From:	Aram James
То:	Rob Baker; Roberta Ahlquist; ParkRec Commission; Planning Commission; Josh Becker; Perron, Zachary
Subject:	Meet the Members of California's Historic Reparations Task Force   KQED
Date:	Friday, April 28, 2023 11:49:11 PM

> <u>https://youtu.be/TT\_KXUR-zls</u>

>

>

> Sent from my iPhone

From:	Aram James
То:	Lauing, Ed; Burt, Patrick; Greer Stone; Julie Lythcott-Haims; Greg Tanaka; Kou, Lydia; Veenker, Vicki; Shikada,
	Ed; Stump, Molly; Jethroe Moore; Josh Becker; Human Relations Commission; Planning Commission; ParkRec
	Commission; Dave Price; Emily Mibach; Shana Segal; Angie Evans; Braden Cartwright
Subject:	Los Gatos revokes commissioner's censure over 'rich, white, anti-housing men' comments
Date:	Sunday, April 30, 2023 11:25:18 AM

https://www.siliconvalley.com/2023/04/19/los-gatos-revokes-commissioners-censure-over-rich-white-anti-housing-men-comments/amp/

Sent from my iPhone

From:	Howard, Adam
Subject:	May Fete Parade - Saturday May 6th
Date:	Monday, May 1, 2023 1:03:18 PM
Attachments:	image001.png
	image005.png
	image011.png
	may fete map.png
	image002.png
	image004.png
	image007.png
	image016.png

Good Morning Palo Alto Dignitaries,

The May Fete Parade is just around the corner now. Just a reminder, If you plan to participate in the parade and haven't already done so, please RSVP to me by Thursday May 4th at <a href="mailto:adam.howard@cityofpaloalto.org">adam.howard@cityofpaloalto.org</a>.

This year's theme, "Empowering Wellness through Community" honors and pays tribute to all the people and activities in Palo Alto that positively impact our physical and mental health. This year's parade will showcase the many talented youth groups in Palo Alto and everything the community has come to love about the May Fete: floats, pets, classic cars and the wonderful May Fete Fair, sponsored by Kiwanis of Palo Alto. The celebration will also see the return of a month-long Palo Alto Puzzle Hunt that the whole family can enjoy.

As a Palo Alto Dignitary, we would like to welcome you to walk in the parade to help celebrate our youth and to celebrate your great work in the community. The Parade will start at 10am at the corner of University Avenue and Emerson St. If you would like to join us, we ask that you check in at that location by 9:30am (Map Attached)

We are excited to see you at this year's parade and please let me know if you have any questions.

# Adam Howard

Sr. Community Services Manager, Recreation City of Palo Alto Phone: 650-329-2192 E-mail:<u>adam.howard@cityofpaloalto.org</u> www.cityofpaloalto.org

