (d.'09)  
LEILA H. MONCHARSH

LAW OFFICES  
VENERUSO & MONCHARSH  
5707 REDWOOD ROAD, SUITE 10  
OAKLAND, CALIFORNIA 94619  
TELEPHONE (510) 482-0390  
FACSIMILE (510) 482-0391

March 25, 2017

James Keene  
City of Palo Alto  
250 Hamilton  
Palo Alto, CA 94301

Re: Castilleja School – Complaint for Enforcing 2000 CUP

Dear Mr. Keene:

I am a land use attorney and was retained by Protect Neighborhood Quality of Life Now (PNQL), a group of neighbors living in the vicinity of Castilleja School. Over the last 20 years, I have periodically reviewed development plans for private school expansions on behalf of potentially impacted neighborhoods. I am familiar with private schools<sup>1</sup> in the region, how they are operated and marketed through non-profit corporations, and the history of their evolution.

**A. Background Information – Long term Use Permit Violations**

In reviewing the City documents and relevant correspondence, it appears that the City became aware in 2013 that Castilleja was in violation of its use permit by exceeding the enrollment cap in the 2000 CUP. (Letters between City and Castilleja, attached as Exhibit A.) The over-enrollment began with the 2002-2003 school year and has continued uninterrupted for every consecutive year. (Letter, dated September 25, 2013, included in Exhibit A.) In 2013, the City cited Castilleja under Ordinance, section 18.77.110, but did not follow the mandates of the ordinance. (See “Revocation or Modification of Approvals, attached as Exhibit B.) No CEQA review or public hearing was required, only imposition of a substantial fine.

The City planning manager first appeared to require that the school reduce the enrollment over a period of time, and then later entered into an agreement with the school allowing the use permit violation if the school applied for a modified CUP and the school complied with traffic conditions in the current 2000 CUP. The school promised to apply for a modified CUP on January 1, 2015, and eventually applied for it on June 30, 2016. Effectively, the City failed to enforce the 2000 CUP and bargained with Castilleja to “legalize” the over-enrollment with no public input. The “deal” struck by the City is unacceptable, given the over a decade-long period of non-compliance with the use permit, the serious impacts on the neighborhood from the school’s current operations, and the fact that Castilleja knew full well that it was violating its permit as to enrollment and as to other conditions in the permit.

<sup>1</sup> Throughout this Complaint, I am using the term “private schools” to refer to private, independent schools as opposed to parochial, charter, or other types of privately owned schools.



Therefore, the community now files this formal Complaint seeking the City's compliance with its own ordinance. The City should follow the mandates of Ordinance No. 18.77.110, hold a public hearing, and request that the administrative hearing officer require that Castilleja immediately abate all of its use permit violations or if the school refuses or fails to do so, revoke the permit.

At the time the planner bargained with Castilleja, apparently the City was unaware of the small minority of private schools in California that have pursued the exact same pattern – violating the use permit, refusing or failing to get into compliance, and then leveraging their own recalcitrant refusal into a modified use permit with far greater privileges and negative impacts on the surrounding residential neighbors. There are two such private schools in Oakland, one in Los Gatos, and two in Brentwood (Southern California), and now the instant school in Palo Alto. All of them have followed an almost exact duplicate playbook, as shown later in this letter.

The other jurisdictions responded to similar problem schools by tightening up the use permits with additional and more specific CUP restrictions. However, Palo Alto already completed that process in 1999 with a long, laundry list of conditions for Castilleja to follow. Instead, the nonprofit violated the permit with over-enrollment. The City then fined Castilleja a modest amount of money considering the many years of abuse, but that also did not bring about compliance with the 2000 modified permit. The problems with Castilleja, like the other rule violating schools, are systemic and related to poor management and poor future planning.

Furthermore, the violations of the use permit do not only involve over-enrollment. Castilleja also has consistently been violating the use permit as demonstrated by the attached declarations submitted by the neighbors, regarding noise, number of events, and traffic management. (Neighbor declarations, attached as Exhibit C.)

#### **B. Specific Use Permit Violations**

According to the correspondence between the City and Castilleja, it appears that the planner was unaware of the many other conditions of the Use Permit, besides over-enrollment that Castilleja was and continues violating. The correspondence suggests that Mr. Turner was only focusing on traffic and parking when all of the conditions should have been reviewed for noncompliance. The violations specifically include the following:

*Condition No. 22: Castilleja shall initiate the scheduling of neighborhood meetings to provide an open dialogue regarding the neighborhood issues. The meetings shall occur twice a year, once in June and once in October. The Zoning Administrator shall be noticed as to the time and date of the biannual neighborhood meetings and may attend.*

Castilleja first began to hold "public meetings" with the neighbors in 2014 (although required to do so beginning in 2000). The City Council intended for the neighbors and Castilleja to meet two times per year to go over any issues that the neighbors might have with the school's institutional uses. This is a very standard condition that is intended to prevent institutions from becoming a nuisance to residential neighbors. The institutional use is only as compatible with a residential neighborhood as its management insures. By having the neighbors and the institution

meet twice a year, Castilleja was on "fair notice" of its management failings and had a chance to correct them before the problems escalated. They chose not to do so.

When Castilleja eventually did start complying with Condition 22, it was not for the purpose intended by the City Council. Instead, it apparently was only for the purpose of "selling" the neighborhood on its expansion plans, which purpose violated the permit. The last meeting, in November 2016 consisted of 45 minutes of promotional displays and speeches about the school and how great the expansion will be, and the last 15 minutes was split between canned speeches from parents who don't live in the neighborhood supporting the plans, and actual neighbors, who spoke in opposition to the plans. That was not the purpose of these meetings.

Accordingly, Castilleja has been consistently in violation of Condition 22 since 2000, first by not holding *any* meetings with neighbors, and then by using the meetings for sales' pitches, instead of "open dialogue regarding neighborhood issues" with the school's operation.

*Condition No. 25: Castilleja School shall review its event scheduling process to more strategically plan major school functions so school events do not occur on consecutive weekends. Special Events such as school dances shall utilize traffic monitors to help facilitate the traffic flow at and around the site. These traffic monitors may not be wearing uniforms, but shall be present and working during dances.*

This condition has been routinely violated because Castilleja has held and continues to hold events on consecutive weekends. Please see resident-prepared "Event Tracker" attached as Exhibit D.

*Condition No. 26: Castilleja will review event calendaring process and develop procedures to more strategically plan events and their timing placement on the calendar so that events such as dances do not become bunched in consecutive nights or weekends. Additionally, Castilleja shall review the events that take place on campus with the intent of reducing their numbers.*

Typically, institution events are very hard on neighbors because of the following factors: increased traffic during hours outside normal operations, lack of sufficient traffic monitoring, increased noise, lights from headlights and the institution shining into homes at night, and noise from patrons talking loudly or laughing loudly as they are leaving the event late at night, and car doors slamming at late hours. As shown in the attached neighbor declarations, many of the typical disturbances are mentioned by the neighbors as nuisance problems generated by the institution.

One way to decrease these nuisances is to require that there be no events on certain days, like Sundays. Then, the number of the events should be greatly reduced to mirror what a resident would expect living in an urban environment. Any neighbor might have a party from time to time, but not every weekend or consecutive nights. Some events are to be expected and are consistent with urban residential life, but not every evening or every weekend.

The main precursor of events for private schools that are not considerate of neighbors is the desire to earn more money than they can raise through tuition and donations. The events become more akin to what one expect of a small convention center with outside speaker events open to the public for a charge, fundraising parties, and other gatherings. However, these events should be moved off the campus and into a downtown or other venue more able to handle the parking, traffic, noise, and late hour problems than a single-family residential neighborhood. Instead, Castilleja has often been hosting events on consecutive nights and therefore, has been in the past and is currently in violation of its use permit.

*Condition No. 27: Castilleja has 5 major functions each year (Back to School Night, Gator Gathering, a major fund raiser dinner/dance, Founder's Day Luncheon, and baccalaureate/graduation) that will bring almost all students and parents to the Castilleja Campus. For these occasions Castilleja shall provide traffic monitors . . .*

*Condition No. 28: Additionally, there are several other events during the year, including volunteer meetings, student seminar meetings, parent receptions, open houses, parent group meetings, guest speakers, dances, school performances, sports events, science exhibitions, etc. that require groups of from 50 to 100. A complete list of these events, including date, time of event and number of expected attendees shall be published annually and distributed to neighbors and the City of Palo Alto ZA . . .*

**Castilleja has many more events than the "5" and "several" functions each year spelled out in these two use permit conditions.** They have had 61 events so far just this year through February (see School Year Event Tracker, attached as Exhibit D). The school is not required to report events with fewer than 50 attendees, which, whether they count them or not, still increases traffic and impacts the neighborhood on weeknights and weekends.<sup>2</sup>

The two conditions were designed to limit the number of events that the institution hosted for the obvious reason that they are highly disruptive to the neighborhood. The intent appears to be that the school would be limited to 5 large events per year and "several" smaller ones for 50 to 100 guests. However, as the neighbor declarations demonstrate, the number, late hours, noise and traffic problems from too many events has become a major nuisance to the residents around the institution.

Castilleja has been and continues to be in violation of Conditions 27 and 28.

These violations collectively, including pushing over-enrollment, are the product of poor management, and are not accidental. They stem from a desire to maximize profits in an era when

---

<sup>2</sup>Please note: the current CUP application contains, on Tab D, a schedule "illustrative of the types of Special Events that could occur" that total 90; 79 of these events with estimated attendance between 100 and 300 guests, and 11 of them with 400 to 700 guests. It contains no dates or days of the week. 90 events is extraordinary for a private institution in an R-1 zoned residential neighborhood, and they present it as though they are REDUCING their events to this modest number (see CUP comparison chart, attached as Exhibit E).

private schools are faced with many challenges to their continued existence. And Castilleja is not alone – the other schools that have been non-compliant with use permits in the cities mentioned above, have also angered neighbors through a “growth at all costs” approach. All of them are under threat from the changes in the education market, but that does not justify imposition on the neighborhood because of robust competition in the private school industry.

### **C. Competition Amongst Private Schools for Shrinking Market Share**

Today, from Marin to Silicon Valley and beyond, there are amazing private schools from which parents can choose. There are also a potpourri of education approaches, like Stanford Online. Its education model provides more family time, more socio-economic diversity because the students are recreating and socializing in their own communities, and reduced cost because there is far less overhead due to the absence of continual campus maintenance. The vast majority of the California private schools have responded to the competitive challenges by staying small and offering a great deal of individual attention. The emphasis is on one goal – providing very high quality education. Palo Alto private schools are no exception.

### **D. Private Schools that Are Noncompliant with Use Permits – Are they Innovators for the Future of Private Education or . . . ?**

By contrast to the vast majority of private schools in California, the private schools that I have found violating use permits in several jurisdictions have in common the following features:

1. They assume a “grow or die” management philosophy based on the economic mechanics of large corporations, which is irrelevant to education models for children.
2. Purchasing neighboring housing and banking it for later demolition and expansion into surrounding residential neighborhoods.
3. Mixed goals that include offering high quality education, but also include extensive land development plans.
4. Board members in control of the nonprofit board may not have children in the school and the explanation for their presence on the board may rest with nonprofit corporate growth or land development, rather than education.
5. Large files with the planning agencies where they are located. The files reflect repeated applications for permits and modifications of permits, fights with city staff over violations of permits, and recurring governmental process to address the violations of use permits. The amount of staff time is greatly inconsistent with any other commercial usage, and mostly occurs on the taxpayers’ dime.
6. Disputes with neighborhoods are common. These schools are constantly encroaching in one way or another further into the residential neighborhoods surrounding their campuses. Without interference, they have and will eventually “institutionalize” the surrounding residential area with parking, drop-off and pick-up, late night events, and in other ways that have or shortly will diminish the quality of life for the surrounding residential neighbors.

7. These schools are older and they market their long existence, although the management is also "older" and out of date with current best management practices and current education models.
8. In some instances, they have had difficulties finding or replacing upper management because of labor disputes, constant feuding with neighbors, unclear goals, internal ethics issues, or "muddy" control over the school.
9. These schools are essentially "anti-regulation" and believe that complaints by neighbors are due to "a small minority of trouble-maker neighbors" who should be ignored. "Everyone else in the neighborhood loves our school" is a common refrain during city hearings. Their controlling board members live in an "echo chamber," stating and hearing that they are running great, wonderful schools for the very best students with potential.
10. A belief that they should be free of regulation because "public schools don't have to have a use permit. So, why should we?"
11. A gamesmanship approach to use permit conditions, including complying with them during the months before a city hearing on whether a modification of a use permit will be granted, and then regressing to prior bad behavior once the permit is secured.
12. Hiring paid lobbyists, and bringing large numbers of former alumnae, parents, and even children to public hearings as a way to pressure politicians into acquiescing to school demands for lenient use permit conditions.
13. Poor stewardship of natural resources, with trees the primary losers.
14. An essential focus is on making money either to expand further or just for the sake of making money – everything else is secondary or not really important.
15. They tend to have very little market share of students in the cities where they are located, which then requires more vehicle traffic.
16. These schools over-utilize their facilities for summer programs and events that are unrelated to typical school uses. The goal is generating more money. As a result, they interfere with the neighbors' enjoyment of their own residences during nighttime, and over weekends and summers.

#### **E. The City Should Enforce the 2000 CUP or Revoke the Permit**

Castilleja falls well within the very small minority of rule-violating private schools, described above. It has very little of the market share for private schools in Palo Alto. A 30% market share is exceedingly low even for rule-violating private schools in California. Destroying a residential neighborhood, draining taxpayer funds on planning expenses, and distracting the City Council from critical issues that impact 100% of Palo Alto citizens cannot be justified for the Palo Alto children who only make up 30% of Castilleja's students. It needs to improve its management and make responsible choices as to how it will compete in the future with other private schools in Palo Alto and its environs.

Please immediately enforce the 2000 CUP.

March 25, 2017  
Page 7

Very truly yours,

*Leila H. Moncharsh*

Leila H. Moncharsh, J.D., M.U.P.  
Veneruso & Moncharsh

LHM:lm

Enclosures

cc: City Attorney, Molly Stump  
City Council Members  
Planning Commissioners

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

From: **Rebecca Eisenberg** <rebecca@winwithrebecca.com>

Date: Sun, Nov 22, 2020 at 6:34 PM

Subject: Castilleja - code compliance - potential conflicts of Interest - Michael Alcheck - and other matters

To: <Planning.Commission@cityofpaloalto.org>, Council, City <city.council@cityofpaloalto.org>, Stump, Molly <Molly.Stump@cityofpaloalto.org>,

Planning Commission, Architectural Review Board, City Council, and City Attorney's Office:

I ask that this letter and the attached files be placed in the packets for both commissions and the City Council. If I need to resend this note separately to attain that goal, please let me know, as I will do so. It is lengthy to avoid having to write multiple shorter letters as in the past.

Having spoken with the City Attorney yesterday, I am following up, per Ms. Stump's suggestion, with more communications regarding Castilleja, conflicts of interest, the Municipal Code, and the documented harm that wealthy private schools cause to public school districts.

This letter addresses two primary issues, in reverse order: (B) Potential Conflict of Interest; and (A) Legal Noncompliance/non-enforcement/non-authorization by the City of Palo Alto. I apologize for the length. This summary of problems is merely a fraction of the irresponsible, irrational, and harmful actions that the Palo Alto City Council and its appointed Commissioners continue to make regarding Castilleja's proposed expansion and modernization to serve its well-heeled school body (and explicitly, no one else).

I write this letter on my own behalf, as a Palo Alto resident, a parent of public school students, an attorney licensed to practice law in California with three decades of professional experience, including direct experience with dozens of high-value land transactions and financing transactions, and as a lifelong supporter of sustainability, equity, and the essential value of strong public schools. I have standing to challenge the City's decisions and actions in these and other ways. I believe that my children's interest, and that of Palo Alto generally, will be irrevocably harmed should Palo Alto City Council approve Castilleja's CUP application, as discussed below, due to inappropriate actions and decisions made by the City and its relevant departments and commissions.

Part A:

#### **A. LACK OF ENFORCEMENT OF PALO ALTO'S MUNICIPAL CODE AND THE AGREEMENTS IT SIGNED ON BEHALF OF THE CITY**

Palo Alto has failed to enforce its own laws against Castilleja for decades, while it does so regularly for residents, small businesses, and far less-wealthy organizations and individuals with far smaller legal violations. This intentional lack of legal enforcement of its own regulations, zoning codes, and penalties has caused our community significant harm. The lack of enforcement of its own negotiated agreements is why the City faces the groundswell of

community anger, unrest, discontent, and collective opposition that has gathered to prevent the City to make an even larger error in law and judgment than it made with the President Hotel. Here I walk you through an incomplete list of the issues.

## **1. FAILURE TO ABIDE BY THE AGREEMENTS IT MADE ON BEHALF OF THE CITY OF PALO ALTO:**

**In 2013 the City began Revocation Hearing against Castilleja to Revoke its Current CUP.** (see attached letter, titled "Notice of Noncompliance and Requirement to Abate" from the City to Castilleja) To avoid impending certain revocation of the CUP, Nancy Kauffman agreed in writing that she would move Castilleja from its current site if the private school did not comply with the law, including its enrollment cap of 415, and its traffic demand management plan of 350 vehicles, by year 2018. See attached documents, obtained through Public Records Requests. She agreed that if she did comply in five years, she would agree to revocation hearings at that time.

Although the City performed its end of the bargain, charging Castilleja a minor fraction of the penalties it owes (see below), and allowing it to continue in breach for another 5 years, as long as it complies to a reduction plan proposed by Castilleja (see attached), Castilleja never performed its obligations under the 2013 agreement. It never reduced its enrollment to 415. Nor did it sufficiently (if at all) reduce traffic.

Given that Castilleja had no legal right to file for an Amended CUP, **the City had no legal authority to accept the Amended CUP** for consideration and was and is legally mandated to reject it in its entirety and halt any and all use of public resources towards this CUP which was filed in direct breach of a binding agreement between the City and Castilleja.

Additionally, according to its own agreements, the **City is legally required to initiate Revocation Hearings**. How did we get to this place? All we know is further record of the City of Palo Alto breaking its own laws to accommodate its wealthiest private interest - a private interest that donates tens of thousands of dollars via its wealthiest supporters to elected officials, but which fails to pay one dime in taxes or mitigation to public funds.

## **2. FAILURE TO PRIORITIZE THE GOVERNMENT INTEREST IN THE WELL-BEING OF ITS COMMUNITY AND PUBLIC SCHOOL DISTRICT OVER THE PRIVATE INTEREST OF CASTILLEJA:**

Palo Alto Public Schools are suffering. Most students have been out of school for almost an entire year, and all students faced a huge reduction in services and educational minutes. The PAUSD lacks resources to stream classes, and officially gave up on plans to open schools in any manner whatsoever until August 2021 the earliest. Students are facing emotional and academic crises like never seen before in Palo Alto history.

Contrast this state of affairs -- where public schools lack an opportunity to open for class -- with Castilleja's urgent need for a remodeled, higher-tech school building, an Olympic-sized, sound-enabled swimming pool, and an underground parking bunker to serve its high school aged car-



owning student population. Why is Castilleja's arrogant wholly unnecessary remodel and expansion usurping so much public time, money, and resources, when our public schools literally are closed to students?

Put in the context of the growing poverty and homeless levels in the PAUSD, the City Council's and Commission's priorities are particularly distressing. In the **PAUSD, 800 students are at poverty levels to qualify for free meals** -- approximately 7% of families at pre-covid measurements. As many as 75% of Palo Alto public school students live in homes that are rented, not owned. Many of these families will face eviction when the eviction moratorium ends in early 2021.

Castilleja serves a school population of which only 20-30% of its students live in Palo Alto. 80% of Castilleja's students pay full tuition of \$50,000 to \$55,000/year per child. Only 20% of Castilleja students receive any financial aid, and those who do receive aid generally receive far less than half of tuition, according to disclosures made by Castilleja over the years.

Given Palo Alto's median household income of \$145,000/year, the vast number of Palo Alto children's families could not conceive of being able to afford a private school like Castilleja -- even if they were admitted in Castilleja's exclusive, discretionary, and secret admissions process (as a reminder, only 20% of families receive any financial aid, with the majority of grants equaling less than half of tuition) that is said to admit as few as one of every 20 applicants.

In the same calendar year that the City Council terminated most of its Cubberley lease -- which was an essential source of revenue for the PAUSD -- thereby depriving the PAUSD of almost five million dollars of public funds it previously had given the District, City Council is giving Castilleja invaluable sums of City Department time and resources, City Council time, and public resources to enable it to build a campus that makes public schools appear like hostels, and Castilleja stand out like the Taj Mahal - but no visitors may enter.

This would be an ideal time for Palo Alto to demand its legally-required mitigations, including - like virtually every other wealthy private school that insists on locating on residential lots -- payments to PAUSD to account for the loss of property tax revenues that would be generated by those residential lots if they were being used for the legally restricted purposes. In the case of the 55 residential lots on which Castilleja sits (and pays nothing for the privilege).

**The lost property tax revenue due to Castilleja's tax-free commercial use of 55 R-1 lots in one of the most expensive neighborhoods of Palo Alto (much less, the country) is estimated at somewhere between \$3 million and \$5 million a year.** In other words, about the same amount that City Council cut from the public schools' budget this year.

Given that almost no Palo Alto firefighters, first responders, and public school teachers can afford to live in Palo Alto, wouldn't it be better for the City to devote its Planning Department time and resources, as well as PTC, PACC and ARB time and resources to something clearly in the public interest: the need for affordable housing? How can the City of Palo Alto provide such time and resources to a private school's quest to compete with the other private schools with the biggest and fanciest facilities, while at the same time the City of **Palo Alto claims complete**

**inability to comply with State Law requiring it to build housing for low and very low income families?** Time is a limited resource, and right now, countless Department, Commission and Council time is dedicated to the illegal and unjustified goal of helping Castilleja have a high-tech swimming pool, and the only time devoted to affordable housing is the time the PACC takes to draft letters claiming it lacks time and resources to build housing -- and no available land to set aside for housing. **How about the 55 residential lots being used for a commercial purpose by Castilleja, Palo Alto?**

How does conversion of more than six acres of residentially-zoned land for commercial use comply with the mandates of the Comp Plan, your stated goals, and the legal mandates of SB 35 and other California housing laws?

**If Palo Alto were to say NO to Castilleja -- as it is required to do under its own laws and contracts -- then Palo Alto could reclaim millions of dollars of local resources to spend on its stated TOP priority: affordable housing.** Nowhere in the Comp Plan or City Council values or goals is the interest of furthering the community-subsidized (through police, fire, utilities delivery, thousands of hours of department and commission time, theoretical enforcement, and mitigation of safety hazards for which Castilleja refuses to pay) **commercial development of a private school that locks its gates to the community, so it can build a commercial development on 55 urgently needed Residential Lots?** (Didn't the newly elected City Council members vow to protect R-1 lots? **You do not allow a duplex, yet you allow a commercial development to serve 1000 students, faculty, and staff?**)

All this rests on top of the fact that Castilleja uses millions of dollars' worth of public services -- street cleaning, road maintenance, tree trimming, utilities delivery, fire protection, police protection, other first responder protection, and others -- without paying a cent into public coffers. Although Castilleja is tax-exempt, it is not a charity nor does it have a charitable purpose, or even any purpose that serves public interest (despite its claims to the contrary - if it could be considered a charity, it would be).

It also rests on top of the well-documented harm caused by public school districts by private schools, including diversion of resources away from public school districts as well as unmitigated free use of public services. See e.g., [this article](#), [this article](#), [this article](#), and [this article](#). Given that Castilleja contributes nothing to public funds, yet takes so much of public resource time, money, and receipt of public services, every dollar used by Castilleja for free is a dollar deprived from the public school students of Palo Alto. This fact cannot be disputed, so Castilleja does not try.

While children in the Palo Alto public schools are told they must have remote class sizes of 39 students, and no access to a live classroom, Castilleja demands an Olympic sized swimming pool and underground parking garage for able-bodied teenagers to drive their cars that the vast majority of Palo Alto families could not dream of affording. **Where is the public interest in this shameful process?**

It should come as no surprise that so many members of the public lack trust in Palo Alto City government, including its elected and appointed officials. The public trust was further damaged

by reports that so many elected officials (including most of the recently elected city council members) accepted tens of thousands of dollars in campaign contributions from individuals closely associated (through donations, leadership roles, and/or family members who attended or currently attend Castilleja) with Castilleja. (Conflict of interest is addressed in greater detail below.)

### **3. FAILURE TO COLLECT CODE FINES AND PENALTIES**

Palo Alto's Municipal Code requires statutory penalties of \$500 per violation per day. When Castilleja was 40 students over its legal limit of 415, it owed **40 times \$500 per day = \$20,000/day**. Given operations during 300 days a year (underestimate), **Castilleja should have paid \$6 MILLION in penalties a year**. This money is BADLY needed by the Palo Alto public schools, who are directly harmed by Castilleja's presence. With a 3-year lookback, at the **only** time that the City of Palo Alto collected a penalty from Castilleja, it collected \$365,000 to represent 3 years of violations (see attached). That illegally low assessment (presumably allowed in exchange for Ms. Kauffman's promise that she would agree to CUP revocation if she failed to comply by 2018). **That fee of \$122,000/year approximated the income generated by Castilleja from tuition for approximately 2 students Castilleja enrolled over its legal limit -- rather than the 40 students Castilleja was overenrolled**. It is nonsensical to expect profit-seeking private commercial properties (please note: Castilleja is tax-exempt but it is NOT CHARITABLE) to follow the law, when **Castilleja literally generates \$2 million a year in tuition through legal violations that are not enforced**. (Castilleja's tuition is \$50,000/year, so 40 students over legal limit = \$2 million/year)

### **4. FAILURE TO MANDATE MITIGATIONS REQUIRED UNDER MUNICIPAL LAW:**

And all this is true yet neither the ARB nor PTC have demanded that Castilleja provide mitigations - **which Castilleja clearly can afford with the \$30 million/year in tuition it will receive if you approve its commercial construction demands**. For examples of common mitigations, one may look at the example of Stanford University, a much better public citizen, which provides free shuttles open to the public (unlike Castilleja), which opens the vast majority of its campus to the community to enjoy the art and use most of its resources (unlike Castilleja, which refuses to share even its proposed garage or Olympic sized swimming pool!), and which offers numerous full scholarships to local students from disadvantaged backgrounds (Castilleja refuses to offer any free scholarship to truly needy girls from disadvantaged circumstances in EPA or MP!), and which also contributes financially to Palo Alto Public Schools (Castilleja only takes but does not give).

Recently, when San Francisco Friends School opened in San Francisco's Mission District, it agreed (1) not to have a parking lot, requiring all families to commute via public transportation; (2) it agreed to give multiple full scholarships at every grade level to poor children who live in nearby Section 8 Housing, and (3) it makes material contributions to the financial well-being of SF public schools.

**Why is nothing asked of Castilleja -- not even tuition scholarships for needy EPA girls, if Castilleja truly valued ALL women's education** and not just the best education money can buy

for the wealthiest girls in the Bay Area? As a reminder, despite Castilleja's \$60 million endowment, \$55,000 enrollment costs (with meals and books), and the \$14 million it receives in donations each year, it provides ANY financial aid to only 1/5th of the students enrolled -- meaning that 80% of Castilleja families pay full fare of up to \$55,000 in tuition, fees, and costs every year per daughter enrolled at Castilleja. For many Castilleja families, tuition alone costs a post-tax \$150,000/year. Median income per household in Palo Alto is \$145,000/year, which is one reason that Castilleja draws such a small minority of its attendance base from Palo Alto families and has no reported students from very low income families (as defined by state law) in attendance.

#### **5. FAILURE TO ABIDE BY MUNICIPAL CODE RESTRICTIONS ON THE CITY'S RIGHT TO GRANT A CONDITIONAL USE PERMIT:**

As a reminder, **Palo Alto Municipal Code makes it illegal for the City Council to grant a Conditional Use Permit if the Permitted Use causes any inconvenience or harm to the community.** See [Palo Alto Municipal Code chapter 18.76](#). Does the City truly believe that this unprecedented commercial construction project and the resulting underground bunker-based garage to house only cars driven by teenage girls, will cause no inconvenience to residents?

#### **18.76.010 Conditional Use Permit (CUP)**

(c) Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will: (1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

(2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

#### **6. FAILURE TO MAKE LEGALLY MANDATED FINDINGS TO SUPPORT REMOVAL OF OPTION OF CASTILLEJA MOVING FROM ITS SITE FROM CONSIDERATION AND ANALYSIS:**

Not only do the facts fail to support the illegal and irresponsible decision to remove the option of Castilleja moving from the school site even Castilleja admits it has overwhelmingly outgrown . but the very notion of Castilleja not being able to move to an alternate site, given the thousands of available acres and much larger available sites already zoned for its use in Palo Alto is preposterous. It also flies in the face of legally binding representations made by Castilleja just a few years ago.

In 2013, Nancy Kauffman agreed in writing that she would move Castilleja from its current site if the private school did not comply with the law, including its enrollment cap of 415, and its traffic demand management plan of 350 vehicles, by year 2018. Apart from the fact that the City of Palo Alto , why exactly did the PTC find that Castilleja was not capable of moving to a new campus? If Castilleja can tear this one down and rebuild, wouldn't it be easier and better for Castilleja's students to stay put while **Castilleja builds its new campus on a site that is zoned for schools, like every other private and public school in the region?**

Was Nancy Kauffman lying when she agreed to move to a new campus if the school failed to comply with its 415 student enrollment cap by 2018? (see attached)

According to Castilleja's tax records, Castilleja is flush with money, with annual income above \$50 million, and net assets - not including the (non-re-assessed) land --- of more than \$120M - and additionally has an Endowment of more than \$60 million.

<https://www.guidestar.org/profile/94-0373222>

<https://apps.irs.gov/app/eos/displayCopyOfReturns.do?dispatchMethod=displayCORInfo&CopyOfReturnId=172025&ein=940373222&country=US&deductibility=all&dispatchMethod=searchCopyOfReturns&isDescending=false&city=&ein1=&postDateFrom=&exemptTypeCode=a1&submitName=Search&sortColumn=orgName&totalResults=1&names=castilleja+school&resultsPerPage=25&indexOffFirstRow=0&postDateTo=&state=All+States>

In fact, some local tax lawyers believe that Castilleja may be committing tax fraud by failure to pay tax on its millions of dollars of income generated by non-educational sources, including rental income for the multiple Palo Alto homes it owns and rents to private tenants unassociated with the school.

## **7. EXCLUSION OF COMMUNITY COMMENT, AND MISREPRESENTATION OF COMMUNITY SUPPORT, WHEN THE PROJECT CLEARLY HARMS PUBLIC INTEREST, EVEN IF A HANDFUL OF NEIGHBORS SUPPORT IT**

Critically: the ARB, PTC, and PACC should be aware that not every Palo Alto based Castilleja family favors this development. **Approximately 10% of the money I raised for my City Council Campaign came from Palo Alto-based Castilleja parents** -- many because of, not despite, the message on my website, reposted below. Many Castilleja families oppose the actions being taken by Nancy Kauffman, but out of the best interest of their daughters, they are not able to speak out. Several others have children who attend both Castilleja and public schools, and they recognize the well-established harm that wealthy private schools like Castilleja cause to a public school district. Given how much PAUSD is struggling - and Castilleja is not - some wonder why all this attention and money is being given to Castilleja while our local public schools flounder without a workable recovery plan.

## **8. ABUSE AND MIS-USE OF THE QUASI-JUDICIAL HEARING PROCESS:**

State and local law mandate that a quasi-judicial hearing be conducted in a fair, open, and transparent manner. These rules, largely articulated by the Brown Act, are described in detail, when it comes to Quasi-Judicial Hearings, in the California League of Cities Guide to Quasi-Judicial Hearings: <https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2013/2013-Annual-Conference-City-Attorneys-Track/9-2013-Annunal-Adam-U-Lindgren-Common-Issues-in-Qu>

This handbook mandates the following government requirements, all of which have been violated by the City of Palo Alto's Commissions and Council.

1. The community has a right to be heard, and short limitations on community time are discouraged given potential Brown Act and due process violations.

2. The applicant may not be represented both as itself, and also as part of community commentary -- which means that Castilleja supporters who are not neighbors in Palo Alto are legally prohibited from speaking during community comment time given their lack of standing.

3. All legal conclusions -- such as the exclusion of underground garage from EIR report, or the inability of Castilleja to afford to move to a site zoned for schools -- must be backed by specific factual findings -- such as, in these cases, the lack of impact of an underground garage on the neighborhood, and the lack of financial capacity for Castilleja to move to a site where it would not need to apply for CUPs to operate as a school.

4. Ex parte interactions are illegal -- which means that Commissioners are prohibited from taking private tours, having private meetings with Kauffman and other Castilleja leadership, and Commissioners may not gain information about the applicant through family members, or via self-interested communications including applying for admission. Those who have ex parte communications must recuse themselves from both deliberation and voting.

**5. These prohibitions on ex-parte communications do not apply to communications with the community** - So, despite false statements that Commissioners and Council members are prohibited from speaking with the public about applications, the opposite is true: local government leaders are mandated to have open communication with the public, but prohibited from having private meetings with the applicant.

6. Crucially, the Handbook notes, "For a quasi-judicial decision to be fair, the hearing must be conducted by a fair decision making body. 'A fair tribunal is one in which the judge or other decision maker is free of bias for or against a party.' Morongo, supra, 45 Cal.4th at 737, citing Withrow v. Larkin, supra, 421 US at 46. Despite the presumption of impartiality articulated in Morongo, , as will be detailed in papers that follow, "[p]rocedural fairness requires internal separation between advocates and decision makers to preserve neutrality." Morongo, supra 45 Cal.4th at 737, citing Department of Alcohol Beverage Control v. Alcohol Beverages Appeals Bd. (2006) 40 Cal.4th 1, 10" \_

To clarify, decision-makers must be separated from applicants. This prohibition serves to prevent decision makers from being swayed away from **their actual job of serving public interest.** Public interest is mandated; private interests are banned.

Palo Alto literally has this backwards -- which has contributed to the spate of illegal, irrational, and unprecedented decisions made by this City Council -- including, a few months ago, the ludicrous decision that AJ Capital was forced to use the residential building it purchased for commercial use, because the one residential use it sought was a use prohibited by the Ellis Act. In other words, the PACC was correct that the Ellis Act prevents AJ Capital from turning the apartment building it purchased into condos because AJ Capital evicted the tenants illegally. Where the City Council went horribly wrong was in claiming that it somehow was "required" to allow AJ Capital to convert the residential building into a commercial building. Meanwhile, the clear language of the Ellis Act (and all cases that interpret it without exception) mandates that when tenants are evicted illegally, the landlord may not condo convert

or otherwise re-rent at a rent more expensive than the rents paid by the evicted tenants. In other words, AJ Capital had a legal option: that of re-renting the units at the existing rents -- and its expensive settlement agreements with tenants did not change the force of State Law. But for reasons that defy logic, fact, or intelligence, City Council allowed AJ Capital to convert the residential building it purchased into an upscale hotel to serve businesses at a time when the entire state, and almost all commercial businesses, were on lockdown. This is the kind of damaged thought processes that Palo Alto is on track to repeat with Castilleja.

Why does this keep happening? Perhaps it is due to Palo Alto City Council's apparent belief that laws do not apply to Palo Alto -- for example, with the mandates of the RHNA Housing requirements, and the consequences of AB 35. But the law DOES apply to Palo Alto, and **our elected and appointed officials have sworn pledges to uphold our laws.**

Or perhaps embarrassing and shameful conclusions stem from our local government's apparent comfort with corruption. Hence, Part B:

## **B. UNDISCLOSED CONFLICT OF INTEREST APPEARING TO INFLUENCE CITY DECISIONS REGARDING CASTILLEJA:**

Last year, I pointed out the non-disclosed potential conflicts of interest by then-Commissioner Asher Woldfogel. Fortunately, the City Council chose not to reappoint Mr. Waldfogel to another term. Unfortunately, the City Council instead chose to appoint a third legal representative for Commercial Developers, onto a Commission that already at the time had two lawyers whose businesses rely on the success of their client base: Commercial Developers.

Usually, the conflicts that commercial development lawyers (aka "land use" lawyers, whose clients are commercial development firms) are not readily visible. Sometimes (although rarely) these attorneys are able to temper their professional bias with occasional votes against developer financial interest. Only in the case of one commissioner is such bias so blatant, and does that Commissioner dominate so many meetings with false statements and misleading claims (e.g., the "job of a lawyer is to interpret the law," he said last Wednesday, when he knows well that his job is to interpret the law to the benefit of his client): Commissioner Alcheck.

Mr. Alcheck's biases have been on particular display in regards to Castilleja, given that every meeting, he loudly and vigorously repeats the same lies:

1. Alcheck lies that Castilleja is being treated unfairly. Per below, Castilleja is being given public windfalls equaling \$6 million/year, not to mention the free use of all community services, including utilities delivery, police, fire, road maintenance, tree trimming, and telecom provisioning, without paying a DIME to the public, in taxes or otherwise. Even Castilleja admits that it has no legal right to operate a school on its current site, which is why it needs legal approval from the City to open its doors even to one student.

2. Alcheck lies that every other school gets to do what Castilleja is prohibited from doing. The truth: if Castilleja were to move to a site zoned for schools, like every other school cited by Alcheck and Castilleja, it would not need a CUP to operate, much less, to engage in the

preposterous construction project it is bullying our city into being allowed to do. **If Castilleja wants to build an underground garage and new multi-story structure, it only needs to move to one of literally hundreds of available commercial lots in Palo Alto -- which is what every single other private school has done.** (Alcheck even - criminally - has compared the rights of Castilleja to those of public schools. Castilleja does not open its gates to the public ever. Public schools are required to, always.)

3. Alcheck lies that the law allows a commercial underground garage to operate in a residential neighborhood. On the contrary, the well-established legal truth backed by countless legal decisions and black letter law is: **if a residential neighborhood prohibits commercial use like a school -- it also prohibits a commercial underground garage** As a reminder, if Castilleja were legally entitled to be located on 55 R-1 lots in Old Palo Alto, it would not need a CUP. As Castilleja itself confesses, Castilleja cannot operate AT ALL on its site without a CUP. The illegality of "private educational facilities" and its associated buildings and developments to operate with CUPs for ALL uses is repeated 112 times in the relevant section of the Palo Alto Municipal Code: <https://www.cityofpaloalto.org/civicax/filebank/documents/8700>

Although "commercial garages located below ground" is not specified as one of the MILLIONS of illegal commercial uses outlawed in residential neighborhoods, an underground garage for 100 (or however many) cars to serve a commercial interest is a commercial interest. **There is ZERO precedent for any municipality to exclude a commercial garage from commercial garage from environment impact analysis.** The fact that the City of Palo Alto has done crosses the bounds of credibility into potential misconduct. The garage is for commercial use, no matter if it is on the 10th story or in an underground bunker that will destroy - permanently - 200 irreplaceable ancient trees.

**Must we wait for a 16 year old driving a Range Rover to drive over an 8 year old child on a bicycle before recognizing the toxic absurdity of the PTC's recent decision to exclude Castilleja's garage from analysis?** *Michael Alcheck - whose children do not ride bikes to and from public school in Palo Alto -- does not recognize this undeniable risk to our public school children's safety -- a risk that was acknowledged by the ARB last month, when it pointed to the spate of deaths caused by construction trucks killing children on bikes when they make right turns - the exact cause of death of an 11 year old Palo Alto public school student in February.*

Perhaps the three lawyers on the PTC jointly propound this irresponsible and dangerous legal misstatement -- as well as other pro-developer biased interpretations - because all three lawyers on the Planning Commission are legally bound by the California Bar's Ethical Rules of Professional Conduct to act at all times in the best interest of their clients - commercial developers. Mr. Alcheck - the Commission who speaks as if he were on Castilleja's payroll himself (is he?) - has professional conflicts that go beyond his Legal Rules. **Mr. Alcheck is a commercial developer and commercial real estate investor himself.**

And if that were not enough, Mr. Alcheck also has undisclosed Personal Conflicts, that go beyond his Professional Conflicts:

**1. Michael Alcheck's niece(s) (last name: Bodner) attend(s) Castilleja.**



**2. Michael Alcheck's sister, Ronit Alcheck Bodner, attended Castilleja and serves as an engaged high-contributing Alumna to Castilleja.**

**3. Michael Alcheck's parents and sister are, and have been, tightly associated with Castilleja and huge financial contributors to Castilleja for years, if not decades.**

Evidence from the last 2 years, although this dates back much further:

See references to Ronit Alcheck Bodner in the following:

ANNUAL REPORT 2020

[https://issuu.com/castillejaschool/docs/annual\\_20report\\_202020\\_20issuu\\_20\\_1\\_/s/11297372](https://issuu.com/castillejaschool/docs/annual_20report_202020_20issuu_20_1_/s/11297372)

ANNUAL REPORT 2019

[https://issuu.com/castillejaschool/docs/castilleja\\_annual\\_report\\_2019\\_issuu](https://issuu.com/castillejaschool/docs/castilleja_annual_report_2019_issuu)

Ronit Alcheck Bodner listed in the following, for both years?