-

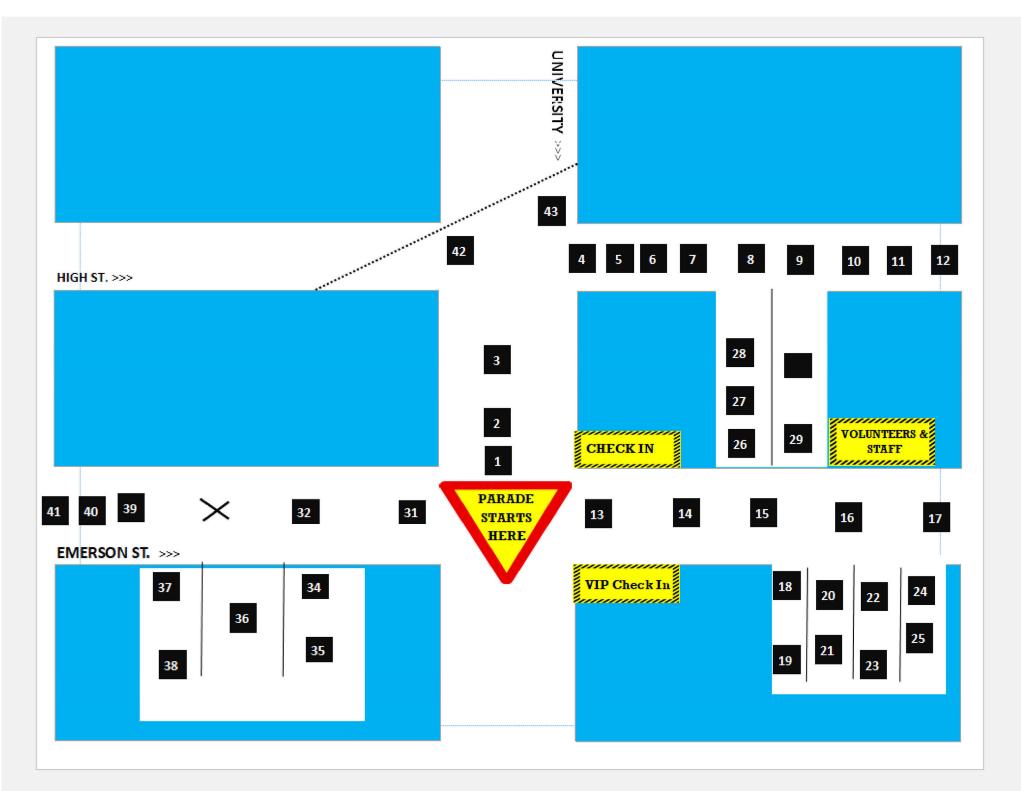
-

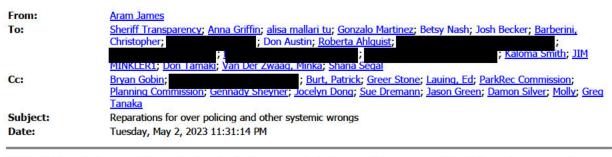




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https://calmatters.org/california-divide/2023/05/reparations-payments-california/

Shared via the <u>Google app</u>

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From:	Aram James
То:	Jethroe Moore; Jeff Rosen; Jay Boyarsky; Josh Becker; Human Relations Commission; Salem Ajluni; Lewis. james; Jack Ajluni; Julie Lythcott-Haims; Veenker, Vicki; Human Relations Commission; Planning Commission; ParkRec Commission; Sean Allen; Joe Simitian; Cindy Chavez; Supervisor Susan Ellenberg; Javier Ortega; EPA Today; Kevin Jensen; dennis burns
Cc:	; Betsy Nash; bob nunez; Angie Evans; Shana Segal; Human Relations Commission
Subject:	United Nations Commemoration of the 75th Anniversary of the Nakba
Date:	Thursday, May 4, 2023 6:12:34 PM
CAURTON	This email originated from outside of the organization. Be cautious of

Dear Friends: Please find the information below on the UN's commemoration of the *Nakba* that will take place in New York on Monday, 15 May. The links at the end of this message will connect you with UN Web TV that will live-stream those activities.

Long Live Palestine,

opening attachments and clicking on links.

Salem

# Committee on the Exercise of the Inalienable Rights of the Palestinian People

# COMMEMORATION OF THE 75TH ANNIVERSARY OF THE NAKBA

Monday, 15 May 2023, UN Headquarters, New York

## العربية :Arabic

## Español

This year marks the 75<sup>th</sup> anniversary of the mass displacement of Palestinians known as "the Nakba" or "the Catastrophe," which saw over half of the Palestinian population turned into refugees. This anniversary puts the spotlight on the world's longest-standing protracted refugee crisis and is a reminder that the population of over 5.9 million Palestine refugees registered with UNRWA continue to live amidst conflict, violence, and occupation and aspire to a just and lasting solution to their plight.

The UN Committee on the Exercise of the Inalienable Rights of the Palestinian

<u>People</u> (CEIRPP) assisted by the Division for Palestinian Rights of DPPA, will commemorate the 75<sup>th</sup> anniversary of the Nakba at UNHQ in New York. For the first time in the history of the UN, this anniversary will be commemorated pursuant to the mandate given by the UNGA (resolution <u>A/RES/77/23</u> of 30 November 2022).

This anniversary will be marked in UN Headquarters with two events, co-organized by the Committee and the Observer Mission of Palestine to the United Nations.

*First*, in the morning of 15 May, the CEIRPP will organize a **High-Level Special Meeting from 10 AM to 12.30 PM** (NY Time) in Conference Room 4, UNHQ New York.

The High-Level event will be presided over by the Chair of the Committee, Ambassador Cheikh Niang. It will include a keynote address by the President of the State of Palestine, H.E. Mahmoud Abbas, and statements by Rosemary A. DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, UNRWA's Commissioner-General, representatives of Regional Groups and civil society.

# A Special Event and Concert in the UN General Assembly Hall, 6-8 PM (NY Time).

The event will aim at creating an immersive experience of the Nakba through photos, videos, testimonies, and music.

The commemoration will have an Opening Ceremony and then feature a performance by Palestinian singer Sanaa Moussa, "an Ambassador of Palestinian heritage."

Naseem Alatrash, a Grammy-nominated cellist and composer, accompanied by the New York Arabic Orchestra directed by Eugene Friesen, a four-time Grammy Award Winner, will perform an adapted version of Alatrash's composition about the Nakba entitled *Bright Colors on a Dark Canvas*. These performances will be accompanied by audio-visual material.

All United Nations Members and Observers have been invited to attend the events. Intergovernmental and civil society organizations as well as the public have also been invited to attend.

The High-Level event will be conducted in the six official languages.

Both events will be open to the media and will be live-streamed on UN Web TV:

High-level event to commemorate the 75th anniversary of the Nakba | UN Web TV

Special Commemorative event on the 75th anniversary of the Nakba | UN Web TV

Updates, including on the programme of the event and messages received in connection with the commemoration, will be posted online at <a href="https://www.un.org/unispal/nakba75/">https://www.un.org/unispal/nakba75/</a>

For further information, please contact the Division for Palestinian Rights at <u>dpr-meeting@un.org.</u>



From:	Hamilton Hitchings
To:	Council, City; Planning Commission; HeUpdate
Subject:	Please Adopt the Latest Housing Element
Date:	Thursday, May 4, 2023 8:11:27 PM

Dear City Council, PTC & City Staff,

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

One other thought on this latest version of the element:

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

Hamilton Hitchings

From:	Aram James
To:	Salem Ajluni; citycouncil@mountainview.gov; Council, City; Josh Becker; Human Relations Commission; Shana
	Segal; Angie Evans; Bryan Gobin; Jethroe Moore; Sean Allen; Joe Simitian;
	Wagner, April, Binder, Andrew, Keitschneider, James, Jeff Rosen, Shikada, Ed; Jack Ajluni, Lewis, james;
	Planning Commission; ParkRec Commission
Subject:	Israel a terrorist nation
Date:	Thursday, May 4, 2023 9:47:23 PM

Israel a terrorist nation

#### LETTERS TO THE EDITOR

https://edition.pagesuite.com/popovers/dynamic\_article\_popover.aspx?guid=3ad05c2b-31ad-470b-bbb1d1a14304b08d&appcode=SAN252&eguid=add9d808-cf8e-444b-9db6-3ff1de63e0a7&pnum=26#

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From:	Aram James
То:	EPA Today; Diana Diamond; Gennady Sheyner; Josh Becker; Sue Dremann; Jocelyn Dong;
	; Human Relations Commission; Planning Commission; ParkRec Commission
Subject:	Tou Thao, former MPD officer charged in George Floyd"s killing, found guilty
Date:	Friday, May 5, 2023 7:12:18 AM
-	Tou Thao, former MPD officer charged in George Floyd"s killing, found guilty

https://www.startribune.com/hennepin-county-tou-thao-mpd-officer-george-floyd-killing-manslaughter-cahillminneapolis-police/600271709/

Sent from my iPhone

From:	Scott O"Neil
To:	Council, City; Planning Commission
Subject:	Housing Element - Shelters
Date:	Saturday, May 6, 2023 7:12:11 PM
Attachments:	Housing Element - Shelters .pdf
important CAUTION: This	ho received this message don't often get email from <b>a second sec</b>

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

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

-Scott

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

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

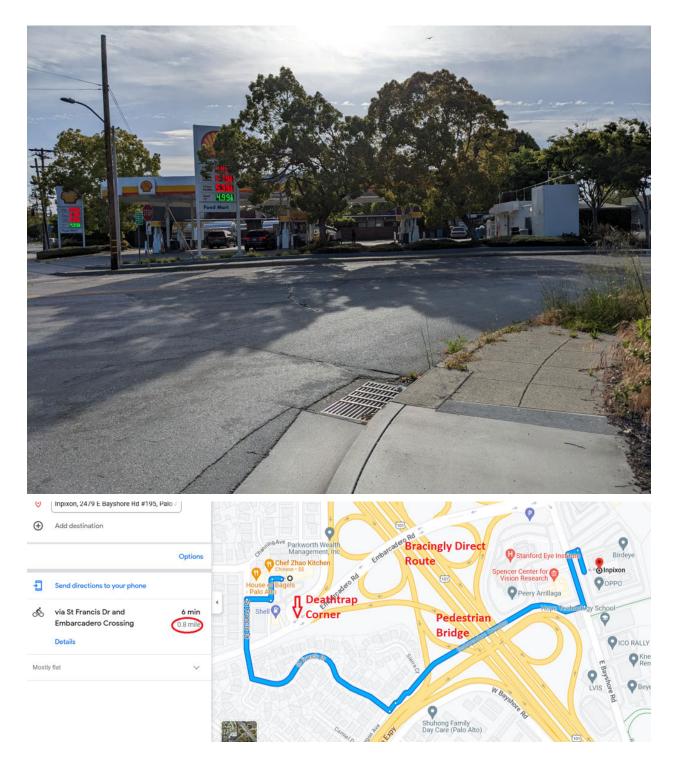
I believe that when a homeless shelter or transitional housing project is advanced, it should usually be supported because proposals are rare and the service is needed. There is a different dynamic at play in the Housing Element, where the city is required to identify a location where housing shelters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

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



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

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



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

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

Thank you for your consideration.