Parents' Annual Fund

Friend's Circle

\$1,000 - \$4,999

Ronit Alcheck Bodner '91 and

Zack Bodner

INVENTOR

\$6,500 - \$9,999

Ronit Alcheck Bodner '91

and Zack Bodner

Friends of Mary Lockey

\$5,000 - \$9,999

Ronit Alcheck Bodner '91

**4. Additionally, confirmed through sources: Michael Alcheck seeks to send his daughters to Castilleja - which accepts as few as 5% of applicants. Currently, all three of Alcheck's children attend private - not public - school. Doing favors for Castilleja may help his chances -- and increasing Castilleja's enrollment by 30% is guaranteed to improve his chances for admission.**

**Alcheck's lack of personal stake in the well-being of Palo Alto public schools** may be a reason that Alcheck has failed to acknowledge the **documented financial harm that private schools cause public school districts**. See e.g., [this article](#), [this article](#), [this article](#), and [this article](#). Given that Castilleja contributes ZERO to public funds, yet takes so much of public resource time, money, and receipt of public services, every dollar used by Castilleja for free is a dollar deprived from the public school students of Palo Alto. This fact cannot be disputed, so Castilleja does not try.

That fact alone makes it illegal to the City of Palo Alto to grant Castilleja its proposed CUP under **Palo Alto Municipal Code chapter 18.76** (see below).

**5. Michael Alcheck has additional close ties with Castilleja, including ties to Castilleja's CFO Kathleen Layendecker.** See e.g., <https://www.cityofpaloalto.org/civicax/filebank/documents/73344>

In fact, I strongly encourage the PTC, ARB, City Attorney's Office, and PACC to read all communications sent to the City's Commissions and City Council regarding Castilleja. The Community has much to say.

**6. Additional personal conflicts:** Michael Alcheck's sister sits on the Planning Commission in Los Altos, CA. Both Michael Alcheck and his sister work for the **commercial development firm** owned by their parents. QUERY what that firm's construction company division stands to gain from the \$300 million (or more) planned construction project for Castilleja in the residential neighborhood of Old Palo Alto, CA.

If Michael Alcheck did not think it was important to disclose that his sister and co-worker has donated more than \$100,000 over the past several years to Castilleja, that his niece(s) attend Castilleja, and that his sister actually attended Castilleja herself when they were growing up ... what else is he concealing? **If these matters do not pose a problem, then why not disclose them?** At the most recent PTC Meeting, Commission Chair Templeton asked if any Commissioners had any potential conflicts to disclose, and Commissioner Alcheck again remained silent.

Of course, Alcheck is far from alone in having a personal stake in Castilleja's growth. Every single Palo Alto Commission has at least one Castilleja insider -- this is the case even though fewer than 20% of Castilleja's families live in Palo Alto. Given that only 50-60 (given siblings) Castilleja families live in Palo Alto, it is virtually impossible that this distribution in Palo Alto appointed leadership would occur by chance. In no recent case has any Commissioner closely associated with Castilleja recused themselves, including, recently, on the ARB, where a Commissioner appropriately disclosed that she formerly served as a Castilleja Trustee (and thus almost certainly is an Alumna and/or daughters who attended or attend Castilleja, although that was concealed). This Commissioner declined to recuse herself, and instead spoke favorably of Castilleja's application.

Given that: (1) Castilleja has been in violation of the law and its contract for almost 20 years; (2) Castilleja has been fined a fraction of a percent of what it actually owes the City of Palo Alto; (3) Castilleja is in violation of the settlement agreement it reached with the city in 2013; and (4) Castilleja is in the final stages of steamrolling an illegal, dangerous, overwhelmingly opposed unprecedented huge construction project through the ARB, the PTC, and City Council -- every potential and perceived conflict of interest should be taken seriously.

### **C. CONCLUSION:**

Palo Alto City Council must slow down and give this illegal and dangerous project another look. Imagine if this were billionaire developer John Arriaga proposing a commercial project on 55 residential lots, rather than the private school financially backed by Mr. Arriaga, and attended

by Mr. Arriaga's daughters, and now, granddaughters, demanding this unprecedented commercial project on 55 residential lots?

The City of Palo Alto must enforce its own laws. In order to do so, it must demand full transparency, integrity, and disclosure with regard to this project. The public deserves better. Please enforce your own contractual agreements, as well as the laws you enforce against non-billionaire stakeholders before more damage is done due to irrational and unjustified acts that harm our community's safety, security, and well-being.

Sincerely,

Rebecca Eisenberg, Esq.

Rebecca Eisenberg, Esq.  
Principal & Founder  
**Private Client Legal Services**  
[www.linkedin.com/in/eisenberg](http://www.linkedin.com/in/eisenberg)  
[rebecca@privateclientlegal.com](mailto:rebecca@privateclientlegal.com)  
415-235-8078

<https://www.winwithrebecca.com/castilleja>

## Dear Community Members of Palo Alto,

I am a huge fan of all-female education. I have read the studies and I believe, without qualification, that educating girls and women in single-sex setting is beneficial to women's equality. While at Stanford, in 1987, I received a Boothe Prize for Excellence in Undergraduate Writing for a philosophy essay that relied on both Rousseau and Wollstonecraft in supporting and defending the single-sex education of girls and women. I always have supported and will continue to support, single sex education for girls and women.

I also have great respect for Castilleja as an educational institution. Castilleja is recognized internationally as a top rated all-female middle school and high school. Castilleja deserves its international prestige.

My problems with Castilleja lie not in its performance as an educational institution, but as a campus in Palo Alto that has not complied with zoning law. Castilleja is subject to a Conditional Use Permit (CUP) issued in 2000, which limits its enrollment to 415 students, and its car usage to that which would be generated if it had only 385 students, the maximum enrollment in Castilleja's CUP prior to 2000.

Since 2002, Castilleja has been in violation of both of these primary aspects of its CUP, and by means of not coming into compliance since that time, also is in violation of our municipal and building codes. Importantly, without the CUP, Castilleja could not operate a school at that location. Castilleja sits on approximately 55 lots that are zoned for residential use (RH-1), and the City of Palo Alto granted the CUP in a manner that is necessary to preserve the integrity of this quiet, residential neighborhood. In other words, Castilleja operates due to a zoning variance provided by the City that binds Castilleja to strict requirements that Castilleja agreed to when the CUP was issued, but Castilleja has not kept its word.

Pursuant to Castilleja's own records, Castilleja has enrolled more than 415 students since 2002. Despite numerous warnings from the City, as well as complaints from third parties regarding safety hazards, Castilleja has not come into compliance. If Palo Alto enforced its own municipal code, Castilleja would be liable to the city for \$500/day per violation of the CUP. Each additional student constitutes a violation of the CUP.

During the many years that Castilleja has enrolled 20 students above the CUP, the zoning fines amount to \$500/day per 20 students = \$10,000 in fines per day. Figuring 300 days a year, the zoning fines amount to \$3 million/year. Palo Alto has not collected these, so Castilleja has not paid them. Castilleja also is legally obligated to show through a Transportation Demand Management plan that the traffic it generates is equivalent to that which would be generated if enrollment remained at its pre-2000 maximum of 385 students.

In fact, Castilleja's violations of its CUP have been so severe and so long standing, that in 2013, the City and Castilleja signed a settlement agreement that provided a reduced penalty for Castilleja (\$365,000) in exchange for Castilleja making two promises:

(1) that Castilleja would come immediately into compliance with its CUP limiting enrollment to 415 students by reducing enrollment by 4-6 students a year

(2) that Castilleja would NOT file for an amended CUP unless and until it became fully compliant with its existing CUP. The agreement provided that if Castilleja were to break these promises, the City of Palo Alto would consider all legal consequences, including pulling its permit and requiring Castilleja to leave its site.

Nonetheless, Castilleja broke both promises. It never reduced its enrollment to the legally mandated 415 students. Nor did it wait for compliance to file for an amended permit.

Castilleja instead filed a permit requesting a 30% increase in enrollment as well as an underground garage abutting the bike boulevard used by elementary school students. And instead of enforcing its settlement agreement, the City has done nothing.

## Why is this important?

**1. All people and companies should be required to comply with the law.** Consequences for illegal behavior should be applied equally.

**2. Castilleja operates on its site due to a variance given voluntarily by the City of Palo Alto.** It does not have the legal right to operate on 55 residential lots if not for this variance (the CUP). The land is zoned for houses, and was zoned for residences when Castilleja first acquired it. In fact, Castilleja used to be a boarding school, so its location on residential lots was easier to justify then.

**3. Now that Castilleja is a commuter school, Castilleja's existence on these 55 residential lots is expensive to the city's housing supply.** Palo Alto is subject to the requirements of state law, mandating that the city add housing every year, Cities that fail to meet the state-mandated minimum new housing subject themselves to State intervention, where the State will enter the city and put housing where the State wants.

Palo Alto is among the very most behind in its housing minimums in the state. Palo Alto needs those 55 residential lots much more now than it did during the time when it gave Castilleja its CUP. Given that CUP's must be given only to the extent that a public interest is furthered by the granting of the CUP, if Castilleja had applied for its original CUP today, it is unlikely that the City of Palo Alto would have granted it.

**4. Castilleja's non-compliant existence on the 55 residential lots also significantly costs Palo Alto financially.** Castilleja is tax exempt as a private school under the IRS Code's Section 501(c)(3), so it pays no taxes to Palo Alto. That means that the residents of Palo Alto currently pay for all of Castilleja's use of city services, including street maintenance, tree safety, fire fighters, delivery of utilities, stoplights, traffic enforcement, local parks, and all other public services that students and staff at Castilleja use. For each additional student and staff member, that use increases, and those costs are borne entirely by the residents of Palo Alto, not by Castilleja.

This is what the law provides, which we cannot control. That said, the City of Palo Alto is facing a severe budget crisis that has led the City Council to cut services to our public school students, funding to our public schools, hours and services offered by our public libraries, and even community programs for children such as the Palo Alto Children's Theatre. Castilleja's over-enrollment contributes to that budget crisis.

**5. Castilleja's continued growth beyond its legal size limit has had growing negative impacts on the community.** Despite

Castilleja's legal promise to Palo Alto to reduce the impact of car commutes, Castilleja has continued to make driving the most convenient way for its students to attend school. In its most recent application for an amended CUP, Castilleja admits that it prefers that its students drive, asking for the right to build a large parking garage on its campus to enable more driving. Already Palo Alto's aging population faces risk from the increase in traffic due to so many new drivers filling the streets - elementary school bikers are also at increased risk of getting hurt. This is neither sustainable nor safe. What Castilleja could do is encourage carpooling - a more environmentally sustainable solution.

**6. Construction at the Castilleja site will create hazards for Palo Alto residents for years.** In addition to construction noise, the monumental construction project that Castilleja requests for its 6 acres will create the hazards that large construction projects always create: air pollution, traffic, toxic materials, and reliance on public services such as public safety and the fire department.

Construction fires are common. Construction trucks also pose huge safety risks to neighbors. Only 4 months ago, a construction truck near California Ave struck and killed an 11 year old bicyclist due to lack of lighting in the residential neighborhood. Old Palo Alto is a residential neighborhood and is not set up to sustain the type of huge projects that Castilleja is demanding to build. What if an actual lock-down emergency were to happen at Palo Alto High School, or Walter Hays, but first responders cannot reach the students because of the hazards at the Castilleja construction site?

## What I would like to see happen:

**1. Castilleja needs to comply with its current Conditional Use Permit.**

**2. If Castilleja cannot comply with its CUP, I will work with Castilleja to find a second campus that is zoned for schools**

rather than for residences.

**3. Castilleja can sell its extremely valuable parcel of land and use the proceeds to invest in a new location that is zoned for schools.** This would allow those 55 RH-1 lots to return to residential use -- and would allow Palo Alto to collect property tax from those lots as the city had planned when Palo Alto zoned the area RH-1.

**4. If Castilleja would like to increase its enrollment over its legal limit of 415, it can open discussions with the City about ways it can pay the City of Palo Alto for its use of city services.** This is what Stanford does, and is why Stanford historically has paid millions of dollars to our public schools, and why Stanford is required to provide its electric shuttle bus system - the Marguerite - as well as make the Marguerite available to use by the public.

Stanford also has committed to keep many areas of its campus open to the public, so that Stanford's art, biking paths, streets, and even many of its buildings, facilities, and programs are open to the public. Castilleja has not made any similar offers, for example to open its proposed pool to low-income residents for swim lessons, or to set aside fully paid up scholarships for needy children from nearby neighborhoods. Both of those things are done by many prestigious private schools nationally, even without needing to offer them in order to be granted a conditional use permit.

Although many organizations have called for Castilleja to invest in communities of needs through full scholarships set aside for poor neighbors, Castilleja has not announced any official program doing so.

**Both Castilleja representatives and Palo Alto residents are unhappy with the current situation. If we do nothing, we could potentially be endangering everyone involved. I would love to work with Castilleja, and negotiate a situation where we can maximize both safety and women's education.**



Sincerely,

**Rebecca Eisenberg**

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Council, City](#)  
**Cc:** [Planning Commission](#); [Shikada, Ed](#); [Lait, Jonathan](#)  
**Subject:** Appointments to boards and commissions  
**Date:** Monday, December 14, 2020 11:09:21 AM

---

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

---

Dear Mayor Fine and council members,

The 2019 American Community Survey shows Palo Alto as having 11,218 renter-occupied units of a total of 25,168 units or 44.6% renters. That matches other estimates that 45% of our housing is occupied by renters.

This percentage will certainly rise as more ADUs are built and much of our new housing projects are for renters, especially as we hope to greatly expand our BMR units.

But our elected and appointed residents are nearly all homeowners.

Thus residents who do not own homes and are among the most seriously housing challenged with regard to affordability are woefully underrepresented on our boards and commissions.

This is particularly unfair with respect to PTC, which is the body that advises council on housing issues.

While some of the required remedies will take time, one action comes before you on Monday.

Please appoint residents who do not own homes to replace the existing homeowner incumbents. This in my mind is the ONLY way that we will not have at least two more years of woeful underrepresentation where our housing body includes only homeowners.

Steve

P.S. I use non homeowners instead of renters as some prospective renters have moved home or with relatives and some are homeless.

**From:** [Gina Dalma](#)  
**To:** [Planning Commission](#); [North Ventura Coordinated Area Plan](#)  
**Subject:** Palo Alto must fully explore and expand Alternative 3 to meet our housing needs and huge historical deficit  
**Date:** Sunday, December 13, 2020 5:38:37 PM

---

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

---

Dear Planning Commission,

As a proud Palo Alto I would love to ask you to ensure a bold housing plan for the NVCAP to meet our housing goals. I want to make sure there is a place for my children to live, as they come back from college. For us to continue to live in a community with our families - not expelt my unaffordable housing options. This is a perfect place to build new housing at all income levels near transit and small businesses.

[Palo Alto must fully explore and expand Alternative 3 to meet our housing needs and huge historical deficit](#)

Thank you!

--

Gina D. Dalma

e: [gina@dalma.org](mailto:gina@dalma.org)

p: (980) 722.2660

t: @ginadalma

l: [www.linkedin.com/pub/gina-dalma/0/53/b47/en](https://www.linkedin.com/pub/gina-dalma/0/53/b47/en)

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Council, City: Planning Commission](#)  
**Cc:** [Lait, Jonathan; Shikada, Ed](#)  
**Subject:** Update RHNA allocationsa  
**Date:** Monday, December 21, 2020 2:40:49 PM  
**Attachments:** [abag\\_draft\\_rhna\\_methodology\\_release\\_december2020.pdf](#)

---

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

---

Dear Council, PTC and staff

On December 18, 2020 ABAG published the final 2020 Plan Bay Area Blueprint and updated RHNA allocations to Bay Area jurisdictions.

While the methodology at the regional and allocation level was unchanged (the same regional total allocation, the same allocation criteria and the continued use of the 2050 forecast household growth), there was one major change that had the effect of lowering Palo Alto's unit allocation by 3,972 units a 39% decline.

The change was an update to the 2050 projected HH growth by jurisdiction.

In the draft 2050 HH projections, Palo Alto had a 36% projected HH increase between 2020 and 2050. In the final HH projections Palo Alto's increase was reduced to 22%. A selection of cities' data is shown below.

#### Revised 2050 Blueprint Household Growth 2020-2050

	Draft	Final
Palo Alto	36%	22%
Mt View	33%	33%
Redwood City	17%	15%
San Jose	20%	19%
Sunnyvale	22%	21%
San Francisco	19%	22%
Oakland	17%	16%
Concord	9%	11%
Pleasanton	18%	22%

Cupertino                      31%                      23%

San Francisco and some East Bay cities got an increase and most Santa Clara County cities got a decrease though not as much as Palo Alto.

As a result of these new HH projections, the RHNA allocations were adjusted using the same methodologies as before.

The pattern of changes mirrored the changed in HH projections.

### Change in Housing Unit Allocations

	Units	% Change
Palo Alto	-3972	-39%
Mt View	-142	-1%
Redwood City	-570	-11%
San Jose	-3761	-6%
Sunnyvale	-1032	-8%
San Francisco	10760	15%
Oakland	-793	-3%
Concord	1231	32%
Pleasanton	1178	25%
Cupertino	-1634	-32%

I am attaching the final Blueprint and updated RHNA allocation PDFs.

Our city's task as before is to develop a new Housing Element that identifies sites and policies that will lead private and non profit developers to be able to help Palo Alto meet its RHNA goals at all income levels.

The RHNA PDF includes a series of questions and answers regarding the methodology and comments received.

I continue to encourage the council, PTC and staff to get briefed on laws and policies related to review of Housing Elements and enforcement of RHNA targets.

Stephen Levy

Director

Center for Continuing Study of the California Economy

## RELEASE OF ABAG DRAFT RHNA METHODOLOGY AND FINAL SUBREGIONAL SHARES

December 18, 2020

### What is RHNA?

The Regional Housing Needs Allocation (RHNA) is the state-mandated<sup>1</sup> process to identify the share of the statewide housing need for which each community must plan. As the Council of Governments (COG) for the Bay Area, the Association of Bay Area Governments (ABAG) is responsible for developing a methodology for allocating a share of the Regional Housing Need Determination (RHND) the Bay Area received from the California Department of Housing and Community Development (HCD)<sup>2</sup> to every local government in the Bay Area.

The RHNA methodology is a formula that quantifies the number of housing units, separated into four income categories,<sup>3</sup> that will be assigned to each city, town, and county in the region. The allocation must meet the statutory objectives identified in Housing Element Law<sup>4</sup> and be consistent with the forecasted development pattern from Plan Bay Area 2050.<sup>5</sup> Each local government must then update the Housing Element of its General Plan and its zoning to show how it can accommodate its RHNA allocation.

### How was the Draft RHNA Methodology for the 2023-2031 RHNA Cycle Developed?

ABAG convened an ad hoc [Housing Methodology Committee](#) (HMC) from October 2019 to September 2020 to advise staff on the methodology for allocating a share of the region's total housing need to every local government in the Bay Area. The HMC included local elected officials and staff as well as regional stakeholders to facilitate sharing of diverse viewpoints across multiple sectors.<sup>6</sup> At its final meeting on September 18, the HMC voted to recommend **Option 8A: High Opportunity Areas Emphasis & Job Proximity** with the 2050 Households baseline allocation as the Proposed RHNA Methodology. On October 1, the ABAG Regional Planning Committee voted to recommend this methodology for approval by the Executive

---

<sup>1</sup> See California [Government Code Section 65584](#).

<sup>2</sup> In a [letter dated June 9, 2020](#), HCD provided ABAG with a total RHND of 441,176 units for the 2023-2031 RHNA.

<sup>3</sup> State law defines the following RHNA income categories:

- Very Low Income: households earning less than 50 percent of Area Median Income (AMI)
- Low Income: households earning 50 - 80 percent of AMI
- Moderate Income: households earning 80 - 120 percent of AMI
- Above Moderate Income: households earning 120 percent or more of AMI

<sup>4</sup> See [California Government Code Section 65584\(d\)](#).

<sup>5</sup> See [Government Code Section 65584.04\(m\)\(1\)](#).

<sup>6</sup> The HMC roster is available at [https://abag.ca.gov/sites/default/files/hmc\\_roster\\_06\\_16\\_2020\\_0.pdf](https://abag.ca.gov/sites/default/files/hmc_roster_06_16_2020_0.pdf).

Board, and the Board approved its release as the Proposed RHNA Methodology for public comment on October 15, 2020. Materials related to the Proposed RHNA Methodology have been posted on ABAG's website since October 24 (<https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>).