-Scott O'Neil

From: To: Cc: Subject: Date: Attachments:	Robert Chun   Council, City; Planning Commission   Lait, Jonathan; Wong, Tim   Palo Alto Forward"s comment on latest Housing Element draft   Sunday, May 7, 2023 12:05:27 PM   May 8 Public Comment.pptx
important CAUTION: This	ho received this message don't often get email from <b>the organization</b> . Learn why this is <b>semail originated from outside of the organization</b> . Be cautious

Dear Palo Alto City Council, Planning & Transportation Commission, and City Staff:

On behalf of Palo Alto Forward, I'd like to share our comment on the latest draft of the Housing Element. We have filed a request with the City Clerk to share this comment, together with the attached presentation, as a group comment during tomorrow's meeting.

Please reach out with any questions. Thank you!

Best, Robert

\_\_\_\_\_

Thank you very much. My name is Robert Chun, and I'm a board member of Palo Alto Forward. We are a non-profit organization focused on innovating and expanding housing choices and transportation mobility for a vibrant, welcoming, and sustainable Palo Alto.

We have been engaged in the Housing Element process at every stage. Our perspective on the City's Housing Element was most comprehensively summarized in a <u>60+ page letter</u> that we shared with the City and HCD in December, and which is available on our website at <u>paloaltoforward.com</u>.

We first want to thank City staff for their hard work on this latest Housing Element revision. We know how difficult this work is, and we appreciate their willingness to meet with us and answer our questions.

We're here tonight to share four key suggestions for how to improve the draft Housing Element:

## I. Feasibility

The first point we'd like to make is about feasibility. We understand that staff have retained consultants to study the financial feasibility of the development standards in the Housing Element, and we understand they have suggested that improvements need to be made to achieve feasibility. That is important, because our site inventory

can only produce housing if the development standards support financially feasible development. We see this point acknowledged in this new draft but believe that more work needs to be done to meet HCD's comments and requests.

Palo Alto Forward conducted an analysis of market trends in our December letter to the City. Our letter compared the Housing Element's proposed development standards to actual housing proposals in Palo Alto. And what we found is that actual housing projects have consistently required more density, height, and floor-arearatios, as well as lower minimum parking requirements, than the City is proposing here.

For example, the left side of this table collects the housing proposals submitted to the City's Planned Home Zone, or PHZ, process. Through the PHZ process, developers are invited to "request changes from the base zoning regulations" in exchange for providing 20% of units as deed-restricted affordable housing. The PHZ proposals are thus excellent indicators of what development standards are necessary to enable production of housing. We've collected data on these PHZ proposals on the left side of the table.

We've then compared these PHZ proposals with the base zoning proposed by the Housing Element, which is summarized on the right side of the table. So for example, we see that the typical density required by a PHZ project is 115 units per acre, but that the proposed Housing Element typically limits housing to 30-50 units per acre, or up to 65 units per acre in the GM / ROLM zone. That's a huge gap, and it strongly suggests that the Housing Element's proposed densities are governmental constraints to housing.

While the PHZ projects were just proposed projects, the same analysis holds up when we consider projects that this City Council has actually approved. For example, the Alta Locale development on El Camino Real was approved in 2018 at a density of ~130 du/ac. And the development at 788 San Antonio was approved in 2020 at a density of ~102 du/ac. Neither of these projects, which constitute some of the only recent market-rate development in the City, would be permissible under any of the base zoning of the current Housing Element.

For those reasons, we urge the City to conduct a thorough and independent analysis of the financial feasibility of the zoning proposed by this Housing Element. This is important because the City has a statutory obligation under state law to mitigate constraints to housing.

# <u>II. HIP</u>

The second point we'd like to make is that the Housing Incentive Program cannot resolve the issue of financial feasibility. For context, the Housing Incentive Program allows the Director of Planning to increase floor-area and maximum-site-coverage ratios for certain housing projects in the downtown areas and on San Antonio. The proposed Housing Element promises to study whether the geographic reach of this program should be expanded, and whether the Director should have the discretion to

modify additional development standards.

Those would be welcome changes. But they are not ones that fixes the core problem -- which is that, in many cases, the Housing Element's base zoning does not enable financially feasible development.

The Housing Incentive Program has been around for four years, but has unlocked virtually no new housing in the City. We cannot find a list of real projects that have utilized the Housing Incentive Program. Without more meaningful and specific reforms, it's difficult to believe that the Housing Incentive Program will now unlock thousands of units of new development.

It is also true that under state law, the Housing Incentive Program isn't relevant to demonstrating that we can meet our RHNA goals. That's because the Housing Incentive Program is a discretionary program, rather than one that all developers can take advantage of. It's also because the program forbids participating developers from using the state density bonus. According to HCD, that makes the program ineligible for treatment as base zoning. I'd encourage you to read page 15 of the HCD Guidebook if you want to learn more. In other words, while the expanded Housing Incentive Program is a nice addition, it can't excuse us from demonstrating to HCD that we have compliant base zoning.

# III. Timelines

The third point we'd like to make is that the Housing Element does not adequately address our lengthy permitting and entitlement times.