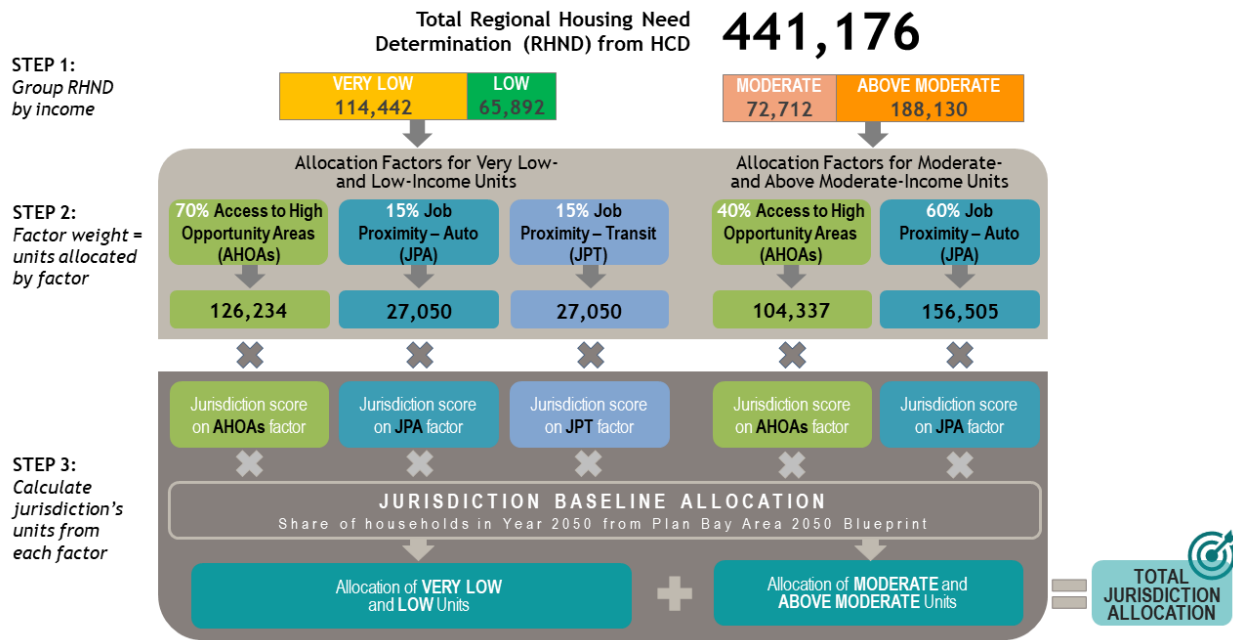
As required by law, ABAG held a public comment period from October 25 to November 27 and conducted a public hearing at the November 12 meeting of the ABAG Regional Planning Committee. ABAG heard 29 oral comments and received 106 written comments on the Proposed Methodology during the public comment period. These comments provided perspectives from over 200 local government staff and elected officials, advocacy organizations, and members of the public, as some letters represented multiple signatories. **Appendix 1** summarizes the public comments received and initial staff responses.

### **What is the Draft RHNA Methodology for the 2023-2031 RHNA Cycle?**

ABAG-MTC staff considered the comments received during the public comment period and is not proposing to make any adjustments to the baseline allocation or factors and weights in the Draft RHNA Methodology. The components of the Draft RHNA Methodology are the same as the Proposed RHNA Methodology (**Figure 1**). However, the Draft RHNA Methodology incorporates future year 2050 households data generated from the Plan Bay Area 2050 Final Blueprint, which is being released concurrently with the Draft RHNA Methodology. As noted in the Proposed Methodology, the illustrative allocations reflected baseline data on 2050 households from the Plan Bay Area 2050 Draft Blueprint, with updates slated throughout fall 2020 to reflect the revised Strategies and Growth Geographies approved by the ABAG Executive Board and Commission in September 2020 for the Final Blueprint. Integrating the updated data about future year 2050 households from the Final Blueprint into the Draft RHNA Methodology results in changes to the illustrative allocations to local jurisdictions.



**Figure 1: Proposed RHNA Methodology Overview**<sup>7</sup>



There are two primary components to the Draft RHNA Methodology:

**1. Baseline allocation: 2050 Households (Blueprint)**

The baseline allocation is used to assign each jurisdiction a beginning share of the RHND. The baseline allocation is based on each jurisdiction’s share of the region’s total households in the year 2050 from the [Plan Bay Area 2050 Blueprint](#).<sup>8</sup> Using the 2050 Households baseline takes into consideration the number of households that are currently living in a jurisdiction as well as the number of households expected to be added over the next several decades.

**2. Factors and weights for allocating units by income category:**

Table 1: Factors and Weights for Proposed RHNA Methodology	
Very Low and Low Units	Moderate and Above Moderate Units
70% Access to High Opportunity Areas	40% Access to High Opportunity Areas
15% Job Proximity – Auto	60% Job Proximity – Auto
15% Job Proximity – Transit	

**Table 1** shows the factors and weights in the Draft RHNA Methodology. Each factor represents data related to the methodology’s policy priorities: access to high opportunity areas and proximity to jobs. The factors and weights adjust a jurisdiction’s baseline allocation

<sup>7</sup> The [RHNA Proposed Methodology Report](#) provides more details about the methodology.

<sup>8</sup> Plan Bay Area 2050 is the Regional Transportation Plan/Sustainable Communities Strategy for the Bay Area.

up or down, depending on how a jurisdiction scores on a factor compared to other jurisdictions in the region. The weight assigned to each factor (i.e., the percentages shown in Table 1) determines the share of the region's housing need that will be assigned by a factor.

### **How do the Results from the Draft RHNA Methodology Compare to those from the Proposed RHNA Methodology?**

As noted above, the Draft RHNA Methodology uses data from the Plan Bay Area 2050 Final Blueprint. Whereas the Plan Bay Area 2050 Draft Blueprint featured 25 strategies that influenced the location of future growth, the Final Blueprint features 35 revised strategies adopted by the ABAG Executive Board and Commission in fall 2020. These strategies shift the regional growth pattern, with generally small to moderate impacts on RHNA allocations. Additionally, the Final Blueprint features updated baseline data based on consultation with local jurisdictions in summer and fall 2020.

Therefore, incorporating the Final Blueprint into the Draft RHNA Methodology results in changes to the illustrative allocations to local jurisdictions. ABAG-MTC staff has developed several resources to help local jurisdictions, stakeholders, and members of the public better understand how the illustrative allocations from the Draft RHNA Methodology (which uses the Final Blueprint as the baseline allocation) compare to those from the Proposed RHNA Methodology (which used the Draft Blueprint as the baseline allocation). The maps in **Appendix 2** show each jurisdiction's growth rate and total allocation and **Appendix 3** shows illustrative allocations for each jurisdiction. *Note: the allocation results for jurisdictions are only illustrative. Local governments will receive their final allocations in late 2021.*

As noted previously, Housing Element Law requires that the RHNA methodology meet the five statutory objectives of RHNA and that it be consistent with the forecasted development pattern from Plan Bay Area 2050. ABAG-MTC staff developed a set of performance metrics to evaluate how well a methodology does in meeting the RHNA objectives. Evaluation of the Draft RHNA Methodology shows that it furthers all of the RHNA objectives. **Appendix 4** compares the results for the Draft RHNA Methodology and Proposed RHNA Methodology.

ABAG-MTC staff also developed a framework for evaluating consistency between RHNA and Plan Bay Area 2050. RHNA and Plan Bay Area 2050 are determined to be consistent if the 8-year growth level from RHNA does not exceed the 35-year growth level at the county and sub-county geographies used in the Plan. Staff evaluated the Draft RHNA Methodology using this approach and determined that RHNA and Plan Bay Area 2050 remain consistent.<sup>9</sup>

---

<sup>9</sup> The Draft RHNA Methodology and Plan Bay Area 2050 are consistent for all nine counties and in 33 of 34 superdistricts (i.e., sub-county areas) using the methodology developed during the HMC process. In the one superdistrict flagged during the consistency check, the Final Blueprint reflects the loss of more than 1,000 homes in

## Final Subregional Shares

Housing Element Law allows two or more neighboring jurisdictions to form a “subregion” to conduct a parallel RHNA process to allocate the subregion’s housing need among its members.<sup>10</sup> ABAG must assign each subregion a share of the Bay Area’s RHND, which represents the total number of units, by income category, the subregion must allocate to its member jurisdictions. The ABAG Executive Board approved the release of Draft Subregional Shares for public comment on October 15, 2020. ABAG received no comments on the Draft Subregional Shares during the public comment period. The Final Subregional Shares have been updated based on the integration of the Final Blueprint into the Draft RHNA Methodology. **Appendix 5** provides more details about the Final Subregional Shares.

## Winter Office Hours

Local jurisdiction staff and partner organizations are invited to book office hours with MTC-ABAG planners to discuss the Final Blueprint outcomes and the Draft RHNA Methodology updates in more detail. Winter Office Hour appointments are available for booking from December 21, 2020 to January 15, 2021. Visit [bit.ly/2VpczrC](https://bit.ly/2VpczrC) to book your appointment.

Please note Winter Office Hour appointments are limited to local jurisdiction staff and partner organizations. Individual members of the public are encouraged to submit questions or comments via email to [rhna@bayareametro.gov](mailto:rhna@bayareametro.gov).

## RHNA Next Steps

The ABAG Regional Planning Committee will consider the Draft RHNA Methodology and make a recommendation to the ABAG Executive Board at its meeting on January 14, 2021. The ABAG Executive Board is slated to take action on the Draft RHNA Methodology at the January 21, 2021 meeting. After a Draft RHNA Methodology is adopted by the Executive Board, ABAG will submit the methodology to HCD for review and then use the state agency’s feedback to develop a final methodology and draft RHNA allocation in spring 2021. Release of the draft allocation will be followed by an appeals period in the summer of 2021, with the final RHNA allocation assigned to each of the Bay Area’s local governments in late 2021.

---

wildfires since 2015. Anticipated reconstruction of these units during the RHNA period does not yield significant net growth in housing units, making these allocations consistent with the Final Blueprint long-range projections.

<sup>10</sup> [Government Code Section 65584.03](#).

## Appendix 1: Summary of Public Comments Received and Preliminary Responses from ABAG-MTC Staff

### Public Comment Period for the Proposed RHNA Methodology

Housing Element Law requires ABAG to hold a public comment period and conduct at least one public hearing to receive oral and written comments on the Proposed RHNA Methodology<sup>1</sup> and Draft Subregional Shares<sup>2</sup> prior to adoption of the Draft RHNA Methodology and Final Subregional Shares. The written public comment period began on October 25 and ended on November 27 per the Notice of Public Hearing published in newspapers and an ABAG press release. Additionally, ABAG held a public hearing at the November 12 meeting of the Regional Planning Committee, where 29 local government representatives, advocacy organizations, and members of the public provided oral comments on the proposed methodology.

### Geographic Representation and Respondent Types for Comments Received

During the public comment period, ABAG received 106 written comments on the Proposed RHNA Methodology. These letters provided perspectives from over 200 local government staff and elected officials, advocacy organizations, and members of the public, as some letters represented multiple signatories. In total, 42 of ABAG's 109 jurisdictions were signatories on letters received during the public comment period. **Table 1** shows the number of written and oral comments received from advocacy organizations, members of the public, and various public agencies across the nine-county Bay Area.<sup>3</sup> ABAG received no comments on the Draft Subregional Shares.

---

<sup>1</sup> [California Government Code 65584.04 \(d\)](#)

<sup>2</sup> [California Government Code 65584.03 \(c\)](#)

<sup>3</sup> The sum of the number of letters received in Table 1 exceeds 106, as two letters had signatories from public agencies across multiple counties. Similarly, the sum of the number of oral comments in Table 1 exceeds 29 because one of comments came from a special district that represents both San Mateo and Santa Clara Counties.

Table 1. Share of public comments received from different types of respondents

Type of Respondent	Number of Letters Received	Number of Oral Comments from Public Hearing
Public Agency – Alameda	5	0
Public Agency – Contra Costa	3	0
Public Agency – Marin	11	1
Public Agency – Napa	2	0
Public Agency – San Francisco	0	0
Public Agency – San Mateo	11	2
Public Agency – Santa Clara	8	2
Public Agency – Solano	1	0
Public Agency – Sonoma	1	0
Advocacy Organizations	9	8
Members of the Public	57	17

### Most Common Themes from Comments Received

**Table 2** below summarizes the key themes that are most prevalent across the comments received about the Proposed RHNA Methodology. The themes are ordered roughly in terms of how many letters and oral comments mentioned them, though it is worth noting that some letters represented comments from multiple jurisdictions, advocacy organizations, and/or individual members of the public. The table also includes a brief, preliminary response about the Draft RHNA Methodology (which incorporates data from the Plan Bay Area 2050 Final Blueprint) from ABAG staff responding to the different topics in the comment letters. Comment letters on the Proposed RHNA Methodology will receive a more specific response in the coming weeks, with responses to local jurisdictions slated prior to the January ABAG Executive Board meeting.

Table 2. Most common themes from written comments received

<p><b>1. Jurisdiction is built out and/or lacks infrastructure to accommodate its allocation:</b> Comments noted a lack of developable land and the inability to provide the services and infrastructure that would be needed as a result of growth from RHNA. Some residents objected to any new housing growth.</p>
<p><b>Preliminary ABAG Response:</b> Housing Element Law requires RHNA to increase the housing supply and mix of housing types for all jurisdictions. ABAG-MTC staff worked with local governments to gather information about local plans, zoning, physical characteristics and potential development opportunities and constraints. This information was used as an input into the Plan Bay Area 2050 Blueprint, which is used as the baseline allocation in the Draft RHNA Methodology. The Final Blueprint that was integrated into the Draft RHNA Methodology includes a number of updates based on corrections to local data provided by jurisdiction staff. The Blueprint allows additional feasible growth within the urban footprint by increasing allowable residential densities and expanding housing into select areas currently</p>

zoned for commercial and industrial uses. Ultimately, by law, ABAG cannot limit RHNA based on existing zoning or land use restrictions. The statute also requires ABAG to consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.

**2. The methodology should focus more on transit and jobs to better align with Plan Bay Area 2050 and the statutory RHNA objective to promote infill development and achieve greenhouse gas emissions reduction targets:** Comments suggested that proposed methodology directs too much RHNA to jurisdictions without adequate transit and/or with few jobs. These comments also argued that changing the RHNA methodology's baseline allocation to household growth from the Blueprint would better align the methodology with Plan Bay Area 2050 and statutory goals related to greenhouse gas emission reductions and sustainability.

**Preliminary ABAG Response:** The Draft RHNA Methodology directly incorporates the forecasted development pattern from the Plan Bay Area 2050 Blueprint as the baseline allocation. The Blueprint emphasizes growth near job centers and in locations near transit, as well as in high-resource areas, with the intent of reducing greenhouse gas emissions. The strategies incorporated into the Blueprint help improve the region's jobs-housing balance, leading to shorter commutes—especially for low-income workers.

The inclusion of job proximity by both automobile and transit as factors in the Draft RHNA Methodology also furthers the RHNA objective related to efficient development patterns and greenhouse gas emission reductions by encouraging shorter commutes for all modes of travel. The job proximity factors allocate nearly half of the total number of housing units assigned to the Bay Area by the State. This includes allocating 15% of the region's lower-income units based on a jurisdiction's proximity to jobs that can be accessed by public transit.

Accordingly, the performance evaluation metrics indicate that the Draft RHNA Methodology performs well in meeting all five of the RHNA statutory objectives. This analysis shows that the draft methodology results in jurisdictions with the most access to jobs and transit as well as jurisdictions with the lowest vehicle miles traveled per resident experiencing higher growth rates from their RHNA allocations than other jurisdictions in the region. In contrast, the performance evaluation metrics also show that, while using Plan Bay Area 2050 household growth as the RHNA methodology's baseline performs marginally better on the RHNA objective related to reducing greenhouse gas emissions, it may fall short in achieving statutory requirements related to affirmatively furthering fair housing. Staff evaluated the 8-year allocations from the Draft RHNA Methodology and the 35-year housing growth from Plan Bay Area 2050 at the county and subcounty levels and determined that RHNA and the Plan are consistent.<sup>4</sup>

---

<sup>4</sup> The Draft RHNA Methodology and Plan Bay Area 2050 are consistent for all nine counties and in 33 of 34 superdistricts (i.e., sub-county areas), using the methodology approved during the HMC process. Relatively unique circumstances exist in the one superdistrict flagged during the consistency check (superdistrict 28). In this superdistrict, net housing growth between 2015 and 2050 is less than the eight-year RHNA for the associated jurisdictions. However, wildfires prior to the 2023 to 2031 RHNA cycle destroyed more than 1,000 homes. Because of the loss in housing units early in the 35-year analysis period, the eight-year allocations remain consistent with the

**3. Methodology needs to directly incorporate hazard risk:** Comments suggested the methodology allocated too much growth near areas with high wildfire risk and exposure to other natural hazards such as sea-level rise. Others felt the Blueprint needs to better incorporate hazard data, particularly related to wildland-urban interface (WUI) maps and FEMA floodways.

**Preliminary ABAG Response:** Including the Blueprint in the RHNA methodology addresses concerns about natural hazards, as the Blueprint excludes areas with unmitigated high hazard risk from Growth Geographies. The Blueprint Growth Geographies exclude CAL FIRE designated “Very High” fire severity areas as well as county-designated WUIs where applicable. The Blueprint strategies focus future growth away from the highest fire risk zones, support increased wildland management programs, and support residential building upgrades that reduce the likelihood for damage when fires occur in the wildland urban interface.

The Blueprint incorporates strategies to mitigate the impacts of sea level rise, protecting nearly all communities at risk from two feet of permanent inundation. Riverine flooding is not yet integrated into the Blueprint because existing research does not provide guidance on how to model impacts of temporary riverine flooding to buildings and land value. Communities can choose to take these risks into consideration with where and how they site future development, either limiting growth in areas of higher hazard or by increasing building standards to cope with the hazard.

**4. Support for proposed methodology:** Comments from residents, local jurisdictions, and a diverse range of advocacy organizations supporting the methodology emphasized its importance for furthering regional equity.

**Preliminary ABAG Response:** Staff’s analysis aligns with these comments and indicates the Draft RHNA Methodology successfully furthers all five of the statutory objectives of RHNA, including requirements related to affirmatively furthering fair housing.

**5. Need to account for impacts from COVID-19:** Comments generally focused on the effects of the pandemic and suggest either delaying RHNA or reconsidering the focus on proximity to jobs.

**Preliminary ABAG Response:** Staff appreciates concerns about the significant economic and societal changes resulting from COVID-19, and these concerns were relayed to the State in early summer. However, the Regional Housing Need Determination (RHND) from HCD has been finalized at this point in time. ABAG is obligated by state law to move forward with the RHNA process so jurisdictions can complete updates to their Housing Elements on time.

Additionally, the eight-year RHNA cycle (which starts in 2023) represents a longer-term outlook than the current impacts of the pandemic in 2020 and 2021. The potential impacts of the trend toward telecommuting in the longer term are incorporated into the RHNA methodology through the integration of the Plan Bay Area 2050 Blueprint, which includes

---

long-range projections for this portion of the Bay Area, as the reconstruction of units during the RHNA period does not lead to significant net growth from 2015 levels.

strategies to expand commute trip reduction programs through telecommuting and other sustainable modes of travel.

**6. Concerns about allocation to unincorporated areas:** Comments argued that the methodology allocates too much growth to unincorporated areas that are rural and lack infrastructure to support development.

**Preliminary ABAG Response:** The Plan Bay Area 2050 Blueprint forecasts very little growth in unincorporated county areas, and that growth is focused inside urban growth boundaries. The RHNA allocations to these areas are driven, largely, by the number of existing households in unincorporated county areas, since the 2050 Households baseline in the Draft RHNA Methodology is the sum of existing households and forecasted household growth. Use of the Final Blueprint as the baseline allocation in the RHNA methodology resulted in smaller allocations for most of the counties in the region compared to the Proposed RHNA Methodology, which relied on the Draft Blueprint. ABAG-MTC will continue discussions with local jurisdictions about opportunities to direct additional RHNA units to incorporated areas, including the use of the provisions in Housing Element Law that allow a county to transfer a portion of its RHNA allocation to a city or town after it receives its RHNA allocation from ABAG.<sup>5</sup>

**7. Support for adding the “equity adjustment” proposed by some HMC members to the methodology:** Comments were generally supportive of the methodology but noted the HMC-proposed equity adjustment should be included to advance the statutory requirement to affirmatively further fair housing.

**Preliminary ABAG Response:** Staff notes the importance of meeting all statutory requirements, including the mandate to affirmatively further fair housing. However, staff’s analysis indicates the Draft RHNA Methodology does successfully achieve all five statutory objectives of RHNA. At the final HMC meeting, staff recommended that the HMC not move forward with the proposed equity adjustment as this change would increase the complexity of the methodology for minimal impact on RHNA allocations. The proposed equity adjustment would shift less than 2 percent of the region’s lower-income RHNA to the jurisdictions identified by an HMC-proposed composite score as exhibiting above-average racial and socioeconomic exclusion. However, the underlying methodology for the composite score and adjustment approach would make it more difficult for local policy makers and members of the public to understand the RHNA methodology. Ultimately, the HMC chose not to move forward with the proposed equity adjustment in its recommended RHNA methodology.

**8. Concern that HCD’s Regional RHND calculation was inaccurate and too high:** Comments from several members of the public and one local jurisdiction expressed the belief that HCD’s RHND calculations may have been flawed and resulted in ABAG receiving an allocation from the state that was too large.