The proposed Housing Element asserts that the streamlined housing development review process, which was adopted a year ago, has fixed this constraint, but that it is too early to tell if it is working. We respectfully disagree. If the constraint were satisfactorily removed, we would have seen robust interest in the program in the months after adoption. We have not.

The program's key flaw is that projects only qualify for streamlined review if they meet Palo Alto's existing base zoning requirements. The streamlined review process will therefore expedite little, as long as housing projects require departures from our base zoning in order to pencil out.

## IV. Nonvacant sites

The fourth and final point we'd like to make is that the City has done little to proactively engage with the property owners and tenants of nonvacant sites in its site inventory. The staff has given property owners a chance to remove their properties from the site inventory, but that is quite different from soliciting feedback on whether they plan to convert their existing uses or what it would take to incentivize such a move.

The current Housing Element relies on nonvacant sites to accommodate 50% or more

of its lower-income housing allocation. Under California law, this fact triggers a statutory presumption that "the nonvacant site's existing use is presumed to impede additional residential development." The City can only designate such lots as appropriate for lower-income housing if it makes "findings based on substantial evidence that the use will likely be discontinued during the planning process."

To clear the "substantial evidence" threshold, HCD is clear that cities must make rigorous, site-specific findings related to the intent of the current tenant, the intent of the property owner, or the physical disrepair of the building. To date, we do not see evidence that the City has met this threshold. With the exception of a handful of landowners in the GM / ROLM area, it has not systematically asked site owners whether they have any interest in developing housing, or what it would take for them to redevelop as such.

Moreover, last year, our volunteers contacted property owners at many of these sites and almost all of them said their parcels would not convert to housing during the planning period; every one of these sites remains in the Housing Element. This approach does not set us up for success.

Our goal is to build real units, physically, in the next eight years, for the benefit of everyone who lives, works, and studies in Palo Alto. That means we must coordinate with site owners and tenants, as we are already required to do under California law.

## **Conclusion**

In conclusion, we have concerns about the way that this Housing Element addresses key constraints on housing production, which the City has a statutory duty to mitigate. Our understanding of the HCD comment letter and their approach in other Bay Area cities is that it is not possible to have an effective or compliant Housing Element until they are addressed. Thank you very much.

# Comments on May 8th Draft of Palo Alto's Housing Element

# PALO ALTO ALTO FORWARD

# About Palo Alto Forward

**Our mission** is to innovate and expand housing and transportation choices for a more inclusive, affordable, and environmentally sustainable Palo Alto by working with residents and city government.



# 1. Financial Feasibility

# Actual Projects Proposed Through the PHZ Process

Address	660 Univ. Ave	955 Alma St.	2951 El Camino Real	3997 Fabian Way	3150 El Camino Real	3400 El Camino Real	70 Encina Ave	800 San Antonio Road	Average	Base Zoning in City's Housing Element
FAR	2.3	2.7	2.5	2.8	3.0	2.5	2.4	3.0	2.7	Tursiacilly residential
Res. FAR	1.9	2.1	2.4	2.8	2.9	2.5	2.4	3.0	2.5	Typically residential FAR of 0.5 to 0.6 in commercial areas; 0.5
Com. FAR	0.4	0.6	0.1	0.0	0.1	0.0	0.0	0.0	0.2	to 1.0 in residential areas
Height	45'	50'	54'	67'	55'	61'	55'	60'	56'	Typically 30' to 40' in residential areas; 35' to 50' in commercial areas
Density	142 units per acre	150 units per acre	103 units per acre	135 units per acre	123 units per acre	106 units per acre	72 units per acre	86 units per acre	115 units per acre	Typically 30-50 units per acre; almost always <65 units per acre
Parking	0.9 spaces per unit <sup>43</sup>	0.7 spaces per unit <sup>44</sup>	1.2 space per unit <sup>45</sup>	1.3 spaces per unit	1.3 spaces per unit <sup>46</sup>	1.3 spaces per unit	1.4 spaces per unit	1.9 spaces per unit	1.25 spaces per unit	Typically 1 space per 1-bedroom and 2 spaces per 2-bedroom

For full analysis and methodology, see pg. 21 of Palo Alto Forward's Dec. 6th letter. Available on our website and at <u>bit.ly/PAFLetter2022</u>

# 2. Housing Incentive Program

- The proposed Housing Element commits to studying an expansion of the **Housing Incentive Program (HIP)**, which currently allows the Director of Planning to increase FAR and maximum-site-coverage ratios for certain projects in downtown areas and on San Antonio.
- While this could be a positive change, two things should be noted:
  - HIP has already been around for 4 years, but does not appear to have unlocked any significant amounts of new housing in the City.
  - HIP is not relevant to our demonstrating that we have financially feasible base zoning. That is because it is discretionary and structured as an alternative to the state density bonus. See HCD Guidebook pg. 15 for more information.

# 3. Timelines

- Both HCD and City have acknowledged that City's "lengthy processing times" can pose a "constraint to the production and improvement of housing."
- The Housing Element asserts the the new objective standards & streamlined housing development review process has solved this constraint. But two things should be noted:
  - These policies were implemented nearly a year ago, but we haven't seen any meaningful interest from developers during that time.
  - A key issue is that projects only qualify for streamlined review if they meet Palo Alto's existing base zoning requirements. But as previously established, projects almost always require departures from base zoning in order to pencil out.

# 4. Nonvacant sites

- City has done little to proactively engage with the property owners and tenants of nonvacant sites in its site inventory.
- The current Housing Element relies on nonvacant sites to accommodate 50% or more of its lower-income housing allocation. Under California law, this fact triggers a statutory presumption that "the nonvacant site's existing use is presumed to impede additional residential development."
- The City can therefore only designate such lots as appropriate for lower-income housing if it makes "findings based on substantial evidence that the use will likely be discontinued during the planning process."
- To date, we do not see evidence that the City has met this threshold.

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

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

Neilson Buchanan



https://www.smdailyjournal.com/opinion/guest\_perspectives/if-the-state-really-wants-more-housing/article\_158cb5ae-eae8-11ed-9dfa-57562b61d09c.html

# If the state really wants more housing

By Michael Brownrigg and Donna Colson May 5, 2023



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

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

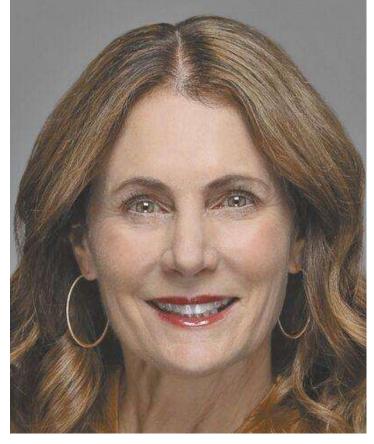


Michael Brownrigg

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

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

Most land is privately owned. That means redevelopment/housing projects



Donna Colson

need to make financial sense to the land owner and developer. And with rising interest rates and increasing construction costs, financial feasibility is slipping away.

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

• Sacramento could waive capital gains taxes for property owners who sell land to affordable housing developers. This could incent land owners, especially of commercial properties, to finally sell their long-held, low-tax properties.

• The state could streamline eminent domain for housing on underutilized parcels and then subsidize a city's acquisitions. We have a two-third-acre lot in Burlingame vacant for 25 years because the overseas owner has an unrealistic view of value. That site could be housing 50 families in three years. But we don't have the tools or money to make that happen.



• The current housing finance system is creating balkanized projects, in which residents are either 100% below area-median-income (due to tax credit finance requirements), or are 90% market rate or higher because developers won't build without a profit. All social research indicates economic integration leads to better outcomes for kids. The state should help market-rate builders include more affordable housing units with tax rebates or direct cash subsidies.

• Faster than cities can create affordable units, we are losing even more "naturally affordable" units in older buildings when they get sold. For example, there's a 70-unit building for sale whose units average 40% below market; new owners/investors will certainly work hard to raise those rents to market. Our county's affordable housing agency, HEART, wants to buy and preserve older buildings but there are no state programs to subsidize such acquisitions. Indeed, the state does not even count a deed-restricted preserved affordable unit toward a city's Regional Housing Needs Allocation requirements. That has to change.

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

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

• Water allowances should be prioritized for cities that undergo a 10% increase in actual occupied housing units. Water restrictions may put a serious cramp on quality of life in the future, so let cities that are creating housing get first dibs on water allocations to accommodate their businesses and residents.

• Infrastructure spending should be directed to communities that are getting housing built. Cities whose residential populations grow by 10%–20% need more parks, libraries and traffic amenities.

• And for social mobility, let's reward cities that create more affordable family units (two bedrooms or more). The fastest way to create units for RHNA is to permit studios, but with larger units we can embrace more low-income families so that their kids can have the benefits of the Peninsula's great schools, parks and open space.

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

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



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

## Mark Michael

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

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

## Neilson Buchanan

From:	Scott O"Neil
То:	Council, City; Planning Commission; HeUpdate
Subject:	Housing Element - The Wonky Letter
Date:	Sunday, May 7, 2023 9:56:47 PM

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

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

# Adoption Strategy & Affirmatively Furthering Fair Housing Outreach

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

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

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

# **Constraints & Mitigations**

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

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

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

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

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

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

# **Tree Ordinance**

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

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

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

# **Commitments in Programs**

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

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

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

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

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

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

The path of least resistance lies through updating base zoning.

# Feasibility

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

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

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

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

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

# **Nonvacant Sites**

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

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

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

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

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

# Transparency

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

# **Recognizing Progress**

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

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

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

Thank you!