**Preliminary ABAG Response:** The determination provided by HCD is based on a population forecast from the California Department of Finance (DOF), which is then modified by staff at DOF and HCD to tackle overcrowding and make other adjustments as specified in law. The

<sup>5</sup> [Government Code Section 65584.07](#).



procedures for calculating the RHND are clearly specified in state law and the grounds for an appeal were narrowly designed by the Legislature. ABAG staff have reviewed HCD's calculation methodology and believe it adheres to applicable legal requirements. The ABAG Board ultimately decided not to appeal the RHND in June 2020. At this time, the window of appeal of the RHND is now closed. Further feedback on this element of the process is most appropriately provided to HCD, rather than ABAG.

**9. Jurisdiction-specific issues with Plan Bay Area 2050 Blueprint:** Some jurisdictions had concerns about the accuracy of the Blueprint's underlying data. Others felt the Blueprint needs to better incorporate hazard data, particularly related to wildland-urban interface (WUI) maps and FEMA floodways.

**Preliminary ABAG Response:** Local jurisdiction staff were provided with several months to comment on the BASIS data used as the input for the Blueprint, as well as the additional public comment period on the Draft Blueprint during Summer 2020. ABAG-MTC staff appreciates jurisdictions' feedback on Blueprint data and has worked directly with local jurisdiction staff to address these concerns.

### **Next Steps**

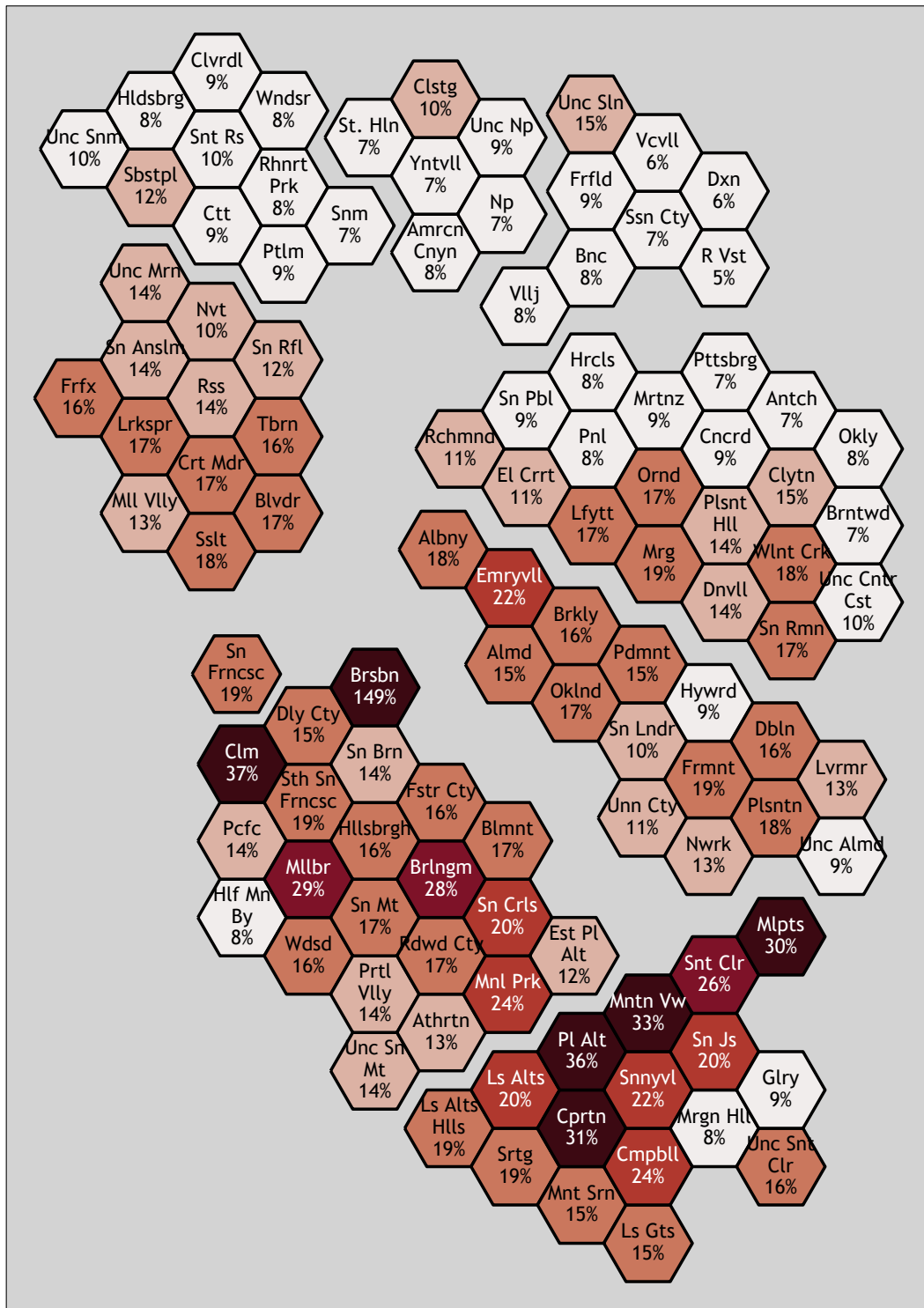
Staff will consider comments and will recommend any necessary adjustments for integration into the Draft RHNA Methodology, which is scheduled for release in the next week. The ABAG Regional Planning Committee will consider the Draft RHNA Methodology and make a recommendation to the ABAG Executive Board the Draft RHNA Methodology at its meeting on January 14, 2021 and the ABAG Executive Board is slated to take action on the Draft RHNA Methodology at the January 21, 2021 meeting.

After a Draft RHNA Methodology is adopted by the Executive Board, ABAG will submit the methodology to HCD for review and then use the state agency's feedback to develop a final methodology and draft RHNA allocation in spring 2021. Release of the draft allocation will be followed by an appeals period in the summer of 2021, with the final RHNA allocation assigned to each of the Bay Area's local governments in late 2021.

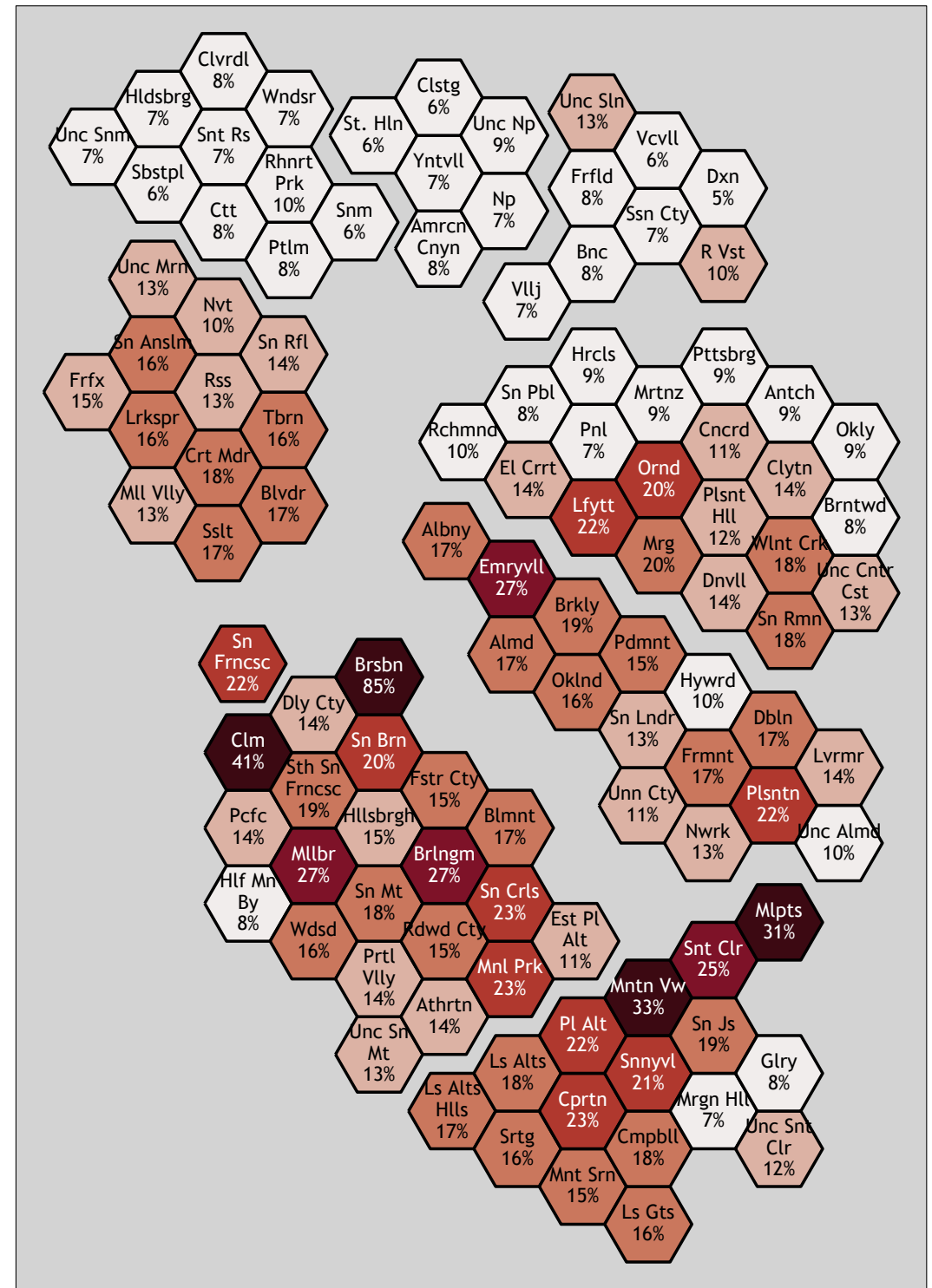
# Appendix 2: Illustrative Results of Proposed RHNA Methodology (Draft Blueprint) and Draft RHNA Methodology (Final Blueprint)

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

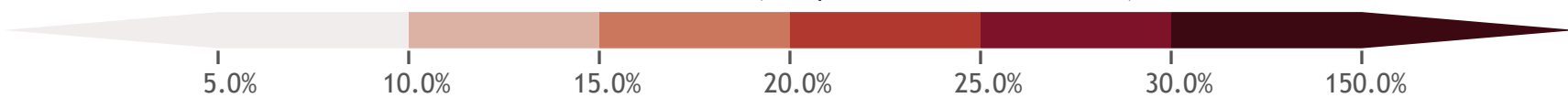
**Proposed RHNA Methodology  
(Baseline: 2050 Households (Draft Blueprint))**



**Draft RHNA Methodology  
(Baseline: 2050 Households (Final Blueprint))**



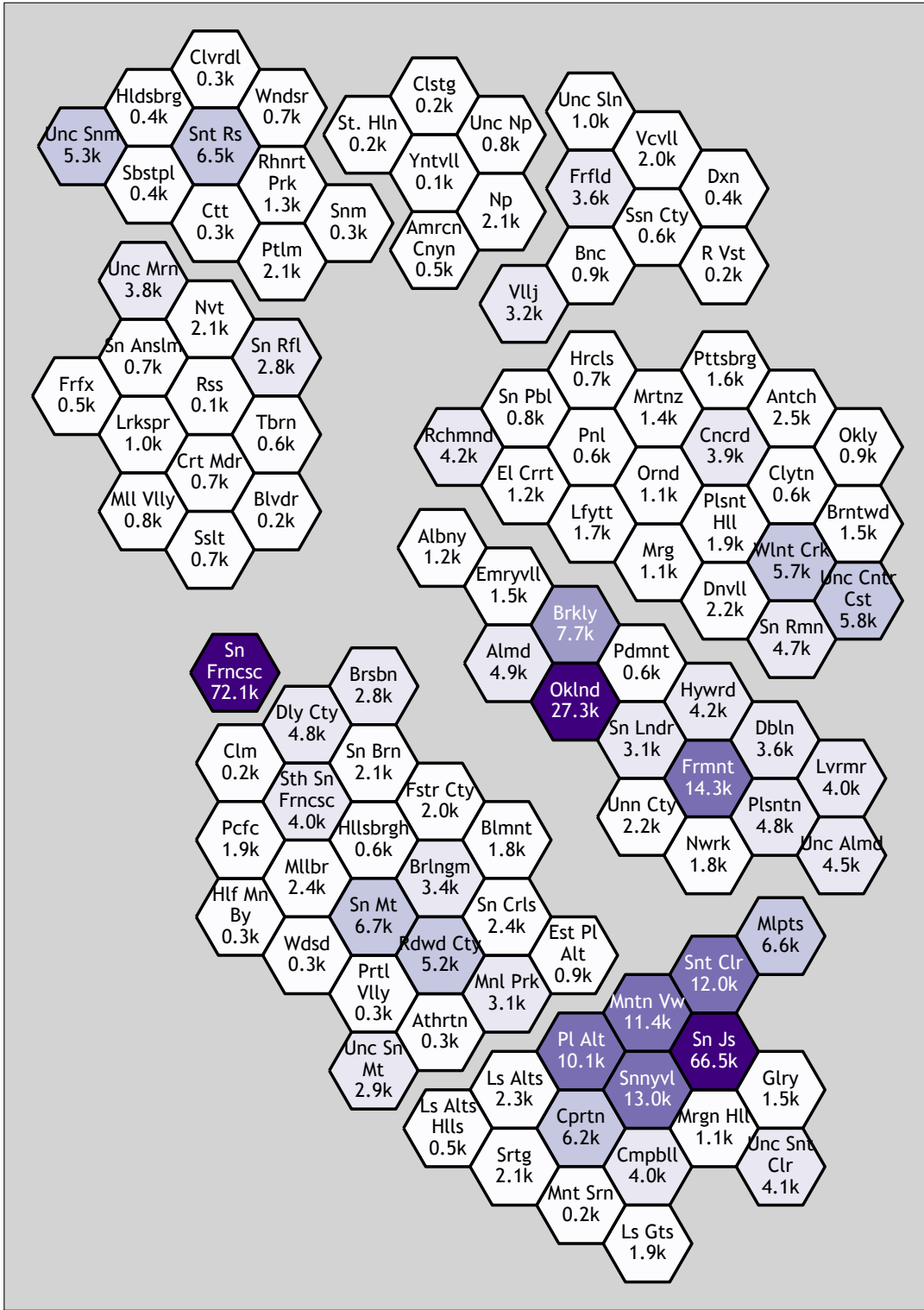
Jurisdiction Growth Rate (Compared to 2020 Households)



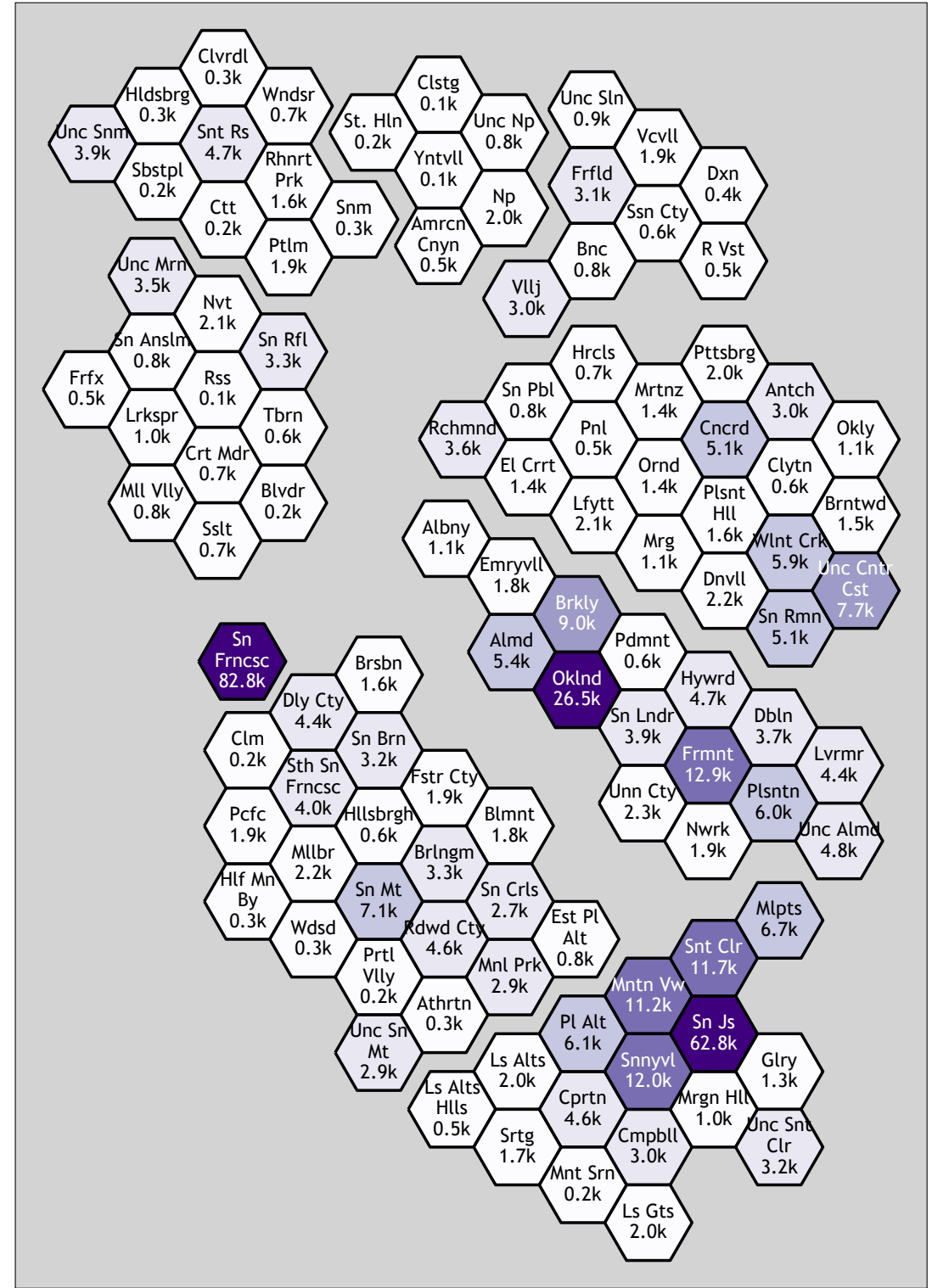
# Appendix 2: Illustrative Results of Proposed RHNA Methodology (Draft Blueprint) and Draft RHNA Methodology (Final Blueprint)

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

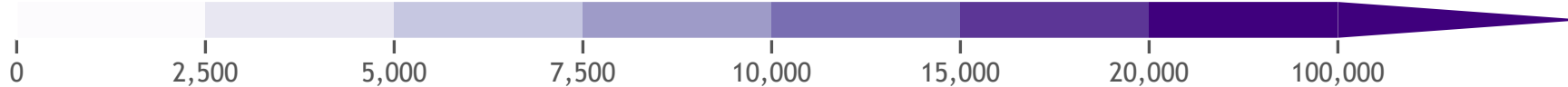
## Proposed RHNA Methodology (Baseline: 2050 Households (Draft Blueprint))



## Draft RHNA Methodology (Baseline: 2050 Households (Final Blueprint))



Jurisdiction Growth (Units)



## Appendix 3: Jurisdiction Illustrative Allocations

### Illustrative Allocations by County

	Draft RHNA Methodology (Final Blueprint)	2015-2023 RHNA (Cycle 5)	Proposed RHNA Methodology (Draft Blueprint)	Draft RHNA Methodology (Final Blueprint)	Bay Area Households (2019)	Bay Area Jobs (2017)
Alameda	88,985	23%	19%	20%	21%	20%
Contra Costa	48,932	11%	10%	11%	14%	10%
Marin	14,380	1%	3%	3%	4%	3%
Napa	3,523	1%	1%	1%	2%	2%
San Francisco	82,840	15%	16%	19%	13%	19%
San Mateo	47,321	9%	11%	11%	10%	10%
Santa Clara	129,927	31%	33%	29%	24%	27%
Solano	11,097	4%	3%	3%	5%	4%
Sonoma	14,171	4%	4%	3%	7%	5%
<b>BAY AREA</b>	<b>441,176</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

## Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Alameda	0.994%	1.100%	1,318	759	786	2,033	4,896	1,455	837	868	2,246	5,406	510	10%
Albany	0.211%	0.206%	324	187	180	464	1,155	315	182	175	453	1,125	(30)	-3%
Berkeley	1.452%	1.701%	2,148	1,237	1,211	3,134	7,730	2,504	1,441	1,416	3,664	9,025	1,295	17%
Dublin	0.687%	0.705%	1,060	611	547	1,413	3,631	1,085	625	560	1,449	3,719	88	2%
Emeryville	0.399%	0.493%	377	217	249	646	1,489	462	265	308	797	1,832	343	23%
Fremont	2.694%	2.434%	4,040	2,326	2,214	5,728	14,308	3,640	2,096	1,996	5,165	12,897	(1,411)	-10%
Hayward	1.393%	1.571%	980	564	726	1,880	4,150	1,100	632	817	2,115	4,664	514	12%
Livermore	1.130%	1.269%	1,109	639	620	1,606	3,974	1,240	714	696	1,799	4,449	475	12%
Newark	0.578%	0.609%	453	260	303	784	1,800	475	274	318	824	1,891	91	5%
Oakland	6.503%	6.338%	6,880	3,962	4,584	11,860	27,286	6,665	3,838	4,457	11,533	26,493	(793)	-3%
Piedmont	0.099%	0.098%	166	96	94	243	599	163	94	92	238	587	(12)	-2%
Pleasanton	0.909%	1.135%	1,405	810	717	1,855	4,787	1,750	1,008	894	2,313	5,965	1,178	25%
San Leandro	0.913%	1.137%	713	411	561	1,451	3,136	882	507	696	1,802	3,887	751	24%
Unincorporated Alameda	1.347%	1.419%	1,221	704	726	1,879	4,530	1,281	738	763	1,976	4,758	228	5%
Union City	0.702%	0.727%	565	326	370	957	2,218	582	335	382	988	2,287	69	3%
<b>Alameda County</b>	<b>20.011%</b>	<b>20.942%</b>	<b>22,759</b>	<b>13,109</b>	<b>13,888</b>	<b>35,933</b>	<b>85,689</b>	<b>23,599</b>	<b>13,586</b>	<b>14,438</b>	<b>37,362</b>	<b>88,985</b>	<b>3,296</b>	<b>4%</b>
Antioch	1.032%	1.270%	661	380	402	1,038	2,481	811	467	493	1,275	3,046	565	23%
Brentwood	0.618%	0.647%	395	228	237	614	1,474	411	237	247	641	1,536	62	4%
Clayton	0.115%	0.111%	176	102	87	227	592	170	97	84	219	570	(22)	-4%
Concord	1.306%	1.725%	1,006	579	643	1,662	3,890	1,322	762	847	2,190	5,121	1,231	32%
Danville	0.410%	0.424%	632	365	328	848	2,173	652	376	338	875	2,241	68	3%
El Cerrito	0.339%	0.405%	289	166	203	524	1,182	342	197	241	624	1,404	222	19%
Hercules	0.240%	0.264%	164	95	115	297	671	179	104	126	327	736	65	10%
Lafayette	0.297%	0.382%	468	269	255	659	1,651	599	344	326	845	2,114	463	28%
Martinez	0.381%	0.383%	357	205	220	569	1,351	358	206	221	573	1,358	7	1%
Moraga	0.193%	0.204%	302	174	163	422	1,061	318	183	172	445	1,118	57	5%
Oakley	0.395%	0.450%	251	145	152	393	941	286	165	172	446	1,069	128	14%
Orinda	0.197%	0.235%	313	180	181	468	1,142	372	215	215	557	1,359	217	19%
Pinole	0.209%	0.183%	142	82	99	256	579	124	71	87	223	505	(74)	-13%
Pittsburg	0.630%	0.787%	419	242	273	707	1,641	518	298	340	880	2,036	395	24%
Pleasant Hill	0.423%	0.368%	522	300	293	758	1,873	451	261	254	657	1,623	(250)	-13%
Richmond	1.403%	1.227%	988	569	731	1,891	4,179	860	496	638	1,651	3,645	(534)	-13%
San Pablo	0.261%	0.248%	187	108	139	359	793	177	102	132	341	752	(41)	-5%
San Ramon	0.898%	0.975%	1,382	796	708	1,830	4,716	1,497	862	767	1,985	5,111	395	8%
Unincorporated Contra Costa	1.658%	2.203%	1,609	928	917	2,373	5,827	2,131	1,227	1,217	3,147	7,722	1,895	33%
Walnut Creek	1.118%	1.148%	1,655	954	869	2,247	5,725	1,696	976	890	2,304	5,866	141	2%
<b>Contra Costa County</b>	<b>12.124%</b>	<b>13.638%</b>	<b>11,918</b>	<b>6,867</b>	<b>7,015</b>	<b>18,142</b>	<b>43,942</b>	<b>13,274</b>	<b>7,646</b>	<b>7,807</b>	<b>20,205</b>	<b>48,932</b>	<b>4,990</b>	<b>11%</b>

## Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Belvedere	0.033%	0.032%	49	28	23	61	161	49	28	23	60	160	(1)	-1%
Corte Madera	0.135%	0.138%	209	121	106	274	710	213	123	108	281	725	15	2%
Fairfax	0.104%	0.098%	158	91	75	195	519	149	86	71	184	490	(29)	-6%
Larkspur	0.197%	0.189%	303	175	150	390	1,018	291	168	145	375	979	(39)	-4%
Mill Valley	0.161%	0.164%	248	142	124	320	834	252	144	126	326	848	14	2%
Novato	0.669%	0.672%	582	335	332	858	2,107	583	336	332	860	2,111	4	0%
Ross	0.023%	0.022%	35	20	17	44	116	33	19	16	41	109	(7)	-6%
San Anselmo	0.149%	0.167%	226	130	108	280	744	253	145	121	314	833	89	12%
San Rafael	0.895%	1.048%	752	433	446	1,154	2,785	877	504	521	1,350	3,252	467	17%
Sausalito	0.125%	0.125%	200	115	115	296	726	200	115	114	295	724	(2)	0%
Tiburon	0.123%	0.126%	186	107	91	236	620	193	110	93	243	639	19	3%
Unincorporated Marin	0.893%	0.822%	1,157	666	557	1,440	3,820	1,063	611	512	1,324	3,510	(310)	-8%
<b>Marin County</b>	<b>3.507%</b>	<b>3.605%</b>	<b>4,105</b>	<b>2,363</b>	<b>2,144</b>	<b>5,548</b>	<b>14,160</b>	<b>4,156</b>	<b>2,389</b>	<b>2,182</b>	<b>5,653</b>	<b>14,380</b>	<b>220</b>	<b>2%</b>
American Canyon	0.190%	0.176%	124	72	81	209	486	115	67	75	194	451	(35)	-7%
Calistoga	0.090%	0.052%	58	32	33	86	209	32	19	19	50	120	(89)	-43%
Napa	0.815%	0.769%	550	317	339	876	2,082	516	298	319	825	1,958	(124)	-6%
St. Helena	0.073%	0.068%	46	27	27	71	171	43	24	26	66	159	(12)	-7%
Unincorporated Napa	0.288%	0.279%	218	126	125	323	792	210	121	120	312	763	(29)	-4%
Yountville	0.031%	0.029%	20	12	12	32	76	19	11	12	30	72	(4)	-5%
<b>Napa County</b>	<b>1.487%</b>	<b>1.373%</b>	<b>1,016</b>	<b>586</b>	<b>617</b>	<b>1,597</b>	<b>3,816</b>	<b>935</b>	<b>540</b>	<b>571</b>	<b>1,477</b>	<b>3,523</b>	<b>(293)</b>	<b>-8%</b>
<b>San Francisco</b>	<b>12.394%</b>	<b>14.304%</b>	<b>18,637</b>	<b>10,717</b>	<b>11,910</b>	<b>30,816</b>	<b>72,080</b>	<b>21,359</b>	<b>12,294</b>	<b>13,717</b>	<b>35,470</b>	<b>82,840</b>	<b>10,760</b>	<b>15%</b>
Atherton	0.065%	0.072%	74	43	51	130	298	81	47	56	144	328	30	10%
Belmont	0.302%	0.305%	485	280	282	728	1,775	488	281	283	733	1,785	10	1%
Brisbane	0.742%	0.423%	573	330	534	1,382	2,819	324	187	303	785	1,599	(1,220)	-43%
Burlingame	0.572%	0.546%	926	534	555	1,434	3,449	883	509	529	1,368	3,289	(160)	-5%
Colma	0.047%	0.052%	40	24	33	86	183	45	26	37	96	204	21	11%
Daly City	1.040%	0.945%	1,150	661	841	2,175	4,827	1,039	598	762	1,971	4,370	(457)	-9%
East Palo Alto	0.219%	0.206%	179	104	169	437	889	169	97	159	410	835	(54)	-6%
Foster City	0.349%	0.327%	556	320	321	831	2,028	520	299	300	777	1,896	(132)	-7%
Half Moon Bay	0.147%	0.149%	93	54	54	141	342	93	54	54	141	342	-	0%
Hillsborough	0.107%	0.097%	169	97	95	245	606	153	88	87	223	551	(55)	-9%
Menlo Park	0.500%	0.481%	773	445	517	1,340	3,075	740	426	496	1,284	2,946	(129)	-4%
Millbrae	0.375%	0.350%	618	356	386	999	2,359	575	331	361	932	2,199	(160)	-7%
Pacifica	0.359%	0.356%	557	321	294	761	1,933	551	317	291	753	1,912	(21)	-1%
Portola Valley	0.045%	0.045%	70	41	39	101	251	70	40	39	99	248	(3)	-1%
Redwood City	1.102%	0.984%	1,284	739	885	2,291	5,199	1,141	658	789	2,041	4,629	(570)	-11%
San Bruno	0.486%	0.730%	481	278	382	989	2,130	721	415	573	1,483	3,192	1,062	50%
San Carlos	0.398%	0.455%	647	372	383	991	2,393	739	425	438	1,133	2,735	342	14%
San Mateo	1.338%	1.419%	1,722	991	1,111	2,873	6,697	1,819	1,047	1,175	3,040	7,081	384	6%
South San Francisco	0.923%	0.929%	892	513	717	1,856	3,978	892	514	720	1,863	3,989	11	0%
Unincorporated San Mateo	0.827%	0.809%	852	490	443	1,148	2,933	830	479	433	1,121	2,863	(70)	-2%
Woodside	0.057%	0.058%	90	52	51	133	326	90	52	52	134	328	2	1%
<b>San Mateo County</b>	<b>10.002%</b>	<b>9.740%</b>	<b>12,231</b>	<b>7,045</b>	<b>8,143</b>	<b>21,071</b>	<b>48,490</b>	<b>11,963</b>	<b>6,890</b>	<b>7,937</b>	<b>20,531</b>	<b>47,321</b>	<b>(1,169)</b>	<b>-2%</b>

## Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Campbell	0.741%	0.563%	1,017	585	659	1,703	3,964	770	444	499	1,292	3,005	(959)	-24%
Cupertino	0.980%	0.724%	1,619	932	1,023	2,648	6,222	1,193	687	755	1,953	4,588	(1,634)	-26%
Gilroy	0.523%	0.461%	410	236	228	590	1,464	359	207	200	519	1,285	(179)	-12%
Los Altos	0.348%	0.301%	580	333	377	977	2,267	501	288	326	843	1,958	(309)	-14%
Los Altos Hills	0.084%	0.076%	139	81	91	234	545	125	72	82	210	489	(56)	-10%
Los Gatos	0.326%	0.335%	523	301	311	804	1,939	537	310	320	826	1,993	54	3%
Milpitas	1.228%	1.257%	1,653	952	1,108	2,866	6,579	1,685	970	1,131	2,927	6,713	134	2%
Monte Sereno	0.032%	0.032%	51	30	31	80	192	51	30	31	79	191	(1)	-1%
Morgan Hill	0.444%	0.410%	291	168	189	488	1,136	268	155	174	450	1,047	(89)	-8%
Mountain View	1.772%	1.754%	2,876	1,656	1,909	4,939	11,380	2,838	1,635	1,885	4,880	11,238	(142)	-1%
Palo Alto	1.541%	0.935%	2,573	1,482	1,673	4,330	10,058	1,556	896	1,013	2,621	6,086	(3,972)	-39%
San Jose	15.242%	14.426%	16,391	9,437	11,344	29,350	66,522	15,444	8,892	10,711	27,714	62,761	(3,761)	-6%
Santa Clara	2.184%	2.135%	3,020	1,739	2,031	5,257	12,047	2,940	1,692	1,981	5,126	11,739	(308)	-3%
Saratoga	0.343%	0.280%	556	321	341	882	2,100	454	261	278	719	1,712	(388)	-18%
Sunnyvale	2.262%	2.088%	3,227	1,858	2,206	5,707	12,998	2,968	1,709	2,032	5,257	11,966	(1,032)	-8%
Unincorporated Santa Clara	1.065%	0.815%	1,113	641	664	1,719	4,137	848	488	508	1,312	3,156	(981)	-24%
<b>Santa Clara County</b>	<b>29.114%</b>	<b>26.591%</b>	<b>36,039</b>	<b>20,752</b>	<b>24,185</b>	<b>62,574</b>	<b>143,550</b>	<b>32,537</b>	<b>18,736</b>	<b>21,926</b>	<b>56,728</b>	<b>129,927</b>	<b>(13,623)</b>	<b>-9%</b>
Benicia	0.286%	0.271%	222	127	143	370	862	208	120	135	351	814	(48)	-6%
Dixon	0.159%	0.146%	103	58	62	159	382	93	54	57	146	350	(32)	-8%
Fairfield	1.438%	1.226%	938	540	596	1,544	3,618	796	458	508	1,314	3,076	(542)	-15%
Rio Vista	0.098%	0.207%	62	36	36	94	228	130	75	76	197	478	250	110%
Suisun City	0.242%	0.246%	158	91	101	260	610	160	92	101	264	617	7	1%
Unincorporated Solano	0.420%	0.381%	270	155	165	426	1,016	243	140	149	385	917	(99)	-10%
Vacaville	0.828%	0.775%	535	308	328	848	2,019	498	286	305	791	1,880	(139)	-7%
Vallejo	1.190%	1.117%	794	457	535	1,385	3,171	741	426	501	1,297	2,965	(206)	-6%
<b>Solano County</b>	<b>4.662%</b>	<b>4.368%</b>	<b>3,082</b>	<b>1,772</b>	<b>1,966</b>	<b>5,086</b>	<b>11,906</b>	<b>2,869</b>	<b>1,651</b>	<b>1,832</b>	<b>4,745</b>	<b>11,097</b>	<b>(809)</b>	<b>-7%</b>
Cloverdale	0.126%	0.120%	80	46	47	121	294	76	44	45	116	281	(13)	-4%
Cotati	0.105%	0.092%	68	39	44	116	267	61	35	39	101	236	(31)	-12%
Healdsburg	0.145%	0.121%	93	54	59	153	359	78	45	49	128	300	(59)	-16%
Petaluma	0.781%	0.716%	560	323	342	885	2,110	511	295	313	810	1,929	(181)	-9%
Rohnert Park	0.492%	0.625%	322	186	209	541	1,258	408	235	265	686	1,594	336	27%
Santa Rosa	2.404%	1.745%	1,727	993	1,064	2,754	6,538	1,247	718	771	1,995	4,731	(1,807)	-28%
Sebastopol	0.163%	0.086%	106	61	67	175	409	56	32	35	92	215	(194)	-47%
Sonoma	0.143%	0.133%	91	53	54	140	338	85	49	50	130	314	(24)	-7%
Unincorporated Sonoma	2.058%	1.540%	1,424	820	840	2,173	5,257	1,060	610	627	1,622	3,919	(1,338)	-25%
Windsor	0.283%	0.260%	184	106	118	305	713	168	97	108	279	652	(61)	-9%
<b>Sonoma County</b>	<b>6.700%</b>	<b>5.440%</b>	<b>4,655</b>	<b>2,681</b>	<b>2,844</b>	<b>7,363</b>	<b>17,543</b>	<b>3,750</b>	<b>2,160</b>	<b>2,302</b>	<b>5,959</b>	<b>14,171</b>	<b>(3,372)</b>	<b>-19%</b>
	<b>100.000%</b>	<b>100.000%</b>	<b>114,442</b>	<b>65,892</b>	<b>72,712</b>	<b>188,130</b>	<b>441,176</b>	<b>114,442</b>	<b>65,892</b>	<b>72,712</b>	<b>188,130</b>	<b>441,176</b>		

\* Jurisdiction-level forecasts from Plan Bay Area 2050 Final Blueprint are intended solely for use in crafting the RHNA baseline allocation; official Plan Bay Area 2050 growth pattern focuses on county- and subcounty-level forecasts.

#### Appendix 4: Performance Evaluation Metrics

The RHNA allocation methodology must meet five objectives identified in Housing Element Law.<sup>1</sup> To help ensure that any proposed methodology will meet the statutory RHNA objectives and receive approval from the California Department of Housing and Community Development (HCD), ABAG-MTC staff developed a set of evaluation metrics to assess different methodology options. These metrics are based largely on the analytical framework used by HCD in evaluating the draft methodologies completed by other regions in California, as evidenced by the approval letters HCD provided to the Sacramento Area Council of Governments (SACOG), San Diego Association of Governments (SANDAG), and Southern California Association of Governments (SCAG).<sup>2</sup> Other metrics reflect input from members of the [Housing Methodology Committee](#) (HMC).

In the evaluation metrics, each statutory objective has been reframed as a question that reflects the language Housing Element Law uses to define the objectives. Each statutory objective is accompanied by quantitative metrics for evaluating the allocation produced by a methodology. The metrics are structured as a comparison between the allocations to the top jurisdictions in the region for a particular characteristic – such as jurisdictions with the most expensive housing costs – and the allocations to the rest of the jurisdictions in the region.

#### Metrics Based on Lower-Income Unit Percentage vs. Metrics Based on Total Allocation

Several of the metrics focus on whether jurisdictions with certain characteristics receive a significant share of their RHNA as *lower-income units*. These metrics reflect HCD's analysis in its letters evaluating RHNA methodologies from other regions. However, HMC members advocated for metrics that also examine *the total number of units* assigned to a jurisdiction. These HMC members asserted that it is ultimately less impactful if a jurisdiction receives a high share of its RHNA as lower-income units if that same jurisdiction receives few units overall. Accordingly, each metric that focuses on the share of lower-income units assigned to jurisdictions with certain characteristics is paired with a complementary metric that examines whether those jurisdictions also receive a share of the regional housing need that is at least proportional to their share of the region's households. A value of 1.0 for these complementary metrics means that the group of jurisdictions' overall share of RHNA is proportional relative to its overall share of households in 2019, while a value below 1.0 is less than proportional.

#### Evaluation of Draft RHNA Methodology Compared to Proposed RHNA Methodology

The graphs below compare the performance of the Draft RHNA Methodology and Proposed RHNA Methodology in achieving the five statutory RHNA objectives based on the evaluation metrics. Although there are some variations on individual metrics, the results indicate that both the Proposed RHNA Methodology and the Draft RHNA Methodology perform well in advancing all of the statutory objectives.

---

<sup>1</sup> See [California Government Code Section 65584\(d\)](#).

<sup>2</sup> For copies of letters HCD sent to other regions, see [this document](#) from the January 2020 HMC meeting agenda packet.



**OBJECTIVE 1: Does the allocation increase the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner?**

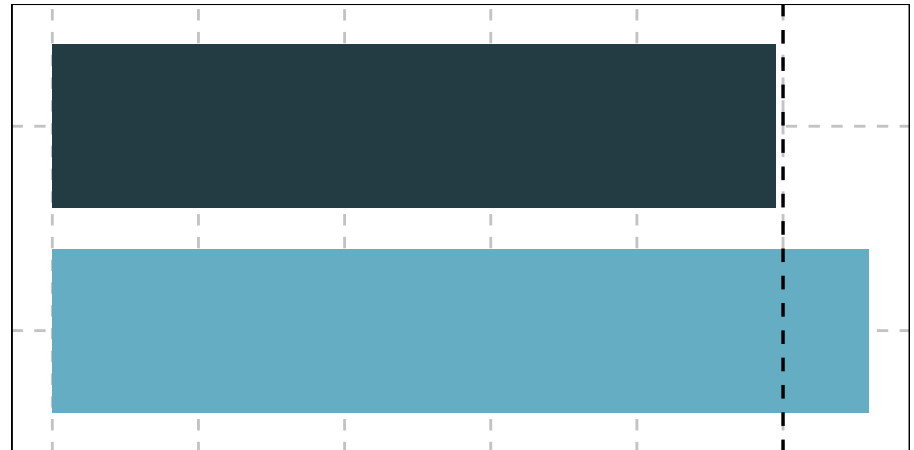
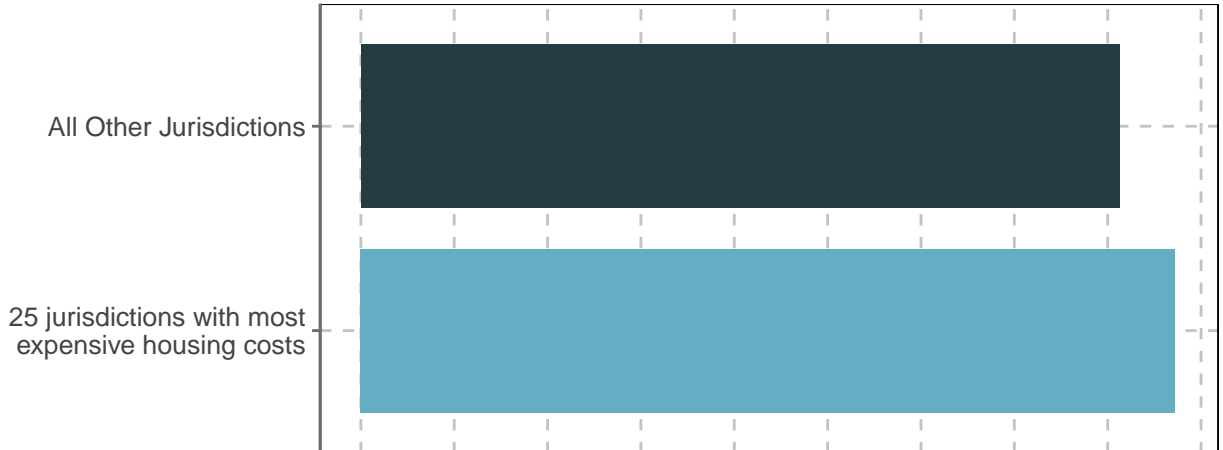
*Comparison between the top 25 jurisdictions with the most expensive housing costs and the rest of the region*

**METRIC 1a.1: Do jurisdictions with the most expensive housing costs receive a significant percentage of their RHNA as lower-income units?**

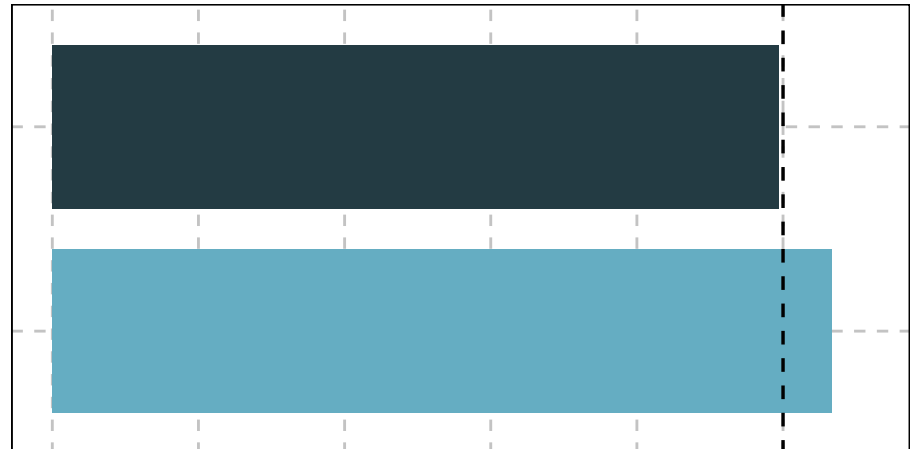
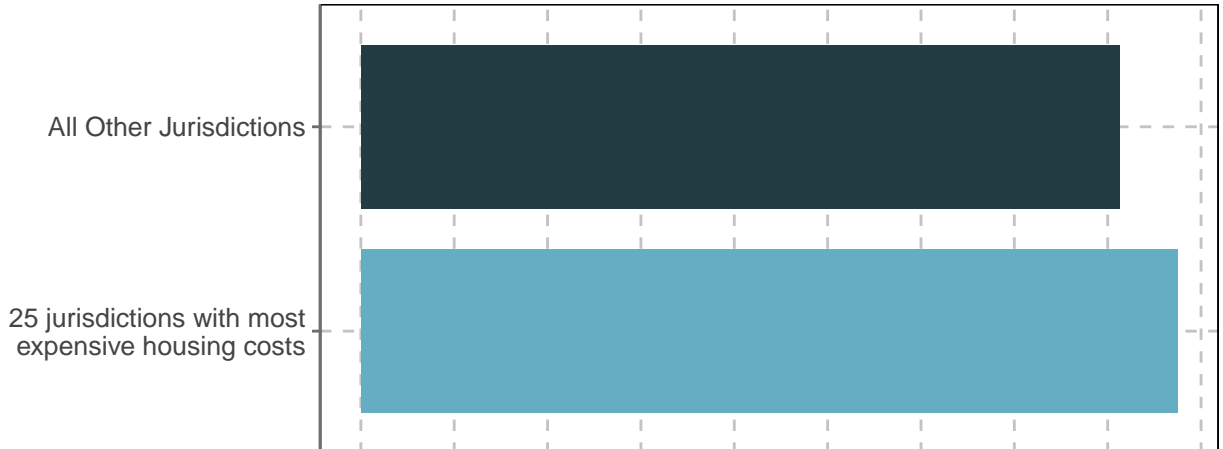
**METRIC 1a.2: Do jurisdictions with the most expensive housing costs receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Percent of RHNA as lower income units**

**Ratio of share of total RHNA to share of region's households**



**Proposed RHNA Methodology  
(2050 Households – Draft Blueprint)**



**Draft RHNA Methodology  
(2050 Households – Final Blueprint)**

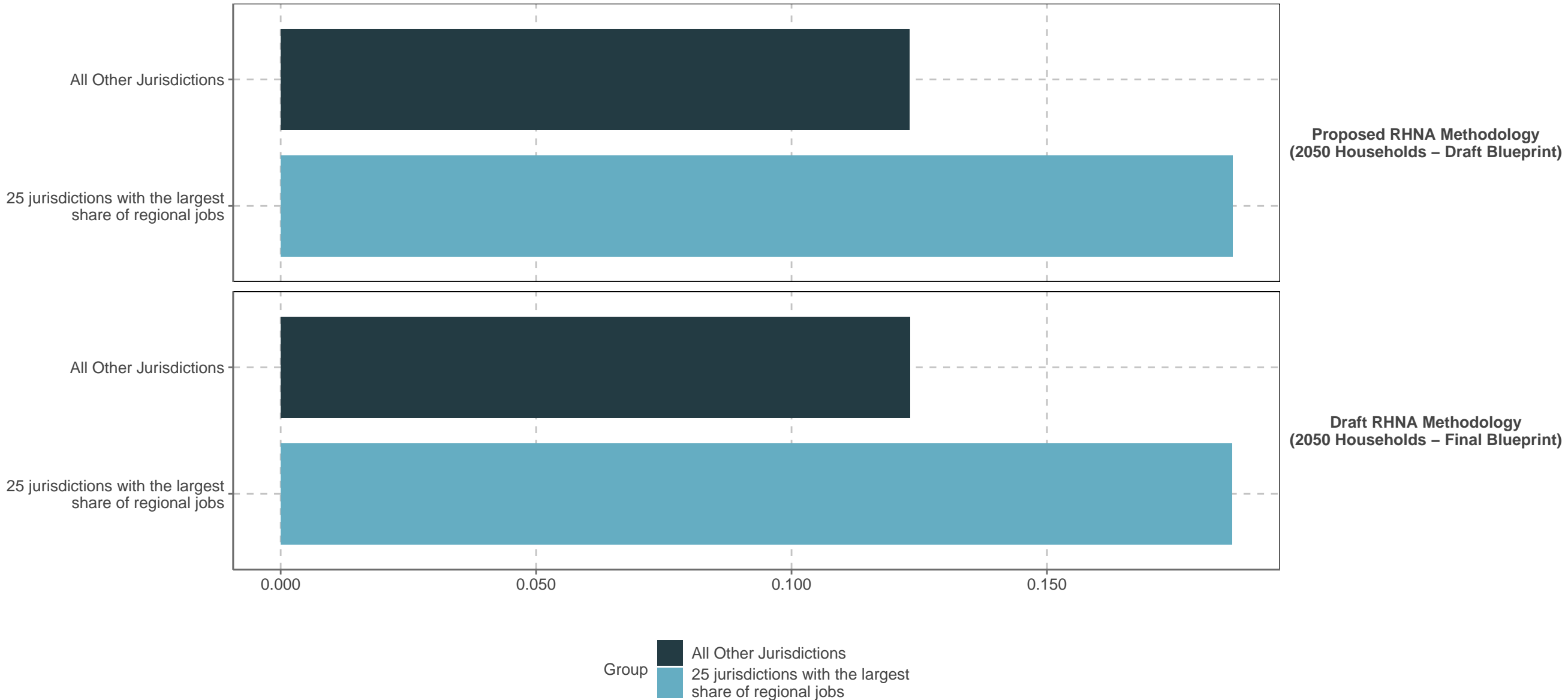
Group  
 All Other Jurisdictions  
 25 jurisdictions with most expensive housing costs

**OBJECTIVE 2: Does the allocation promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets?**

*Comparison between the top 25 jurisdictions with the most jobs and the rest of the region*

**METRIC 2a: Do jurisdictions with the largest share of the region's jobs have the highest growth rates resulting from RHNA?**

**Average growth rate resulting from RHNA**

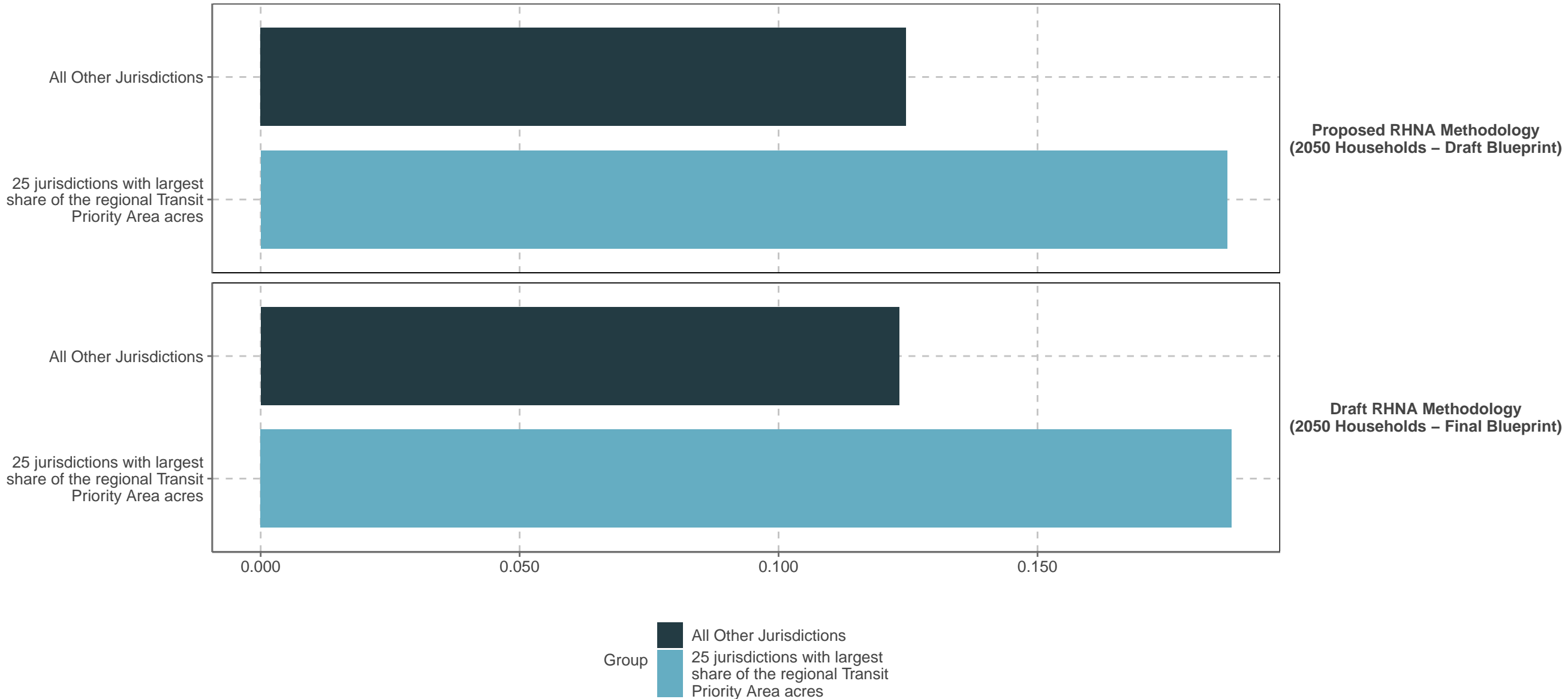


**OBJECTIVE 2: Does the allocation promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets?**

*Comparison between the top 25 jurisdictions with the most transit access and the rest of the region*

**METRIC 2b: Do jurisdictions with the largest share of the region's Transit Priority Area acres have the highest growth rates resulting from RHNA?**

**Average growth rate resulting from RHNA**

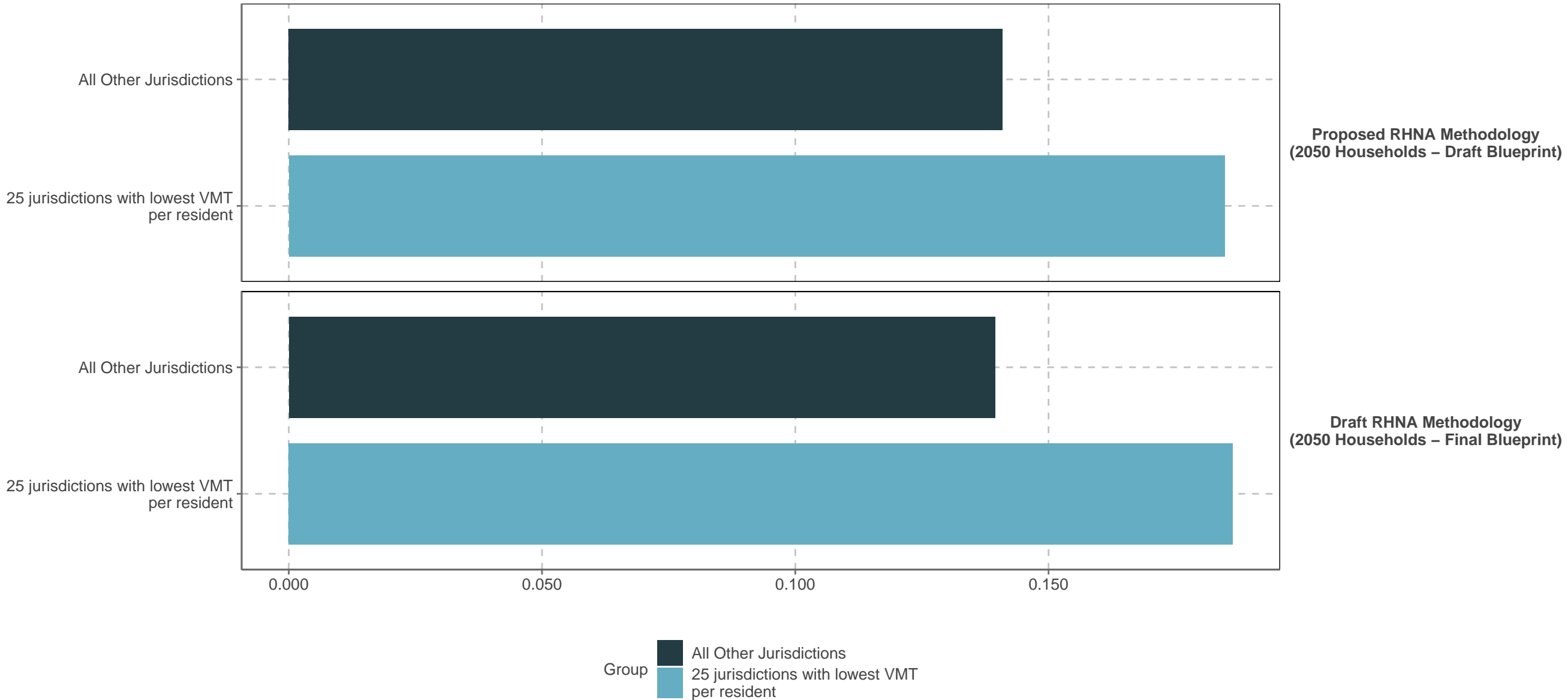


**OBJECTIVE 2: Does the allocation promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets?**

*Comparison between the top 25 jurisdictions with the lowest VMT per resident the rest of the region*

**METRIC 2c: Do jurisdictions whose residents drive the least have the highest growth rates resulting from RHNA?**

**Average growth rate resulting from RHNA**



**OBJECTIVE 3: Does the allocation promote an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction?**

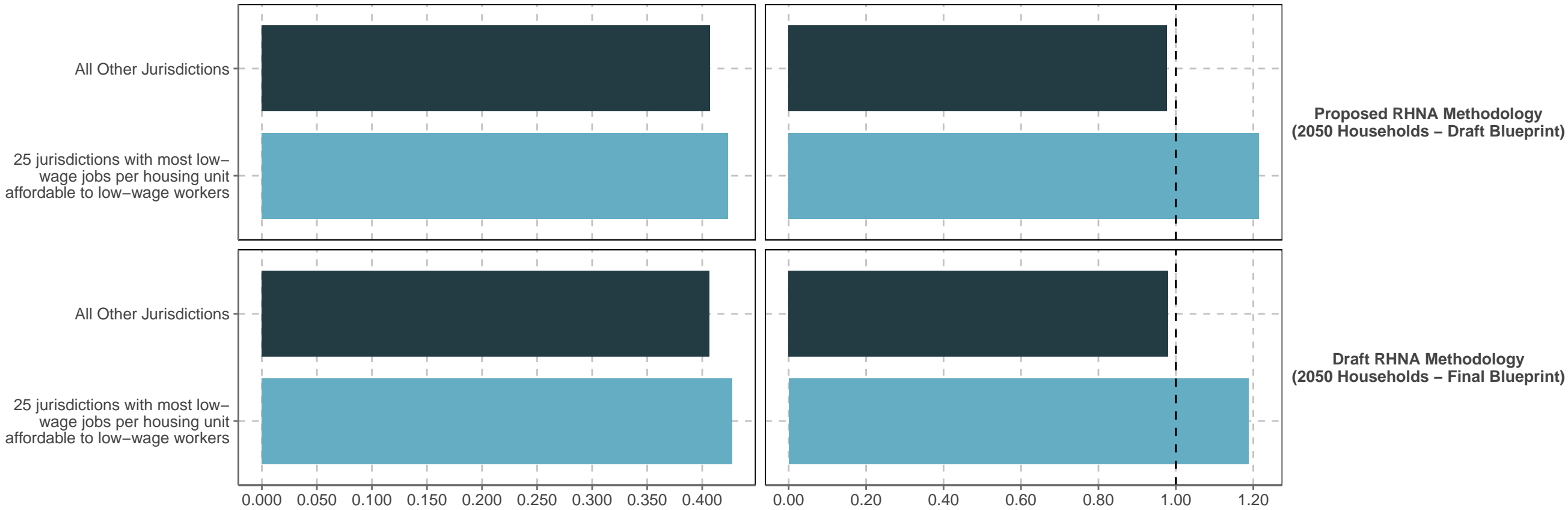
*Comparison between the top 25 jurisdictions with the most unbalanced jobs-housing fit and the rest of the region*

**METRIC 3a.1: Do jurisdictions with the most low-wage workers per housing unit affordable to low-wage workers receive a significant percentage of their RHNA as lower-income units?**

**METRIC 3a.2: Do jurisdictions with the most low-wage workers per housing unit affordable to low-wage workers receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Percent of RHNA as lower income units**

**Ratio of share of total RHNA to share of region's households**



Group

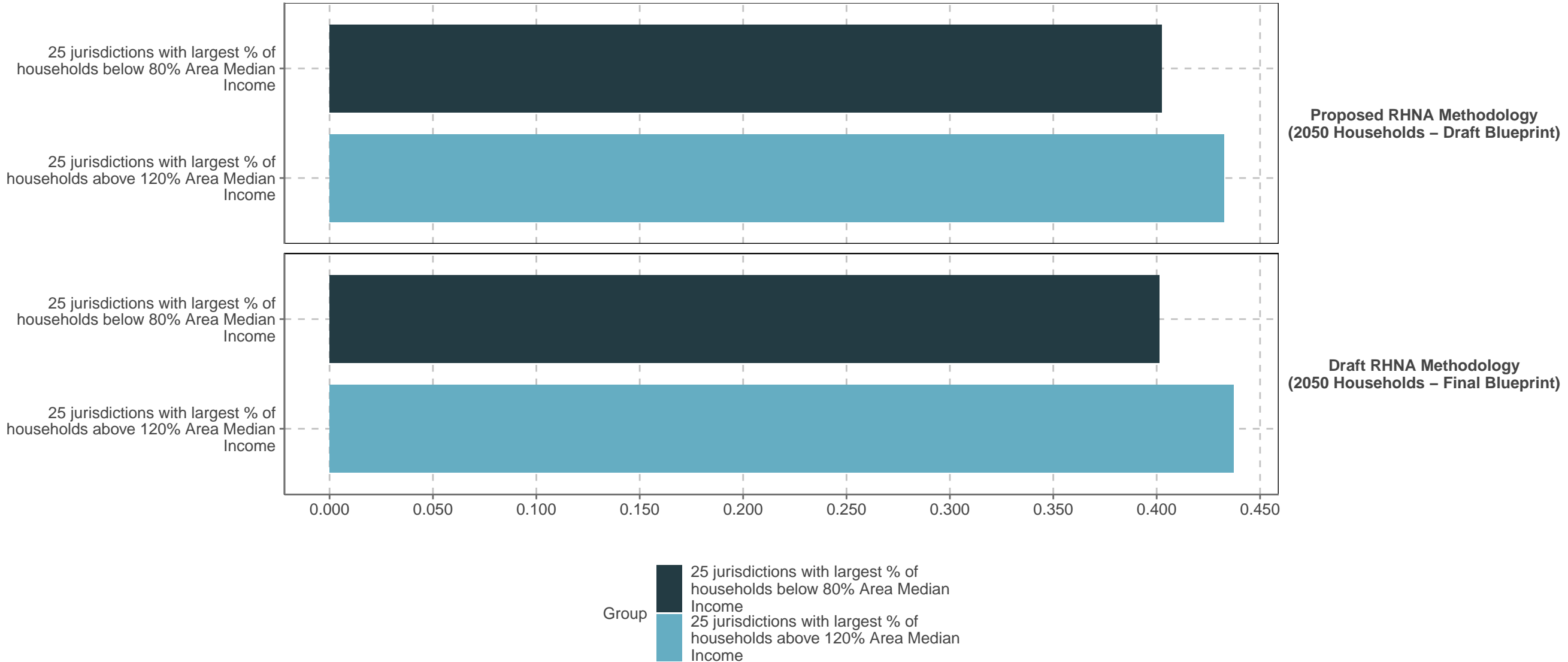
- All Other Jurisdictions
- 25 jurisdictions with most low-wage jobs per housing unit affordable to low-wage workers

**OBJECTIVE 4: Does the allocation direct a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category?**

*Comparison between the top 25 most disproportionately high-income jurisdictions and top 25 most disproportionately low-income jurisdictions*

**METRIC 4: Do jurisdictions with the largest percentage of high-income residents receive a larger share of their RHNA as lower-income units than jurisdictions with the largest percentage of low-income residents?**

**Percent of RHNA as lower income units**



**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

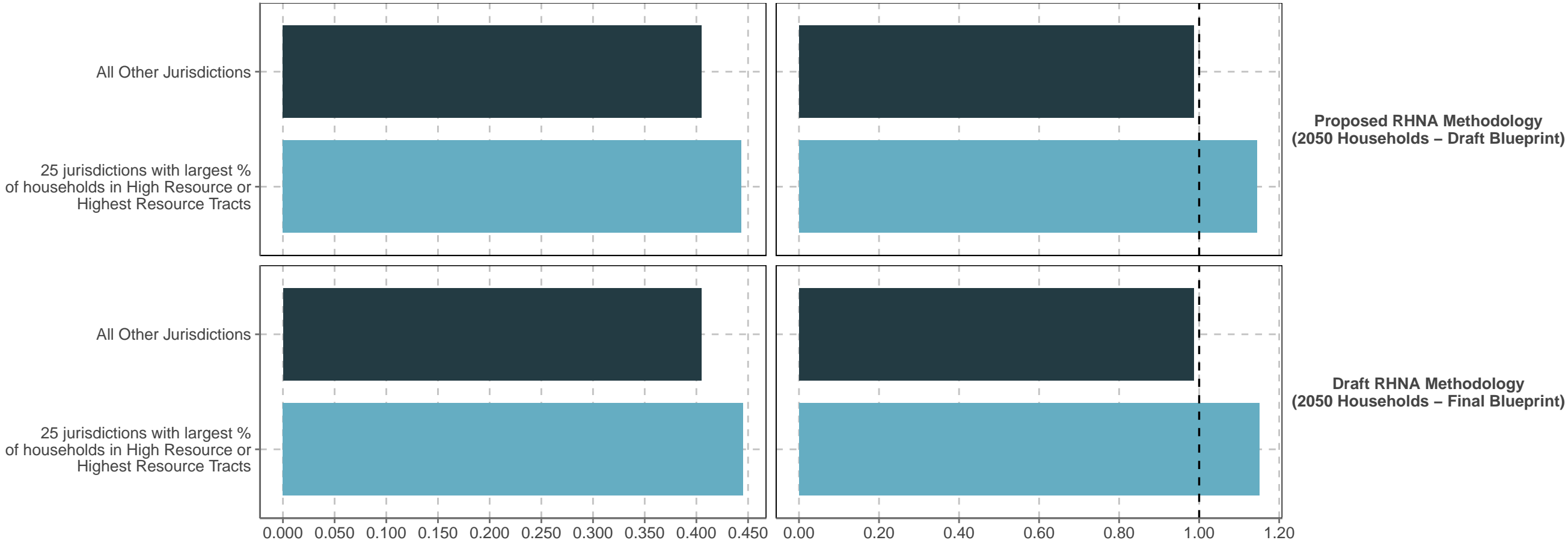
*Comparison between the top 25 jurisdictions with the most access to resources and the rest of the region*

**METRIC 5a.1: Do jurisdictions with the largest percentage of households living in High or Highest Resource tracts receive a significant percentage of their RHNA as lower-income units?**

**METRIC 5a.2: Do jurisdictions with the largest percentage of households living in High or Highest Resource tracts receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Percent of RHNA as lower income units**

**Ratio of share of total RHNA to share of region's households**



Group

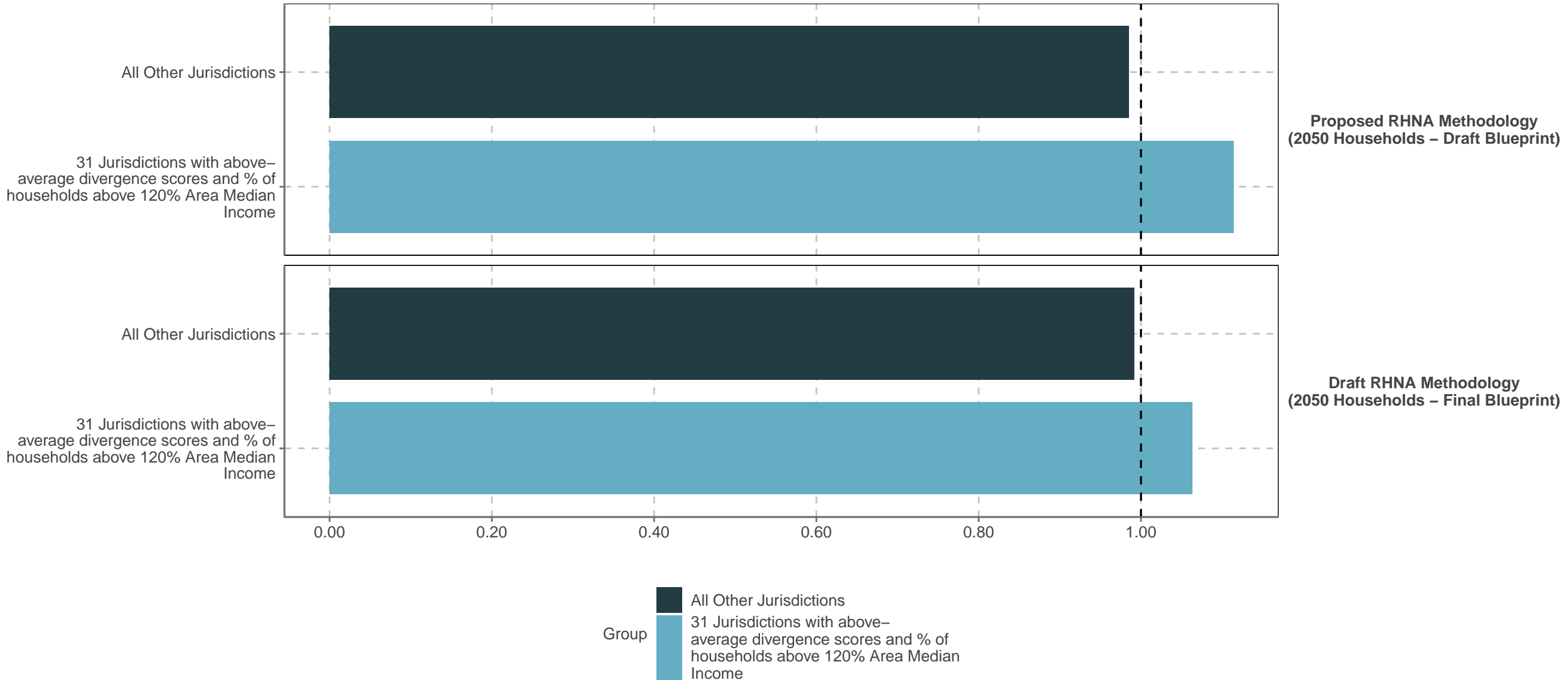
- All Other Jurisdictions
- 25 jurisdictions with largest % of households in High Resource or Highest Resource Tracts

**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

*Comparison between jurisdictions that have both above-average divergence scores and disproportionately large shares of high-income residents and the rest of the region*

**METRIC 5b: Do jurisdictions exhibiting racial and economic exclusion receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Ratio of share of total RHNA to share of region's households**



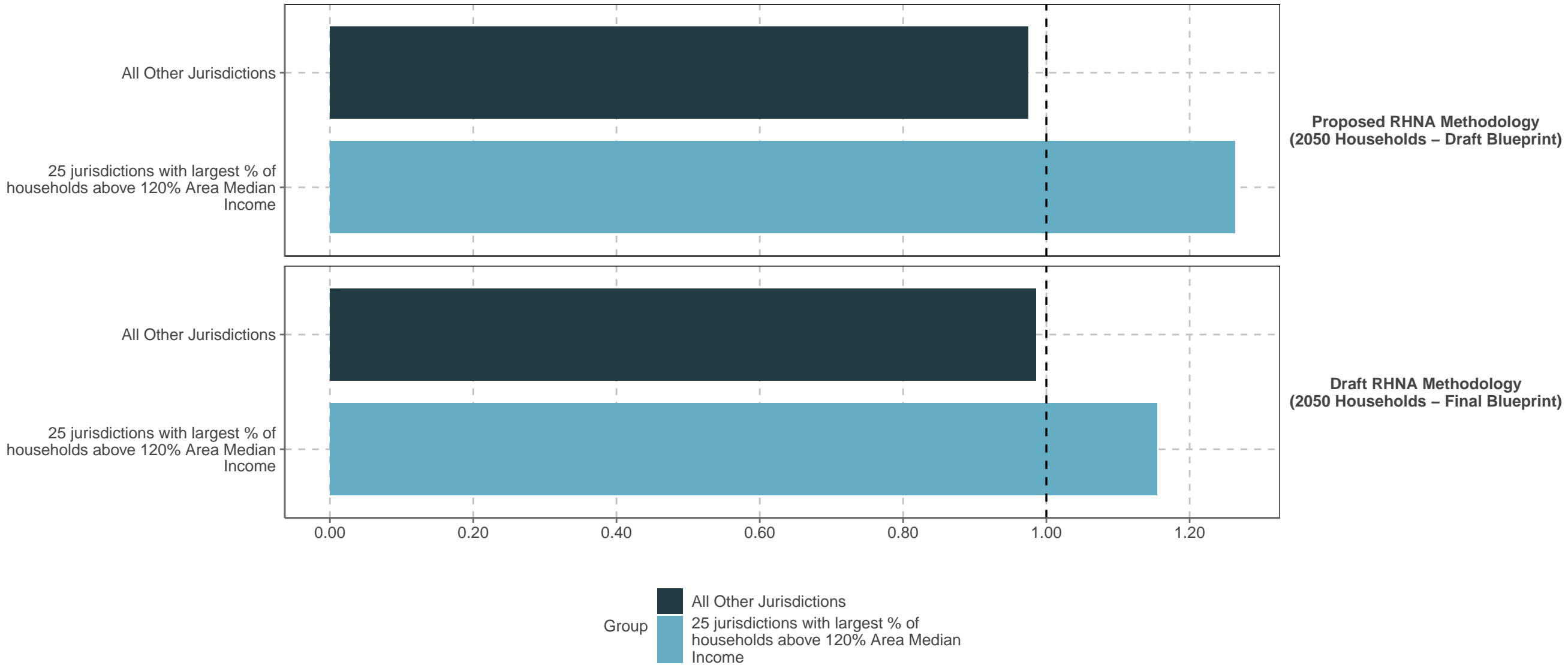


**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

*Comparison between the top 25 most disproportionately high-income jurisdictions and the rest of the region*

**METRIC 5c: Do jurisdictions with the largest percentage of high-income residents receive a share of the region's housing need that is at least proportional to their share of the region's households?**

**Ratio of share of total RHNA to share of region's households**



**OBJECTIVE 5: Does the allocation affirmatively further fair housing?**

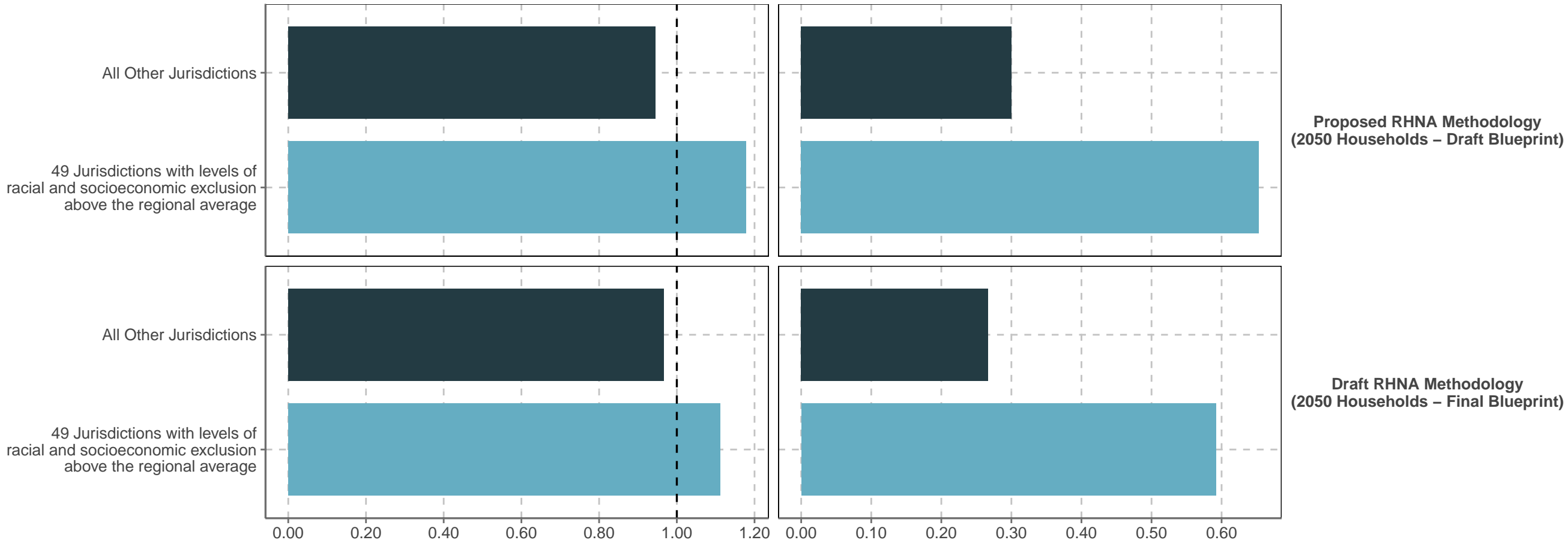
*Comparison between the top 49 jurisdictions exhibiting above average racial and socioeconomic exclusion and the rest of the region*

**METRIC 5d.1: Do jurisdictions with levels of racial and socioeconomic exclusion above the regional average receive a total share of the region's very low- and low-income housing need that is at least proportional to their total share of the region's households?**

**METRIC 5d.2: Does each jurisdiction exhibiting racial and socioeconomic exclusion above the regional average receive a share of the region's very low- and low-income housing need that is at least proportional to its total share of the region's households?**

**Ratio of share of lower-income RHNA to share of region's households**

**Jurisdictions receiving at least a proportional lower-income allocation**



Group  
 All Other Jurisdictions  
 49 Jurisdictions with levels of racial and socioeconomic exclusion above the regional average

## Appendix 5: Final Subregional Shares

State Housing Element Law allows two or more neighboring jurisdictions to form a “subregion” to conduct a parallel RHNA process to allocate the subregion’s housing need among its members.<sup>1</sup> A subregion is responsible for conducting its own RHNA process that meets all of the statutory requirements related to process and outcomes, including developing its own RHNA methodology, allocating a share of need to each member jurisdiction, and conducting its own appeals process.

For the 2023–31 RHNA, subregions were formed in:

1. **Napa County:** includes City of American Canyon, City of Napa, Town of Yountville, and the County of Napa (*does not include City of Calistoga or City of St. Helena*)
2. **Solano County:** includes City of Benicia, City of Dixon, City of Fairfield, City of Rio Vista, City of Suisun City, City of Vacaville, City of Vallejo, and County of Solano

ABAG must assign each subregion a share of the Bay Area’s Regional Housing Need Determination (RHND), which represents the total number of units, by income category, the subregion must allocate to its member jurisdictions. Each subregion’s portion of the RHND has been removed from the units allocated by ABAG’s process for the rest of the region’s jurisdictions.

On May 21, 2020, the ABAG Executive Board adopted the methodology for assigning a subregion its share of the RHND. The adopted methodology stipulates that the share of the RHND for each subregion will be based on the sum of the default allocations, by income category, from the ABAG RHNA methodology for each jurisdiction in the subregion. Using ABAG’s RHNA methodology as the input into the subregion shares ensures every jurisdiction that is a member of a subregion receives the same allocation it would have received if it were not part of a subregion. This approach ensures that formation of a subregion does not confer any harm or benefit to member jurisdictions or to other jurisdictions in the region.

On October 15, 2020, the ABAG Executive Board approved release of the Draft Subregional Shares.<sup>2</sup> The Draft Subregional Shares were based on the Proposed RHNA Methodology, which reflected baseline data on 2050 households from the Plan Bay Area 2050 Draft Blueprint. Applying the subregional share methodology to the Bay Area’s RHND of 441,176, the Draft Subregional Share for the Napa County subregion is 0.78 percent of the region’s housing needs and the Draft Subregional Share for the Solano County subregion is 2.7 percent of the region’s housing needs. **Table 1** shows each subregion’s draft share by income category.

---

<sup>1</sup> [Government Code Section 65584.03.](#)

<sup>2</sup> For more information, see <https://mtc.legistar.com/LegislationDetail.aspx?ID=4665721&GUID=6B565EC3-A706-4695-8A87-277F6791A1DB&Options=&Search=>

**Table 1: Draft Subregional Shares, Total Units by Income Category**

<b>Subregion</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>TOTAL</b>
Napa County	912	527	557	1,440	3,436
Solano County	3,082	1,772	1,966	5,086	11,906

Housing Element Law requires ABAG to hold a public comment period and conduct at least one public hearing to receive comments on the Draft Subregional Shares<sup>3</sup> prior to adoption of the Final Subregional Shares. The written public comment period began on October 25 and ended on November 27 per the Notice of Public Hearing published in newspapers and an ABAG press release. Additionally, ABAG held a public hearing at the November 12 meeting of the Regional Planning Committee. ABAG received no comments on the Draft Subregional Shares.

The Final Subregional Shares are based on the Draft RHNA Methodology, which incorporates updates made throughout fall 2020 to reflect the revised Strategies and Growth Geographies approved by the ABAG Executive Board and Commission in September 2020 for the Final Blueprint. Integrating the updated data about future year 2050 households from the Final Blueprint into the Draft RHNA Methodology results in changes to the allocations to local jurisdictions, and thus the subregional shares.

In December 2020, the jurisdictions who were members of the Napa Subregion decided to dissolve their subregion. As a result, these jurisdictions will participate in the RHNA process ABAG is conducting and will receive allocations based on the RHNA methodology adopted by ABAG. Accordingly, ABAG-MTC staff has only identified a Final Subregional Share for the Solano County subregion. Applying the subregional share methodology to the Bay Area's RHND of 441,176, the Final Subregional Share for the Solano County subregion is 2.52 percent of the region's housing needs. **Table 2** shows the subregion's final share by income category.

**Table 2: Final Subregional Shares, Total Units by Income Category**

<b>Subregion</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>TOTAL</b>
Solano County	2,869	1,651	1,832	4,745	11,097

<sup>3</sup> [California Government Code 65584.03 \(c\)](#)

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Council, City; Planning Commission](#)  
**Cc:** [Lait, Jonathan; Council, City](#)  
**Subject:** attachment  
**Date:** Monday, December 21, 2020 2:46:24 PM

---

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

---

<https://abag.ca.gov/news/plan-bay-area-2050-final-blueprint-analysis-released>

Blueprint file too large to send so here is link