-Scott O'Neil

From:	Rebecca Sanders
То:	Council, City; Planning Commission
Cc:	Furman, Sheri
Subject:	PAN Urges Adopt Housing Element Tonight
Date:	Monday, May 8, 2023 12:49:01 PM
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Dear City Council and Planning Commissioners:

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

Thank you.

Sheri Furman Becky Sanders Co-Chairs, Palo Alto Neighborhoods

From:	Kerry Williams
To:	Council, City; Planning Commission; Lait, Jonathan; Wong, Tim
Cc:	"Liz Helmer"
Subject:	Comment Letter from Presidio Bay Ventures on April 2023 Draft Housing Element
Date:	Monday, May 8, 2023 1:48:22 PM
Attachments:	PBV PA Housing Element Comment letter 2023.05.08.pdf

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Mayor Khou and Members of the City Council, and Chair Summa and Members of the Planning and Transportation Commission,

Please find attached a comment letter from Presidio Bay Ventures ("PBV") on the April 2023 Draft Housing Element. PBV owns approximately 9.5 acres in the E. Charleston Area in Palo Alto.

Thank you for the opportunity to provide our input and we look forward to your discussion of this item at tonight's meeting.

Kerry

# Kerry M. Williams Consulting, LLC

Principal Development Management Services Entitlements & Public Affairs Project Management Due Diligence for Acquisitions Burlingame, CA

# PRESIDIO BAY VENTURES

May 8, 2023

The Honorable Mayor Lydia Khou, and Members of the Palo Alto City Council Chair Doria Summa, and Members of the Palo Alto Planning and Transportation Commission 250 Hamilton Avenue Palo Alto, CA 94301

## Re: Comments on the April 2023 Draft Palo Alto Housing Element

Dear Mayor Khou and Members of the Palo Alto City Council, and Chair Summa and Members of the Planning and Transportation Commission:

Presidio Bay Ventures ("**PBV**") is an experienced Bay Area real estate developer specializing in developing vibrant, mixed-use communities. We recently completed <u>Springline</u>, a dynamic, mixed-use project in Menlo Park with 183 apartments, 200,000 SF of office space and 35,000 SF of retail. PBV owns a number of GM-zoned parcels totaling approximately 9.5 acres located south of San Antonio Boulevard between Charleston Road and Highway 101 (the "<u>East Charleston Area</u>"). We support the City's proposal to rezone GM parcels in the East Charleston Area to allow for a mix of uses, including higher density housing in addition to commercial uses. Further, as experienced residential developers, we are well positioned to help the City address Palo Alto's RHNA goals within the new Housing Element cycle.

We appreciate the opportunity to provide comments on the April 2023 Draft Housing Element. For your consideration, we offer the following recommendations which we believe will bolster the plan and ensure the City can meet its RHNA goals.

## The East Charleston Area is Well-Suited To Become a Mixed-Use Destination

The East Charleston Area is an excellent location for higher density, mixed-use with multi-family development. The existing inventory consists mostly of older, 1950's – 60's era buildings with an eclectic mix of low density industrial and light manufacturing uses and small businesses. The area offers easy access to Highway 101, as well as convenient access to employment and commercial service areas in Palo Alto, Mountain View, and Los Altos. However, the conversion of the GM/ROLM properties from their current form into fully serviced, vibrant neighborhoods will require careful planning for a variety of synergistic uses, including higher density office/R&D, multi-family residential, neighborhood services and retail, and open space. The area will also require substantial infrastructure improvements to enhance pedestrian and bicycle access, which new development could help provide.

A true "live, work, play" neighborhood is the most sustainable approach to development that minimizes traffic/congestion issues and ensures a net positive change to the current jobs-housing imbalance, but can only be accomplished through economies of scale.

## Changes Needed to Incentivize and Ensure Feasibility of Housing Development in East Charleston

## Increase Base Residential Densities in GM/ROLM Zones to 120 du/acre

The proposed base densities in the current Draft Housing Element are still too low to incentivize redevelopment. It appears that the City is now proposing a base density of 90 du/acre for GM/ROLM properties in the East Charleston Area. We recommend increasing the minimum base density to 120 units/acre, with corresponding changes in development standards, as noted below. At this density, PBV could build approximately 1,140 units on the 9.5 acres in East Charleston, with the capacity for more using State Density Bonuses or the City's Housing Incentive Program.

#### Changes Needed to Development Standards

The Housing Element acknowledges the need to expand development standards (FAR, height, lot coverage, etc.) to promote construction, but in most cases does not commit to specifics for the proposed rezoning of GM/ROLM parcels. We understand the City is in the process of completing a feasibility study to refine these standards. We hope the City will engage local property owners and the development community as part of this process. Based on our experience, we would like to recommend the following development standards which we feel are necessary to build multi-family housing in the current economic climate.

## <u>Height</u>

We recommend the City increase the base height to at least 80 feet, especially in areas near the freeway or City boundaries where the height would have little impact on surrounding structures. This would enable a project to maximize unit density by utilizing the most cost-effective type of wood-framed construction as permitted by California building code (taller buildings would require concrete and steel construction for fire/life-safety code compliance and are significantly more expensive).

One of the most common and economically efficient multi-family residential product types is seven stories, with two levels of above ground, podium parking, liner units, services and amenities at the ground level, and five stories of wood frame construction above. This product type would accommodate a base density of 120 du/acre and a base height of 80 feet, and would fit in well contextually in the East Charleston Area, which is located near the freeway, and away from any single family neighborhoods. There are several examples of such multifamily developments along Highway 101 from South San Francisco down to Mountain View.

## Residential FAR

If the City requires a maximum FAR for multi-family residential uses, we recommend the City allow at least a base FAR of 2.50 (excluding parking, building support, etc.). Lower FAR's will likely constrain the economic feasibility of new multi-family housing in the GM/ROLM areas.

## Retain and Increase Allowable FAR for Office/Industrial/R&D

In most cases, it remains more financially beneficial to maintain a cash-flowing GM/ROLM property than to build a new, exclusively residential building, even at densities much higher than the Draft Housing Element currently contemplates. To meet the City's RHNA goals for the East Charleston Area, developers will need the ability to build new, higher density commercial uses as well to subsidize residential returns.

#### Residential vs Commercial Economics

Residential-only development is extremely challenging due to the economic pressures of rising construction costs (including hard costs, financing, etc.), the high cost of land and thin investment margins, amongst other challenges, and is much higher risk than maintaining the existing commercial uses. To offset these issues, projects will need the ability to include higher margin, non-residential uses to subsidize residential investment returns.

Despite their age and condition, most properties in the East Charleston Area are currently generating cash flow sufficient to warrant the continuation of existing uses (i.e. worth more under current uses/form than residential). Therefore, to incentivize property owners and developers to invest in the conversion to residential uses, the City will need to create incentives through rezoning that allow for a mix of both higher density residential and higher office/R&D FARs to achieve the required investment returns. Allowing mixed-use projects will ultimately yield an outsized proportion of housing units than new jobs so long as developers have flexibility to combine uses at scale. Further, allowing commercial FAR in tandem with residential would also help replenish the City's Commercial Housing and Residential Housing Funds through the payment of commercial impact fees.

## Large Lot Incentives

The East Charleston Area includes a large number of small parcels, with many less than 0.5 acres in size, often irregularly or narrowly shaped. To create a footprint that can feasibly support redevelopment and achieve the City's RHNA goals requires the assemblage of numerous parcels from different owners, which poses added costs and risks. The City should prioritize and incentivize methods for lot mergers and the creation of large, contiguous assemblages (i.e. 3+ acres) such as the following:

- (1) Increased commercial FAR (including office industrial/R&D)
- (2) Flexible zoning such as the City currently allows through the PHZ process
- (3) Exclude retail and other community serving uses, including parking, from allowable FAR

The East Charleston Area has the potential to become a vibrant, mixed-use destination that provides a variety of community-centric offerings in the southern part of Palo Alto, including new market rate and affordable housing, neighborhood retail services, new industrial/R&D space adding to the daytime workforce population, open space, and new pedestrian and bicycle facilities. However, we are concerned that the proposals under the current Housing Element draft plan will be insufficient to realize this potential.

We look forward to the opportunity to partner with the City to achieve Palo Alto's RHNA goals and the exciting vision for the East Charleston Area.

Very Truly Yours,

, Sanandaj

K. Cyrus Sanandaji Presidio Bay Ventures, Inc. A California Corporation

Kerry Williams

Kerry M. Williams Entitlements and Public Affairs Consultant to Presidio Bay Ventures

From:	Ken Alsman
То:	Neilson Buchanan
Cc:	Council, City; Lauing, Ed; Nose, Kiely; Lait, Jonathan; Planning Commission
Subject:	Re: worth reading today
Date:	Monday, May 8, 2023 4:07:38 PM

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Neilson

Thanks for the article. I guess I am just and old line planner type buy I don't see any

end, at least a good one, to a process that keeps feeding the housing and development "need." I've been gone from Palo Alto now for 10 years and could not stand the area on my last visit - congested, unbalanced, frenzied, getting uglier - not better. The "Valley of the Hearts Delight" it ain't. Now that the state is taking over local zoning it will get even worse. I used to think we could built great, attractive, enjoyable, balanced communities but that isn't possible without local control and limits. Where will the Valley be in 10 years? I bet the State will tell you it needs lots more housing. Their solution will be even more rules handed off to towns unable to comply.

Ken

Sent from my iPad

> On May 7, 2023, at 3:48 PM, Neilson Buchanan <

> wrote: