

**DRAFT REGIONAL HOUSING NEEDS ALLOCATIONS (RHNA)**  
**- Adopted and Released July 19, 2007 -**  
beginning a 60-day public comment period

PUBLIC COMMENTS RECEIVED

LETTER 1

PAUL SASSINGER —

PLEASE CUT ALL  
FUNDING TO  
MOUNTAIN VIEW CA

ATTN "FOCUS" GROUP -  
HUD

Aug. 20, 2007

Housing Allotment Committee  
Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607

MTN. VIEW IS CURRENTLY  
REQUESTING "INCENTIVE  
MONEY"

PLEASE DENY IT

Re: Comment Period, Housing Needs Allotment, Mountain View California

*Ronald  
Fletcher*

Dear Allotment Committee,

Please be aware that the city of Mountain View, CA. received an "F" grade in the previous housing needs allotment. The city has not lived up to its own state-mandated housing element. The City is run under a system of patronage politics that refuses input or recommendations from ABAG and from local experts on housing, but accepts their money.

The City of Mountain View needs a change from within, not a handout from federal and state housing funds. Mountain View, the home of Google, Microsoft, and others, is an extremely wealthy city that is in the process of gentrification — not resident growth. Please discontinue all federal and state funding (including CDGB funding) until the city increases its resident population and ceases to force out small businesses and lower income people (like me).

Standards are a piece of the solution. Enforcement is another piece. Please cut funds now.

More than 30,000 low-income residents have been forced out of Mountain View since the 2000 federal census. Most of these were renters, as former mayor Nick Galiotto pushed for home ownership over rental tenancy.

The number of apartment units has dropped from approximately 25,000 to fewer than 15,000 units, to be replaced by \$600,000 condos, row houses, and town houses that existing renters cannot afford to buy. The population of residents remains about the same as reported in the 2000 federal census (check it out).

There is a high vacancy rate in apartment units because rents have been forced up artificially through abusive housing code inspections, fees, and huge city utility rate increases. I estimate that the day time population, consisting mostly of non-residents, to be about 120,000, while the resident population is around 72,000. I believe that less than half the resident population is actually employed in Mountain View.

Lower income residents with “in-city” jobs are forced out of apartment units in favor of new, affluent high-tech workers. The latter can afford the new row houses and condos being built where older “affordable rent” dwellings have been torn out or converted to ownership condos.

The city offers absolutely no help, especially monetary, from H.U.D. or any other source to “affordable rent” landlords, so that they can maintain existing affordable housing as mandated in the Housing Element. The exceptions are a few city-controlled large residential complexes housing mostly Russian Jewish refugees from the Ukraine, and studio units operated by Catholic Charities, which set a limit of no more than two occupants in violation of housing law. These are mostly funded by H.U.D.

The government of the city of Mountain View is deliberately gentrifying a small California city to accommodate Google’s thirty-five buildings and their hiring of approximately seventeen new employees a day. H.U.D. money is being used to force out long-term residents, mostly tenants and poor minorities, to accommodate the influx of high-tech employees. The city makes millions of dollars in increased property taxes and utility fees on the new \$600,000 - \$900,00 units. This all comes at the expense of existing residents and small business, and uses H.U.D. money to do it.

Please stop all H.U.D. (and police) funding to the city of Mountain View. The resident population is not going up – check the U.S. census figures. This filthy city will lie to you again to get H.U.D. money.

Stop the extremely hurtful, greedy, abusive, and deliberate gentrification of Mountain View, CA, as the city is using state and federal money to purge long-term residents. This action causes huge commute and traffic problems, and forces low income people to buy expensive housing units they cannot afford in neighboring communities.

Sixty percent of Mountain View residents have lived in the city for fewer than five years. The resident population has not gone up. Please check the U.S. census figures and stop all funding to Mountain View, CA.

Donald Letcher  
788 N. Rengstorff Drive  
Mountain View, CA 94043

CC: Richard K. Rainey, Regional Director, H.U.D.

RE: CITY OF MTN. VIEW, CA

# # MOUNTAINVIEW VOICE LOCAL NEWS

■ CITY COUNCIL UPDATES

■ COMMUNITY

■ FEATURES

## ABAG

► Continued from page 5

The city currently has 3,400 units in the pipeline. That may not help, however, because the city may be penalized for only building 1,267 homes in the last cycle.

The state could withhold street maintenance funds for not meeting the allocation, but that has never really been enforced, city officials said.

Council member Nick Galitto got laughs after the meeting when he said, "I have a motion — tell ABAG 'the hell with you.'"

ATTN: PLEASE CUT FUNDING TO M.V.

city was given an "F" last year for not building enough units to meet ABAG's six-year housing allocation, based on data from 1999-2006.

Ever since last year's failing grade, city officials have been trying to figure out how to understand and influence ABAG's methodology for determining how many homes a city is supposed to build.

Costello said Mountain View may have shot itself in the foot by re-zoning areas for higher-density housing. ABAG now expects the city to aggressively develop those areas.

It was previously thought that the high target number was solely because of the high number of jobs in relation to homes in Mountain View. That may be a big factor, but Costello said ABAG's methodology was very complex and does not seek a certain jobs-to-housing ratio.

The discovery of the inaccurate map may have led to a lower allocation of homes this cycle — the city is being asked to build at least 2,879 homes over the next seven years — 600 of which must be low-income units. The city was given a target of 3,425 homes last time around, almost three times the number that were actually built.

## City: ABAG got it wrong

### OFFICIALS SAY FAULTY MAP EXPLAINS WHY HOUSING TARGET WAS MISSED DESPITE SO MANY NEW UNITS

By Daniel DeRoit

City officials' suspicions were confirmed last week that regional housing targets, which the city got a controversial "F" grade for failing to meet last year, were inaccurate.

Elaine Costello, community development director, said the Association of Bay Area Governments had been using a map that showed more zoning for high-density housing downtown than really existed, thereby causing, in part, ABAG's expectations for housing development in Mountain View to be unrealistic.

"We don't know where it came from," Costello said about the map.

Even though Mountain View is one of the densest, most apartment-laden cities on the Peninsula, st.

attention: Executive Directors, ABAG.

Aug. 20, 2007

Housing Allotment Committee  
Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607

Re: Comment Period, Housing Needs Allotment, Mountain View California

Dear Allotment Committee,

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The City of Mountain View needs a change from within, not a handout from federal and state housing funds. Mountain View, the home of Google, Microsoft, and others, is an extremely wealthy city that is in the process of gentrification – not resident growth. Please discontinue all federal and state funding (including CDGB funding) until the city increases its resident population and ceases to force out small businesses and lower income people (like me).

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Sixty percent of Mountain View residents have lived in the city for fewer than five years. The resident population has not gone up. Please check the U.S. census figures and stop all funding to Mountain View, CA.

Donald Letcher  
788 N. Rengstorff Drive  
Mountain View, CA 94043

CC: Richard K. Rainey, Regional Director, H.U.D.

CC: ABAG EXECUTIVE DIRECTORS

July 16, 2007

Castle Coalition  
901 N. Glebe Road  
Arlington, VA 22203

EMMINENT  
DOMAIN  
LAWYERS  
FOR  
KELD CASE  
NEW LONDON, CONN.

Re: Events in Mountain View, CA (home of Google)

OVER 30,000  
MOUNTAIN VIEW  
RESIDENTS  
DISPLACED  
SINCE THE  
2000 CENSUS

Dear Sirs:

Good idea – but you are up against very clever city governments in California. Google is buying Mountain View, a city of 72,000 that is losing resident population. Google hires 17 people a day; they have 35 buildings in Mountain View, and are expanding into neighboring Palo Alto.

Tens of thousands of long-term Mountain View residents are being displaced; property owners make a profit, but most of those affected are displaced tenants.

The population is down since the 2000 federal census. 60% of residents have lived in Mountain View for less than 5 years (since Google's entrance). The number of apartment units has dropped from approximately 25,000 to fewer than 15,000. Meanwhile, the City Manager and City Attorney receive salaries more or less equal to that of the Governor of California.

Housing costs, including utilities, and property tax revenues have soared approximately four-fold since Google's entrance into the city. A huge gentrification effort is taking place, with unemployed Hispanics and Russian Jews generally exempt from its effects (powerful local people protect their own).

The city of Mountain View has ruthlessly skirted the eminent domain practices of the past to force landowners out. As I see it, this is how they do it:

- 1) The use of city police to "remove blight," and to back city housing inspectors in forcing out long-term landlords. This allows developers to move in and tear out any and all "affordable housing" not controlled by the city. My rental property existed 35 years without a single registered housing complaint until six armed cops and two housing inspectors forced tenants out. My units have now sat vacant for five years, during a housing crunch.

(over)

- 2) The city established a "Community Development Department" with the specific goal of gentrifying Mountain View and "making room" for high-tech (Google) workers. High-density condominiums (up to five stories), row houses, and townhouses now provide very upscale rental housing. They replace shopping centers and the traditional Mountain View housing that existing residents can afford.
- 3) The City Clerk and City Attorney select who they will allow to run for City Council, and tightly control the council members with such means as the following: "legal" bribery, inflated senses of power and authority (including the right to use threats of eminent domain), and millions of dollars of taxpayer money for their "special" projects. All, of course, if they co-operate.

Finally, I will submit that Judge Jeremy Fogel (CA-Democrat) will not uphold the Constitution of the United States. When I sued the city of Mountain View (Federal Case C-98 21120JF) I was not even allowed to testify in his court on my behalf.

Good luck!

*Donald Letcher*

Donald Letcher  
788 N. Rengstorff Ave.  
Mountain View (Googleplex) CA 94043

*The City of Mountain View, Ca. is in violation of their own (State Mandated) Housing Element. They work AGAINST "maintaining existing stocks of affordable housing".*

*Please cut ALL housing funding to Mtn. View, Ca (including CDBG), etc.*

PUBLIC COMMENTS RECEIVED

LETTER 2

A.B.A.G.  
Housing Allotment Committee  
101 Eighth ST  
Oakland, Ca 94607

9/10/07

pg 1 of 3

RE: Mtn. View, CA  
ALLOTMENTS

This is my second input letter on the housing allotments for the City of Mtn. View, Ca.

I was an "affordable rent" landlord with business licenses in 2 cities (Redwood City and Mountain View) for OVER 35 years - without a single registered housing complaint filed.

Mtn. View drove me out of business completely - my units have either been sold or sit vacant for over 5 years now - some for 7 years.

Mtn. View has driven out dozens (if not hundreds) of small "affordable rent" landlords in the past 10 years.

30,000 or more low-income residents have been FORCED out of Mtn. View in favor of developers and \$600,000 to \$900,000 condos, townhouses, + row houses THAT ARE NOT affordable rent units

THIS IS ABSOLUTE GENTRIFICATION!

ABAG

9/10/07

Pg 203

Please, please, please look at the census statistics —

MORE LOW INCOME RENTERS HAVE BEEN PUSHED OUT than new units built (that are not "affordable")

Please deduct the units that were removed from the reported new units completed (not in the pipeline).

Last years total allotment was (from ABAG) 3,425. Mtn. View claimed they added 1,267 ~~NEW~~ NEW homes — BUT the 9,000 TORN OUT or vacated units (like mine) were not deducted.

In Actuality about 7,733 NET units were lost in Mtn. View. PLEASE CUT FUNDING

The Population of 72,000 remains the same (or close) to the 2000 Federal Census figures because more people live in less units (crowded cond.)

ABAG

9/10/07  
Pg 3013

Please, please, please UP  
the 2007-2009 (or whatever  
your set up is) the REQUIRED  
amount of LOW and VERY  
LOW income amounts greatly.

60% of Mtn. View's population  
has lived here less than  
5 years — It is OUTRAGEOUS  
that you continue to fund  
Mtn. View with "incentive  
money" (Focus Group, etc.) from  
H.U.D. TO FORCE OUT  
low income people from  
such a rich City.

Vice Mayor (soon to be Mayor)  
says quote "ABAG's figures  
are not useful".....  
"they use countywide income  
statistics that don't reflect  
the economic diversity of  
the County's cities"

HE WANTS TO KICK LOWER  
INCOME PEOPLE OUT — NOT  
HOUSE THEM. What not!

Donald Letcher  
788 No Rengstorff Mtn. View Ca, 94043

PUBLIC COMMENTS RECEIVED

LETTER 3

A.B.A.G.  
Mr. Paul Sassinger  
P.O. Box 2050  
Oakland, Ca 94604  
(510) 464-7928

9/12/07  
Pg 1 of 4

RE: CORRUPTION  
CITY OF MTN. VIEW, CA

Mr. Sassinger:

I have already responded in writing to the "open period" for comment on the A.B.A.G. housing allotments for the City of Mtn. View.

Please be aware of a City Council split 4/3 on even a modest attempt to correct the "F" grade Mtn. View received in the past allotment.

THE CITY OF MTN. VIEW ABSOLUTELY WILL NOT ACCEPT YOUR (ABAG's) ASSESSMENT OF HOUSING NEEDS.

OUR FORMER MAYOR Nick "the Godfather" GALIOTTO says "tell ABAG 'the hell with you'".

OUR NEXT MAYOR, VICE MAYOR TOM MEANS (a professor of Economics at San Jose State University) says "A.B.A.G.'s figures are not useful" and that ~~he~~ he doesn't make housing related decisions based on ABAG data. Both statements are printed

ABAG - SASSINGER

9/12/07

Pg 2014

in local newspapers and current Mayor Laura Macias says she anticipates your recommendations - BUT I believe she only wants FOCUS GROUP Incentive money.

Mayor Laura Macias does NOT have the support of the Vice-Mayor (Tom Means) or the City Council as a whole - and she rotates out of Mayorship - in favor of anti-ABAG Vice Mayor Tom Means at the end of this year.

Mtn. View WILL NOT, under any circumstances comply with A.B.A.G recommendations, YET THEY APPLY for "incentive funding", H.U.D. housing funding, STATE and FEDERAL CDBG funding etc. WITH ABSOLUTELY NO INTENTION of complying.

PLEASE CUT ALL funding to the greedy, corrupt City of Mtn. View, Ca.

The City of Mtn. View has - and continues to - make tens of millions of dollars

annually by eminent domain, forcing out small landlords for large developers and in lawsuits where they charge vendors with criminal intent in Civil Court and then settle for TENS OF MILLIONS OF DOLLARS in damages.

NONE of the above money is put back into housing in Mtn. View but instead is used as payments to lawyer friends of the City Attorneys, legal fees paid to exonerate the City attorney (sex scandals, etc) and to get the City Manager and City Attorney HOGE undeserved raises (8% last year) to the point that they get paid MORE than the governors set salary.

NOTE: 39,000 of Mtn. View's 73,000 people are employed, down from 45,000 in 2000 (per U.S. Census).

STOP FUNDING

Ronald Letcher

788 No. Rensstorff Mtn View Ca.  
91117

ABAG - SASSINGER

9/12/07  
Pg 40/4

NEWS LOCAL

# HOUSING

From page 1

The five-story, 88-unit Opportunity Center on Encina Avenue is run by InnVision.

"The Opportunity Center gives Palo Alto a real boost" in the survey, said Autumn Gutierrez, director of development and communications for InnVision, a San Jose-based nonprofit that provides housing and services to home-

less and at-risk families. "Cities have to have permanent housing as an option" for those in need.

Rent for a two-bedroom unit at the center runs \$675 per month, and financial assistance is available for those with little or no money.

**Mountain View City Council Member Tom Means said ABAG's figures are not useful, in part because they use county-wide income statistics that don't reflect the economic diversity of the county's cities.**

...information. There are a lot of "That very low-income is based on county allocations" that are arbitrarily assigned to cities. Means said "I don't know what they mean."

Means said he doesn't make housing-related decisions based on ABAG's data, adding that the agency aims to impose price controls on housing.

Sunnyvale spokesman John Pilger said city officials have yet to review the ABAG data, but noted the city is working hard to provide affordable housing for residents.

MOUNTAINVIEWVOICE

# LOCAL NEWS

E-mail: Daniel DeBolt at [ddebolt@mv-voice.com](mailto:ddebolt@mv-voice.com)

## ■ MOUNTAIN VIEW BY THE NUMBERS

- 3,400 homes are now in the development pipeline
- 1,600 of Google's 10,000 employees live in Mountain View; 2,000 live in San Francisco
- 39,000 of Mountain View's 73,000 people are employed, down from 45,000 in 2000
- 60 percent of Mountain View's residents rent their homes
- 1 to 2 percent of the city's open space has been lost to recent development
- 5,000 to 6,000 businesses are located in Mountain View; 110 of them are biotech
- 17 years is the tenure of city manager Kevin Duggan, who "apparently doesn't want to leave," said Supervisor Liz Kniss

The state could withhold street maintenance funds for not meeting the allocation, but that has never really been enforced, city officials said.

Council member Nick Galitto got laughs after the meeting when he said, "I have a motion — tell ABAG 'the hell with you.'" ■

## City: ABAG got it wrong

OFFICIALS SAY FAULTY MAP EXPLAINS WHY HOUSING TARGET WAS MISSED DESPITE SO MANY NEW UNITS

By Daniel DeBolt

PUBLIC COMMENTS RECEIVED

LETTER 4

PUBLIC COMMENTS RECEIVED

LETTER 4

William H. Mitchell  
1400 Palm Avenue  
San Mateo, CA 94402

September 13, 2007

Mr Henry Gardner  
Executive Director  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, CA 94604

Re: Comment Regarding Draft RHNA Allocations

Dear Mr. Gardner;

I wish to express my reservations about the proposed "city centric" Regional Housing Need Allocations presently under comment. I believe that placing the focus on the cities and removing substantial amounts of RHNA from the outlying communities as compared with the previous planning period is unfair to the already urbanized cities and completely impractical. Such cities do not have much vacant land, so larger allocations appear to presuppose large scale redevelopment. It is likely that such large scale high density development simply will not be built on the scale indicated by the proposed RHNAs, resulting in yet another planning period where production falls far short of the RHNAs.

Additionally, rural counties such as Sonoma County (I own property in San Mateo and Sonoma Counties) are expected to continue to see job and population growth, yet their proposed RHNAs have been cut dramatically. In the case of unincorporated Sonoma County, its RHNA is proposed to be cut from 6,799 units to 1,364 units. Dramatic cuts are proposed for Sonoma County's cities as well.

Sonoma County and other outlying communities are hot beds of anti-development sentiment. Unincorporated Sonoma County has only met about half of its current RHNA, but that is still in excess of 3,000 units. It represents in its housing element that it has inventory capacity for thousands more units (though I take issue with how they determined their inventory). However, the County can accommodate far more housing than 1,354 units. Should the RHNA be reduced so far anti-development sentiment will assure that not even that much housing is constructed.

I ask that you reconsider how you have allocated the RHNA and allocate far more units to the outlying communities. This is only fair and might actually increase the odds of some housing being built.

Sincerely,



William H. Mitchell

RECEIVED

SEP 17 2007

EXECUTIVE DIRECTOR'S  
OFFICE

PUBLIC COMMENTS RECEIVED

LETTER 5

226 Wildwood Avenue  
Piedmont CA 94610  
September 14, 2007

Henry Gardner  
Executive Director  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, California 94604-2050

Subject: Public Comment Period for ABAG's RHNA specifically in reference to the City of Lafayette

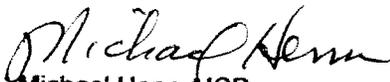
Dear Mr. Gardner:

My name is Michael Henn. I am a long-time local government city planner in the East Bay. I was the Planning Services Manager in Lafayette for many years, retiring in 2001. I recently had the opportunity to review the current Lafayette Housing Element certified in 2003. I knew from my 18 years experience in Lafayette that the city was rapidly running out of qualifying sites for affordable housing and that the next Housing Element would probably require expanding into single family residential areas. To my surprise, I found that the current city document reached a different conclusion, and in my view the city's submittal to the State raised serious questions of professional integrity. The attached report documents my findings.

More recently I found that Lafayette was challenging the new RHNA assigned to it by ABAG. I have read the letters from the city to ABAG which allege that Lafayette is almost fully built out and cannot implement the assigned numbers because of its steep topography and a street system overwhelmed by traffic. Relative to the other cities in Contra Costa County, these allegations are grossly exaggerated. Lafayette averages less than one dwelling unit per acre and has probably the most restrictive zoning and arduous review processes of any city, which are designed to keep the city from meeting its housing allocations. It was the audacity of these city letters that provoked me into finding it necessary, as a professional planner, to address the city's representations.

I hope you have the opportunity to read these important documents. I would be happy to answer any questions or comments that you or your staff may have.

Sincerely,

  
Michael Henn AICP

cc: Homebuilders Association of Northern California  
California HCD, attn: Lynn Jacobs  
Contra Costans for Every Generation  
East Bay Housing Organization, attn: Joel Tena

RECEIVED

SEP 18 2007

COMMUNITY DEVELOPMENT  
OFFICE

## **Response to ABAG re the Regional Housing Needs Assessment Assigned to Lafayette**

The City of Lafayette is an affluent, very low-density residential community with an overall density of less than one unit per acre. Most knowledgeable local citizens would agree that the vocal and active element of the citizenry which largely controls city government is philosophically anti-growth in general, but is particularly set against Lafayette providing affordable, higher-density housing and infill development other than in a relatively tiny downtown area. The development community does not constitute a countervailing force to offset the anti-growth forces. Lafayette was one of the leading opponents of the Smart Growth effort called Shaping Our Future, undertaken by Contra Costa County in the 2002-2003 period.

When the city incorporated in 1968 its land area of about 14.6 square miles was about one-third vacant and that area was expected to provide available land for additional single family residential development, with zoning for half-acre and one-acre single family residential lots. Since 1968 most of this otherwise developable single-family infill land has been categorized, without any real substantiation, as being too environmentally sensitive and unstable to develop. Then these areas were systematically downzoned, first to a 3-acre minimum lot size and then in 2002, to a 10-acre minimum lot size, in order to provide the rural appearance and open space desired by the no-growth element of the population. The inevitable result of only allowing very large parcels is that only a very small amount of very expensive housing can be built. Smaller areas suitable for infill development were restricted with unmeetable restrictions such as if the housing was visible from a public street, it could not be built.

Multiple residential housing fared even worse than single family residential. Contra Costa County had zoned several areas, generally along Highway 24, both north and south of the freeway, for multiple-family in addition to the largely developed small apartment area just south of downtown. The city systematically downzoned most of these areas to single family residential designation. Subsequently, whenever an attempt was made to rezone to a multiple zone any area other than the downtown area where apartments had been present for many decades, it has been met with strong opposition and denied. Even senior housing has been aggressively fought and defeated, including an affordable, non-profit, senior project proposed directly across the street from the Lafayette BART Station (currently the location of the Iraq War, Peace Crosses).

Given the local political climate, the strategy that was devised in the 1980s, to meet the State's affordable housing requirement, was to assert that the generally built-out small downtown area, combined with an even smaller adjoining area zoned for apartments, contained enough vacant and

underutilized properties to meet the assigned RHNA by potentially allowing high-density apartments in the commercial zones, even though the downtown contains only about 3% of the city's acreage. Lafayette used this evasive strategy for more than 20 years.

Up until the 2002 Housing Element update, the sites in the inventory could have *theoretically* produced the ABAG affordable housing numbers given the right market conditions. The assumption was made that owners of commercially zoned property would elect to develop their lands with apartments instead of stores and offices. This was an economically questionable assumption because these sites were already developed with income-producing businesses. Additionally, commercially zoned land has been typically more valuable for business use than for residential use. Nevertheless, Lafayette used this strategy for a long time in the periodic updates of the Housing Element (approximately every 5-8 years) because the affordable housing development *could* have happened. And in fact a small number of new apartment units were built in commercial zones in three or four cases, but nowhere near the ABAG assigned numbers.

In the periodic revisions of the Housing Element, the Planning Department prepared the legally required inventories of vacant and underdeveloped parcels suitable for higher density housing. However, during each period of economic upturn, the city's inventory of vacant or even legitimately underutilized commercially-zoned properties rapidly dwindled as the vacant parcels were built on, largely by commercial uses containing no housing. By 2001 there were only three or four *vacant* properties remaining on the inventory in the commercial zones, and a slightly greater number of legitimately underutilized parcels.

In 2002 when Lafayette again updated its Housing Element, a new and expanded list of vacant and underutilized properties in the downtown was created. According to this list (hidden in an appendix without property addresses), there is existing space on 43 parcels in downtown for 499, multiple-family units in the commercial zones. The new list was merged into the remaining previously designated parcels (without updating to delete those sites that were known to have been developed by 2002), and together both sets of properties were presented in the revised Housing Element and EIR, approved by the city in 2002 and submitted to the State and approved in 2003. The State's approval was based on respecting the integrity of the professional planners who prepared the documents, rather than by actually checking the accuracy of the data submitted.

If one looks at the current list of some 43 allegedly vacant and underutilized properties found in Table 31 of the Appendix of the Lafayette General Plan, combined with those parcels shown as vacant and underdeveloped in the accompanying EIR, they would find that few of these properties would meet

the definition of vacant or underdeveloped for most reasonable persons. The vast majority of the listed properties are already developed with stores, offices and apartments including some that are the largest and finest in Lafayette. One listed property that allegedly can provide housing for some 60 new apartments consists of a parcel that was acquired by CALTRANS more than 30 years ago and is now **the east-bound lanes of Highway 24!** This non-existent site accounts for 12% of all the units in the inventory.

For the most defensible of properties on the current list, there would typically be a single-story commercial building of moderate value relative to land value, but still the buildings are in active commercial use with little reasonable probability of being replaced with housing. The list also includes some actively used storage yards or parking lots connected with an adjacent business that one could argue were underutilized, but again there was no reasonable probability of their being replaced with housing.

It is readily apparent that the usual standards of civic ethics were breached by the City of Lafayette in preparing the current Housing Element. In addition to the questionable inventory there are other statements in the Housing Element, designed to mislead a reviewer as to the availability of sites and the conduciveness of the zoning to multiple housing, including the following:

1. It is stated (page V-41) that in the APO, office zone, apartments are permitted by right, when actually they are subject to approval of a C.U.P.;
2. Table 32 shows a list of 10 apartment projects purported to have been approved in the last 15 years by C.U.P. Actually 6 of the 10 are located in apartment zones where no C.U.P. is required, and eight of the ten apartment buildings are very old and had been approved and developed under Contra Costa County jurisdiction before Lafayette's 1968 incorporation, 34 years before the Housing Element's adoption. Only one small 8-unit site at 231 Lafayette Circle is possibly legitimate. Its approval was 16 years old at the time of the Housing Element's adoption;

As you know, Lafayette is now petitioning ABAG to reduce its proposed new RHNA, claiming that the city is just too built out to meet the new numbers. This is from a city that averages less than one dwelling unit per acre, and has downzoned virtually all vacant land to the lowest densities thought to be legally defensible. Given the Lafayette history of civic impropriety, ABAG including its staff and Board should be made aware of the need to reject the current plea for relief from the 361 unit allocation. But in particular, both ABAG and the State HCD need to actually audit the accuracy of whatever documents are forthcoming from Lafayette in its future Housing Element

submittals. California's Housing Element process must be based on a minimum level of civic integrity if its worthwhile goals can be achieved.

mh: 9-14-07

CITY OF LAFAYETTE  
REBUTTAL LETTER TO MICHAEL HENN



CITY COUNCIL

Mike Anderson, Mayor  
Don Tatzin, Vice Mayor  
Brandt Andersson, Council Member  
Carl Anduri, Council Member  
Carol Federighi, Council Member

January 8, 2008

Henry Gardner  
Executive Director  
Association of Bay Area Governments  
P.O. Box 2050  
Oakland, CA 94604-2050

Dear Mr. Gardner:

It has come to my attention that in September 2007, Michael Henn, a former Lafayette city employee, submitted a letter to ABAG containing serious allegations regarding Lafayette's housing element that could damage the credibility of this city. While Mr. Henn sent copies of the letter to the State Department of Housing and Community Development (HCD), the Homebuilders of Northern California, Contra Costans for Every Generation and the East Bay Housing Organization, he chose not to send a copy to Lafayette and it was only recently discovered by Lafayette staff on ABAG's website.

The City of Lafayette's housing element is the result of countless hours of research, analysis, and community review and input. The housing element is also the result of many meetings and discussions with HCD staff to ensure the City met all its requirements and responsibilities. The housing inventory to which Mr. Henn alludes has been used by many housing developers, and most recently by Eden Housing, Inc. to locate an appropriate site in which to build an affordable senior housing project.

Lafayette has, as you know, been a constructive participant in ABAG's many regional planning efforts including, most recently, the FOCUS program. In addition, Lafayette has for many years had a housing element that has been approved by the State HCD. That element led to the construction of multi-family housing near the Lafayette BART station that includes affordable units for people with disabilities. Likewise, the City has just recently approved another multi-family development with inclusionary housing, and has committed all of its accumulated low/mod housing funds to the Eden Housing project. Lafayette has been extremely diligent in its efforts not only to meet State requirements, but to provide a diversity of housing types.

To say, then, that Lafayette has breached "the usual standards of civic ethics" and to suggest that HCD's approval was not based on actual verification of data insults the professionalism of both the State Department of Housing and Community Development and the City of Lafayette. I am troubled that this former employee would use the regional housing needs allocation process to display his animus towards the city that employed him for eighteen years.

I would be happy to meet with you to discuss this matter further. Thank you.

Sincerely,

Steven B. Falk  
City Manager

Cc: City Council  
State Department of Housing and Community Development  
Homebuilders of Northern California  
Contra Costans for Every Generation  
East Bay Housing Organization  
Michael Henn

RECEIVED

JAN 15 2008

EXECUTIVE DIRECTOR'S  
OFFICE

PUBLIC COMMENTS RECEIVED

LETTER 6

A.B.A.G. Executive Board  
% Paul Sassinger  
P.O. Box 2050  
Oakland, Ca. 94604

10/16/07

Pg 1 of 5

Dear Executive Board

The State of Ca. can withhold street maintenance funds for not meeting A.B.A.G.'s housing allotments (although it's never been enforced). NOW IS THE TIME.

The City of Mtn. View, Ca. openly resists A.B.A.G.'s allotment. They provided  $\frac{1}{3}$  of the previous allotment - and our past Mayor, Nick, the godfather, Galiotto says in the local newspaper "I have a motion - tell A.B.A.G. 'the hell with you'". Tom Means, Mtn. View's next Mayor says in local newspapers that he doesn't use A.B.A.G. allotments in his decision making.

Local cities in Santa Clara Co. are making a mockery of what A.B.A.G. is doing under STATE mandate - primarily because

they can continue to get STATE street maintenance funds (and probably Focus incentive money) AND, more importantly H.U.D., housing money and Federal CDBG (Community development block grant) money EVEN IF THE CITY'S POPULATION OF RESIDENTS IS NOT GROWING (check the Federal census figures)

One of Mtn. View's city-wide goals is Ellis Burns' STRATEGIC PLAN called "ECONOMIC DEVELOPMENT STRATEGY" which is SOLELY for "BUSINESS RETENTION and RECRUITMENT EFFORTS" — NOTHING TO DO WITH HOUSING.

Another, not so obvious, strategy of the Mtn. View City Council is gentrification (driving out lower income residents) and tearing out all Mtn. View's older apartment complexes. Mtn. View is now BELOW 1969's minimum number of Apt. units.

A.B.A.G.

10/16/07  
Pg 3 of 5

H.U.D. apparently thinks this is good — and claims that Mtn. View IS in compliance with their current Housing Element. I DISAGREE

Federal H.U.D. is in the business of giving away Federal dollars, but it makes no sense to me to reward WITH FEDERAL money a City that drives out 30,000 lower income people AND DOES NOT GROW IN RESIDENT POPULATION.

O.K. the Federal Government thrives on throwing money at pompous, arrogant, greedy politicians IF they are willing to lie or deceive —

A.B.A.G. is a State organization and I suspect our Governor, Arnold Schwarzenegger, would prefer NOT to give STATE funding (for road maintenance) to a City that is NOT GROWING IN RESIDENTS.

Look - I am not fighting you - I am NOT!  
I am truly concerned with housing lower income people in Mtn. View. - I was run out of business AFTER 35 years as an affordable-rent landlord in 3 cities and 2 counties WITHOUT A SINGLE REGISTERED TENANT COMPLAINT.

All my units have set vacant for OVER 5 YEARS now - most for 7 years - but they still count as "housing stock" even though there is no practical way to go back in business in Mtn. View.  
(They rezoned my units to SERVICE COMMERCIAL - CS Zoning OUT OF ABSOLUTE SPITE)

I even sued these (A-Z-H-A-R-E) of the City of Mtn. View for violation of my U.S. Federal Constitutional Rights and Federal Judge Jeremy Fogel ruled AGAINST my U.S. Federal Rights.

A.B.A.G

10/16/07

Pg 5 of 5

Federal HUD just blows me off saying Mtn. View meets Housing Element requirements —

THEY DO NOT. —

But certainly they have not met the previous A.B.A.G housing allotment —

PLEASE CUT STREET MAINTENANCE FUNDS TO MTN. VIEW until they ACTUALLY meet the ~~new~~ allotment amounts

— ACTUALLY MEET, not just promise "units are approved" or "units are in the pipeline" or "A.B.A.G's figures

PLEASE PLEASE PLEASE CUT STREET MAINTENANCE FUNDS COMPLETELY TO MTN. VIEW UNTIL THEY COMPLY WITH STATE (A.B.A.G) REQUIREMENTS

Donald Letcher

788 No. RENGSTORFF, MTN VIEW

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Donald Letcher, 788 North Rengstorff Avenue, Mountain View, expressed his concerns that 60 percent of current Mountain View residents have lived in the City for less than five years. He commented that he is speaking on behalf of the 40 percent of Mountain View residents who have lived in the City for more than five years. Mr. Letcher commented that he is very unhappy with the way things are going in Mountain View regarding affordable housing. He stated that in the past eight years, 30,000 people have been kicked out of Mountain View and the City population has not increased in the past eight years. Mr. Letcher stated that a large percentage of the day population of Mountain View is made up of day workers who live elsewhere. He requested that the Commissioners consider the human beings who live in the City when making future decisions on behalf of the City.

GREAT } Chairperson ANDERSON asked staff for clarification on the article in *The View* referred to by Mr. Letcher in his public comments. Principal Planner Alkire stated that the EPC would be hearing a presentation in the upcoming months which would address information in *The View* article.

5. PUBLIC HEARINGS—None.

6. NEW BUSINESS

6.1 Economic Development Strategy Update

Principal Planner Alkire introduced Ellis Berns, Economic Development Manager.

Mr. Berns welcomed questions from the Commissioners and members of the public during his presentation. In his presentation, Mr. Berns provided a background and history of the Economic Development Strategy, stating that their work is to generate jobs and employment opportunities as well as revenue. He cited several examples of capital improvement projects that have occurred over the years.

Mr. Berns stated that in 1993, an Economic Development Strategy was developed with certain goals: improve development services; diversify the City's revenue base; attract and retain retailers and focus on specific commercial areas such as the downtown; and manage and utilize City-owned properties to use them as resources and tools to assist businesses in expanding and enhancing the community. He commented that these goals were adopted by the City Council and he reviewed some of the actions taken over the years to meet these goals.

Donald Letcher, 788 North Rengstorff Avenue, Mountain View, stated that it is a little confusing to him to see people who have lived in the City more than five years, such as the majority of members of the Environmental Planning Commission, put primary emphasis on the business community whose vast majority of workers do not live in the City. He objects to the goals of the program and to making it a City-wide priority. He predicts that the City will see in the next few years tremendous housing problems as people struggle to maintain their properties.

Mr. Berns provided an overview of some of the action steps being taken to improve the diversity in downtown Mountain View in trying to improve the experience and character of the downtown area. A fairly aggressive retail recruitment program has been developed, and Mr. Berns provided highlights of what has been happening in downtown Mountain View with the direction of the Council and Downtown Committee, stating that this process has been going on for the last four to five years. He talked briefly about incentives being offered such as the Facade Grant program. He also addressed the issue of parking restrictions and change-in-use, in-lieu fees to help change the character of downtown.

Commissioner GREENE asked about the current retail success ratio. Mr. Berns commented that several downtown retailers are now staying open until 11:00 p.m. to accommodate walk-in traffic. He stated that his understanding of the vision for downtown is that it is interesting, engaging, pedestrian friendly and pedestrian-oriented. Given the demographics of the downtown, Mr. Berns stated that they are moving toward doing some web-based marketing fairly soon. Downtown retail recruitment efforts are ongoing and the strategy will be updated in 2008-09.

Commissioner SODERBERG questioned Mr. Berns about balanced growth between the commercial/industrial and housing redevelopment. Mr. Berns stated that specific areas will be identified around the community and provided to the Commission that are specifically reserved for industrial-/commercial-type activities. Part of the challenge is to ask what makes sense and where are the areas where commercial and residential can be blended. He added that this is a very tough question.

Mr. Berns added that getting input is so important in order to find out what the community would like to see. Commissioner LESTI commented that Mr. Berns' department works on one-half of the equation, which is trying to identify businesses to come to Mountain View, and the other one-half is the community needs. Commissioner LESTI asked Mr. Berns to look at a process or Best Practices or a matrix of some sort to get input efficiently or as needed from various community resources. Mr. Berns agreed that a survey might be a good opportunity for community input when talking about the strategy in 2008 and 2009. He reiterated that diversity is very important in the decision-making process.

Splendor of Queen Elizabeth revisited in 'Golden Age'

FUSION / 45

Foothill SM in college town

Major drug makers take their cold medicines for babies off shelves

NATION / 15

# PALO ALTO DAILY NEWS

Atherton | East Palo Alto | Los Altos | Los Altos Hills | Menlo Park | Mountain View | Portola Valley | Stanford | Sunnyvale | Woodside

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# Hopefuls tackle housing growth

## Building trends at forefront of residents' minds at forum

BY KRISTINA PETERSON  
DAILY NEWS STAFF WRITER

With less than a month to go before the November election, Palo Alto residents peppered city council candidates with pointed questions on growth and accountability at a packed forum on Thursday night.

One day after a business-themed forum pinned candidates to stances on proposed taxes and fees, Thursday's forum sponsored by the Palo Alto Neighborhoods group



Member: Kristina Peterson

Neighborhoods group and moderated by Council Member LaDoris Cordell similarly asked candidates to take positions on how much new growth the city can sustain.

Resident Len Filippu said before the meeting that at local coffees and gatherings, the housing recommendations from the Association of Bay Area Governments are a hot topic. The regional group recommended this summer that the city build 3,505 new homes over the next seven years.

"We're looking for members of the city council to challenge, to push back on these numbers," Filippu said.

And many of the nine candidates present on Thursday night seemed willing to do so. Registered nurse Stella Marinis and homeless advocate Victor Frost did not attend.

### HOUSING TRENDS

From page 1

"Basically we're tapped out," retired engineer Mark Nadim said. "There's a limited amount of housing we can add."

Business owner Pat Burt called the regional housing allocation "probably triple what we should attempt to absorb in the next decade," emphasizing the use of zoning as a tool to plan new growth.

And retired high-tech executive Smokey Wallace called Palo Alto a "built-out city," and advocated focusing on infrastructure needs before adding new housing.

But philanthropy director Sid Espinosa took a different, pragmatic tone.

"Growth will happen," he said, emphasizing the need to plan new housing, particularly mixed-use developments, near public transit centers.

And Realtor Dan Dykweil said Palo Alto cannot simply refuse to grow.

"We cannot afford to be a stagnant community," Dykweil said.

Many candidates also emphasized the role of the city's comprehensive plan in charting future growth.

"In the short term the train has already left the station," business consultant Tim Gray said, arguing that the city is bound to follow the current comprehensive plan but may change course in two years, when the plan will be revised.

Wallace dubbed the comprehensive plan a "historical collection of projects... and pipe dreams."

But contract city attorney Bill Ross countered that the plan was instead more

like "the constitution for development."

When asked how to restore cynical residents' trust in local government, most candidates stressed transparency and accountability in spending tax dollars.

"We need planning and control over our budget to restore faith and trust," economist Greg Schmid said.

And government management consultant Yiaway Yeh pointed out that already in his day job he has to "stand up to public officials and say, 'That is a ludicrous idea! You're wasting public resources.'"

Cordell wished the hopefuls luck in spending "four long years" serving Palo Alto residents.

"It's a dirty job," she said lightheartedly, "but somebody's got to do it."

E-mail: Kristina Peterson at [kpeterson@dailynews.com](mailto:kpeterson@dailynews.com).

PUBLIC COMMENTS RECEIVED

LETTER 7

## Paul Fassinger - Re: Comments on Draft Regional Housing Needs Assessment Allocation

---

**From:** merrilie Mitchell <merriliem@sbcglobal.net>  
**To:** <paulf@ABAG.ca.gov>  
**Date:** 9/18/2007 5:00 PM  
**Subject:** Re: Comments on Draft Regional Housing Needs Assessment Allocation

---

[paulf@abag.ca.gov](mailto:paulf@abag.ca.gov)

To: Mr. Paul Fassinger, ABAG Research Director, ABAG  
 From: The Neighborhood Network

### Re: Comments on Draft Regional Housing Needs Assessment Allocation

The California Legislature has directed the ABAG process specifically to consider universities and colleges in the RHNA process, and that seems to mean now, not when it is too late. UC Berkeley is having a huge impact on the small city of Berkeley. Lawrence Berkeley National Laboratory is here also and currently planning a massive expansion-- 15 new laboratories, housing, 5 acres of surface parking, new access roads all in Strawberry Canyon, the ecologically sensitive area between two partial greenbelts. ABAG has not properly considered the Universities impacts on housing, congestion, destruction of priority conservation areas, jobs

Regarding job impacts we concur with the concept that University-related jobs should be spread over the area that contributes workers. And the same of course should apply to the Lawrence Berkeley National Laboratory, which is connected to the University through allocation of funds and shared facilities, projects, and developments.

Some of us have been told that ABAG has not been counting rent-controlled units as part of our affordable housing, and or does not include dorms or University owned housing in their counts. We certainly should get credit for excellent affordable housing programs, -- those that provide good quality, truly affordable housing in Berkeley in very large amounts. It is time for ABAG to be fair to Berkeley, and time to make reparations to our city. As one of the densest cities in the state, and as the city known for caring and creativity, trees and dense but livable neighborhoods, ABAG should pause and reflect on the carrying capacity of the land here, on Global Warming, and on damages done to the land and people here by inappropriate development. Also it should carefully examine the good developments in Berkeley and strive to protect and encourage that.

We support affordable housing in Berkeley Berkeley is leader in affordable housing. But since the state Housing and Development Committee and ABAG have been imposing their RHNA on local housing decisions, Berkeley's excellent inclusionary rule has been violated and this seems to be becoming the new rule. Some of the recent planned developments are for high density, high-rise rental units that would not be approved by HUD due to:

- Concentrating poverty
- Concentrating very low income and dual diagnosed families in high rise apts
- One bedroom apartments having one window for entire apartment
- 148 unit apt building with almost no open space

This is creating vertical sprawl, dangerous environments for all, and forces those who live there to need a car and or a second home to escape the unhealthy environment. Mature trees are cut down routinely and development sites totally paved== in short a nightmare for human beings and disastrous for global warming.

The affordable housing we gain through the density bonus and the ABAG quotas is extremely poor quality, especially compared to the affordable housing we are losing through loss of older, rent-controlled units. And every time a neighborhood-damaging building is built, it damages existing housing, whether affordable or not.

The recent development boom fueled by multi millions state commitments from ABAG Finance Authority though increasing numbers of units, has greatly decreased average quality of livability and the ratio of affordable to non-affordable units in Berkeley, while providing virtually no units whatsoever that wealthy people might want to live in, near transit corridors or downtown. Some of us understand the EcoCity agenda, which serves political "Greenwashers" who are paving our towns and planet and calling it Green. How is this good for Berkeley?

***Please revise downward your 2007-2014 housing goals for the City of Berkeley and better account for group housing and student housing.*** The seven or more large Patrick Kennedy projects that received some \$70 million in funds such as tax exempt, multifamily housing revenue bonds and loans for "impoverished community" are now completed and filled primarily with UC students. These students are almost always individuals, not families. Few are Impoverished. These students generally do not contribute to the "vitality" of the Downtown and areas they reside in because they study and eat on campus.

***When accounting for student and group housing, Berkeley has remarkably overachieved in the area of Very Low and Low Income Housing and underachieved in Moderate and Above Moderate Housing. We are well on the way to being a city of rich and poor.***

***You need to consider condo and TIC conversion of old stock housing as a way to increase the numbers of moderate and above moderate-income families without destroying our historic texture and livability.***

The people of Berkeley are generous and environmentally conscious, and we would like to work with you on methodology to get this right. We all want growth to be smarter, sustainable, respectful. We do not want to destroy our unique, friendly, diverse neighborhoods for big box projects of transient tenants.

Young families have been leaving the city of SF when shadows and densification become too much. Many have been moving into our sunny flatlands neighborhoods to have babies and raise their children. ABAG may not be considering this phenomenon in their methodology. The ages are younger and the numbers per household higher, than City of Berkeley average family size; the square footage of the bungalows and apartments are incredibly smaller than McMansions and tract homes being built in the "greenbelt" over the hill from Berkeley. To where will new families and long-timers move if ABAG imposes such large numbers of housing units that they destroy our already dense but desirable and growing (organically) neighborhoods?

In the last 7 year period, about one third of the new housing in Berkeley was in our neighborhoods, not on corridors. This type of development is a great success especially when using real green building concepts, saving trees and neighbors sunlight, and using windows that open to minimize need for air conditioning. These units in neighborhoods need to be considered as a part of Berkeley's fair share, and as good places for families to live in our inner cities. This type dev has other imp benefits:

- New housing and additions in neighborhoods generally do not have to be subsidized.
- Remodeling in the flatlands often includes an in-law or second unit.

- Berkeley has three BART stations spaced about one mile apart. Berkeley flatlanders therefore generally live within half-mile (easy) walk or roll to BART. Those living in the hills, or neighboring cities like Albany, generally drive or bike to a BART station, and therefore they do need easy, safe parking available or they will not use BART. BART usage would increase if simple security measures were increased and if the deafening screech of BART train wheels could be reduced to safe levels.
- Downtown BART area, most agree, would benefit from reasonable increase in moderate income with inclusionary units. But stations of the North and South Berkeley BART –need other strategies to increase BART ridership and decrease dependence on automobiles:
  - **North Berkeley BART** connects with Santa Fe Right of Way and Ohlone Greenway, important bike routes and paths. But bike parking is not secure and bikes are frequently vandalized and stolen, a huge disincentive for biking to BART. For a relatively small cost, secure bike parking could be designed, installed, and biking to BART encouraged.

Safety in BART parking lots and routes to and from BART should be greatly improved with enhanced lighting and extra security measures. This would encourage walking, biking, as well as driving by Hill dwellers to BART.

- At **South Berkeley BART**, most residents want a “Mainstreet” model of development to maintain the diversity of the inner city, and to keep the existing community living there. Residents have a clear vision of rehabilitation and creative reuse. The remarkable historic structures could be used for affordable apartments and homes and community serving businesses. Three stories maximum size development, in order to see the sky, feel the sunshine, and enjoy a wonderful central park.
- **The crime rate is very high near all Berkeley BART stations.** Berkeley is becoming chronically short of police officers, and robberies and violent crime are increasing. Berkeley does not have bicycle cops available to safely patrol the vicinity and bike paths of BART. City of Berkeley needs to improve lighting, maintenance (remove broken glass, trash) and pruning of overgrown vegetation near BART.
- City of Berkeley’s big box development on transit corridors has not created Parisian revitalization as promised by our elected officials. Instead it has created a wasteland in much of Downtown and on University Ave, with filth, litter, crime, and homeless encampments. Areas without the new “smart growth” development, such as North Shattuck, Solano, and Fourth Street, thrive. These latter shopping areas have buildings no higher than three stories where shoppers can feel the warmth of the sun and clearly enjoy themselves while walking about.
- Although Berkeley and perhaps ABAG use average household size of 2.2, many of the new homeowners and renters in Berkeley’s unique flatlands neighborhoods have moved here to sunny, walkable, flatlands neighborhoods near BART. The families size is 3. +, greater than Berkeley average, and parents walk, push strollers, shop locally, and often take BART to work. These new families need to be factored into ABAG’s methodology for Berkeley, so that the new strategies protect our healthy and revitalizing neighborhoods, which would be missed in a one-size fits all densification strategy.
- The University of California sprawl is destroying the viability of Berkeley as a city. So much land is being taken off the tax rolls by UC B, that property taxes are increasingly unaffordable. The effect of UC’s unchecked development is invasive, incredibly stressful, noisy, polluting, destructive of the environment, harmful to the peace and welfare of the community.

- UC Berkeley should maintain clear growth boundary limits like other universities. Strawberry Canyon and the Ecological Study Area could be linked to the East Bay Regional Park greenbelt. Berkeley City plus 30,000 UC students create a very dense built-out area next to the canyon, which is in serious risk of disaster from earthquake or fire. The University and the Lawrence Berkeley Labs should not expand further into that area for their own sake as well as for the protection of the environment and the community.
- The original concept of Town/ Gown relationships in Berkeley was planned so that UC students would live in and be part of the community. Students rented rooms at affordable rents, much cheaper than renting an apartment. But today students are being encouraged to rent apartments in the new, large “smart growth” developments near campus and on transit corridors. These buildings tend to separate students from the greater community and this has a polarizing effect on Town/ Gown relationships. The students come and go from the new apartments to campus without being a part of the life on Shattuck Ave and University Ave. Who would blame them? Much of those Avenues and Gateways to our City are becoming dead, dirty, and dangerous, not the revitalization we were promised.
- The apartment-dwelling students buy cars to get away from the mess in Berkeley. Community members find no parking Downtown and give up going there. Lack of parking/ shoppers kills our anchor businesses. City Council is giving away our revenue producing, business sustaining, “satellite” parking such as the Oxford/ Alston lot, for their nonprofit developers to build more the “smart growth” which smarts!

As community parking diminishes Downtown, UC B plans new huge parking lots, which will draw thousands of vehicles into our Downtown. This defeats all smart planning strategies and will increase congestion and air pollution while forcing Berkeley shoppers to drive farther away to shop. One huge new parking lot is planned for the UC Art Museum to be built across the street from Downtown BART station.

- We would like the opportunity to work with ABAG on smarter, sustainable, neighborhood friendly development.

PUBLIC COMMENTS RECEIVED

LETTER 8

A.B.A.G. Executive Board  
% Paul Sassingier  
P.O. Box 2050  
Oakland, Ca. 94604

10/13/07

REPLY  
REQUESTED

Executive Board:

Some arrogant cities in Ca. strongly resist your housing allotments. Mountain View, Ca. (home of Google) and Palo Alto, Ca. are two of these cities. They are rich enough to flaunt your "requirements" openly, yet they lie to you and make hollow promises to you to get funding. (H.U.D. and "Focus" incentive funds).

PLEASE do not allot "Focus Incentive funds" to these two very rich cities - especially when they don't qualify.

PLEASE read the attached info and work with H.U.D. to cut all housing funds to cities who REFUSE to cooperate in solving housing problems.

Donald Letcher  
788 No. RENGSTORFF AV. MOUNTAIN VIEW, CA 94032

Splendor of Queen Elizabeth revisited in 'Golden Age'

FUSION / 45

Foothill SM in college town

Major drug makers take their cold medicines for babies off shelves

NATION / 15

# PALO ALTO DAILY NEWS

Atherton | East Palo Alto | Los Altos | Los Altos Hills | Menlo Park | Mountain View | Portola Valley | Stanford | Sunnyvale | Woodside

Volume 12, Number 305

FRIDAY, OCTOBER 12, 2007

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# Hopefuls tackle housing growth

## Building trends at forefront of residents' minds at forum

BY KRISTINA PETERSON  
DAILY NEWS STAFF WRITER

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Member: Kristina Peterson

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### HOUSING TRENDS

From page 1

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Cordell wished the hopefuls luck in spending "four long years" serving Palo Alto residents.

"It's a dirty job," she said lightheartedly, "but somebody's got to do it."

E-mail: Kristina Peterson at [kpeterson@dailynewsgrp.com](mailto:kpeterson@dailynewsgrp.com).

TO: CC: ABAG EXECUTIVE BOARD

Ronald Letcher

CONTACT

Richard K. Rainey

Regional Director

U.S. Dept. of H.U.D.

600 Harrison St., 3rd Floor

San Francisco, Ca

94107-1300 (ph. 415 489-6400)

10/11/07

Pg 1 of 3

RE: Corruption

PLEASE  
REPLY

M. Rainey:

The cities of Mountain View and Palo Alto, Ca. are strenuously resisting and actively opposing the mandated housing allotments by A.B.A.G.

The residents are split, with long term owners resisting growth and higher density housing, and newer people (less than 5 yrs.) are desperate to see housing prices rise (because most overpaid for their units and prices are dropping on condos, row houses, and town homes). O.K., that's understandable, HOWEVER, the City Councils are made up of long-term residents, mostly (if not all) long term property owners who prefer lower density neighborhoods where their political support is.

RAINEY, H.U.D.

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Both cities are outrageously wealthy with far more big business (Google, Microsoft, etc.) and far more jobs in their city limits than residents.

These big businesses are growing (Google has 10,000 employees and is hiring 17 new people every day). Both Cities are actively recruiting new big businesses & They even hire "Economic Advisors" to write "Development Strategys" and to actively recruit new business growth when we are already very short on housing.

Still H.U.D. (you) continue to ship Federal and State Funds to both cities WHEN THEIR RESIDENT POPULATIONS ARE NOT GROWING. H.U.D. (you) reward cities for tearing out older affordable housing; with no increase in resident population. PLEASE, PLEASE, PLEASE check The Federal 2000 Census and current population estimates

RAINEY, H.U.D.

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If these Cities have not substantially increased actual housing units (at least to the A.B.A.G. allotments) then **PLEASE CUT ALL H.U.D. funding** (including CDBG funds) and reward Cities who have provided increased housing - not just lied about what is "in the pipeline" or that "older buildings are not earthquake safe" etc., etc.

FUNDING SHOULD BE GIVEN TO CITIES WHO COMPLY WITH A.B.A.G. allotments - not who just lie or give hollow promises to do better next time.

This absolute greedy filth City Council knows they can drive out small affordable rent landlords (like me) and collect 5 TO 10 times the property tax on condo's or row-houses WITH NO gain in residents

Donald Letcher  
788 No Rangototo Av. Mt View Ca 94043

TO CC: ABAG. EXECUTIVE BOARD 10/13/07

July 16, 2007

Castle Coalition  
901 N. Glebe Road  
Arlington, VA 22203

The City of Mtn. View  
spent over \$100,000  
of taxpayer money to  
put me OUT OF BUSINESS  
after 35 years as an  
"affordable rent"  
landlord.

Re: Events in Mountain View, CA (home of Google)

Dear Sirs:

ALL UNITS VACANT NOW  
FOR OVER 5 YEARS.

Good idea – but you are up against very clever city governments in California. Google is buying Mountain View, a city of 72,000 that is losing resident population. Google hires 17 people a day; they have 35 buildings in Mountain View, and are expanding into neighboring Palo Alto.

D. Letcher

Tens of thousands of long-term Mountain View residents are being displaced; property owners make a profit, but most of those affected are displaced tenants.

The population is down since the 2000 federal census. 60% of residents have lived in Mountain View for less than 5 years (since Google's entrance). The number of apartment units has dropped from approximately 25,000 to fewer than 15,000. Meanwhile, the City Manager and City Attorney receive salaries more or less equal to that of the Governor of California.

Housing costs, including utilities, and property tax revenues have soared approximately four-fold since Google's entrance into the city. A huge gentrification effort is taking place, with unemployed Hispanics and Russian Jews generally exempt from its effects (powerful local people protect their own).

The city of Mountain View has ruthlessly skirted the eminent domain practices of the past to force landowners out. As I see it, this is how they do it:

- 1) The use of city police to "remove blight," and to back city housing inspectors in forcing out long-term landlords. This allows developers to move in and tear out any and all "affordable housing" not controlled by the city. My rental property existed 35 years without a single registered housing complaint until six armed cops and two housing inspectors forced tenants out. My units have now sat vacant for five years, during a housing crunch.

(over)

- 2) The city established a "Community Development Department" with the specific goal of gentrifying Mountain View and "making room" for high-tech (Google) workers. High-density condominiums (up to five stories), row houses, and townhouses now provide very upscale rental housing. They replace shopping centers and the traditional Mountain View housing that existing residents can afford.
- 3) The City Clerk and City Attorney select who they will allow to run for City Council, and tightly control the council members with such means as the following: "legal" bribery, inflated senses of power and authority (including the right to use threats of eminent domain), and millions of dollars of taxpayer money for their "special" projects. All, of course, if they cooperate.

Finally, I will submit that Judge Jeremy Fogel (CA-Democrat) will not uphold the Constitution of the United States. When I sued the city of Mountain View (Federal Case C-98 21120JF) I was not even allowed to testify in his court on my behalf.

Good luck!

*Donald Letcher*

Donald Letcher  
788 N. Rengstorff Ave.  
Mountain View (Googleplex) CA 94043

PUBLIC COMMENTS RECEIVED

LETTER 9

**Paul Fassinger - Re:Comments on Draft Regional Housing Needs Assessment Allocation**

**From:** merrilie Mitchell <merriliem@sbcglobal.net>  
**To:** <paulf@abag.ca.gov>  
**Date:** 11/19/2007 12:49 AM  
**Subject:** Re:Comments on Draft Regional Housing Needs Assessment Allocation

November 18, 2007

To: Mr. Paul Fassinger, ABAG Research Director, ABAG  
From: Merrilie Mitchell, The Neighborhood Network—(510) 549-1840 msg  
Re: Comments on Draft Regional Housing Needs Assessment Allocation

Dear Mr. Fassinger,

We have not yet received a response from ABAG for our comments on the Draft RHNA for Berkeley, California, and we have rearranged our comments to make it easier to respond. We divided concerns into three topics, housing, University of California, and transportation, and have numbered the points under each topic.

**ABAG SHOULD NOT FORCE LARGE-SCALE INAPPROPRIATE DEVELOPMENT ON BERKELEY**

Berkeley is already the third densest city in California, north of the Los Angeles region. Thousands of housing units and more than one thousand dorm beds have been approved and built since the year 2000. More than one thousand additional units are in the approval process now. At the same time, the vacancy rate is increasing. The last thing Berkeley residents need is ABAG telling the city that it is not providing its share of housing.

It is especially unfair for ABAG to impose massive housing development on an already dense and economically diverse, and built- out city like Berkeley. Berkeley residents want the opportunity to work with ABAG on human-scale, sustainable, neighborhood friendly development.

Our comments cover the following general topics below.

**I. ABAG’S UNFAIR HOUSING DEMANDS ON BERKELEY**

**II. UNIVERSITY OF CALIFORNIA EXPANSION ISSUES:**

**III. TRANSPORTATION AND BART ISSUES**

**I. ABAG’S UNFAIR HOUSING DEMANDS ON BERKELEY:**

1. ABAG continues to be extremely unfair to the residents of Berkeley. Berkeley is the third most densely populated city in northern and central California.

Since the year 2000, thousands of apartment units and dorm beds have been approved or already built. The recent development boom, fueled by millions from ABAG Finance Authority has greatly

decreased Berkeley's livability.

Since the state Housing and Development Committee and ABAG began imposing their RHNA on local housing decisions, Berkeley's inclusionary housing development regulations are routinely violated. Projects that flagrantly violate city zoning regulations are approved without EIRs and without hesitation.

This is creating vertical sprawl and a dangerous environment for all.

ABAG should be fair to Berkeley. Berkeley is one of the densest cities in the state, but is still known for caring and creativity, trees and gardens, and dense but livable neighborhoods. ABAG needs to consider the carrying capacity of the land, so that it does not destroy what is best about Berkeley.

Young families have been leaving San Francisco's shadows and densification to move into Berkeley's sunny flatlands neighborhoods. ABAG is not considering this phenomenon in their methodology. Where will new families move if ABAG imposes such large numbers of housing units that they destroy our already dense but still desirable neighborhoods?

2. ABAG fails to acknowledge the glut of apartments in Berkeley, and the weakness in the housing market. The housing market has changed. Homes are not selling and home values are falling. If ABAG insists on further massive development in Berkeley, its efforts must be seen as a deliberate attempt to force down the value of our homes and to destabilize our neighborhoods. The question then must be asked, "what is ABAG's agenda?"

3. ABAG has refused to count rent-controlled units as affordable housing, and excludes University owned housing from their counts. ABAG also fails to count the thousands of students housed in relatively affordable student cooperative housing and fraternities. We should get credit for affordable housing programs that provides ample, good quality, affordable housing in Berkeley. Only existing housing is subject to Berkeley's rent control laws; new housing is not.

4. The ratio of affordable to market-rate units in Berkeley has increased, thus overachieving in the area of Very Low and Low Income. Crowding our town with massive apartments and condos is NOT "green," despite what the "greenwashers" say. Our mature trees are being destroyed during this new development although they are critically important to decrease global warming and preserve livable communities.

The affordable housing built through the density bonus projects and for the ABAG quotas is extremely poor quality, especially compared to the affordable housing we are losing through loss of older, rent-controlled units. Every time a neighborhood-damaging building is built, it damages existing housing.

The planned and recently approved developments for high density, high-rise rental units do not meet HUD standards due to:

Concentrating poverty;

Concentrating very low income and dual diagnosed families in high density developments;

Few windows, no fresh air, no sunlight, and little or no open space.

5. The over-development of Berkeley causes many of those who live here to own a car and (for those who can afford it) a second home or cabin in the countryside or worse, the foothills, so as to escape the unhealthy environment. Mature trees are cut down routinely and development sites totally

paved—in short a nightmare for human beings and disastrous for global warming.

Berkeley uses half the energy per capita of other cities and so serves as a model for reducing impact on Global Warming. We know some of the reasons for this—large trees, solar access, windows that open, and walkable neighborhoods. We must strive to protect and encourage those features.

6. **DON'T SUBSIDIZE BIG DEVELOPERS** - The seven large projects by developer Patrick Kennedy that received some \$70 million in loans for an "impoverished community" primarily house UC students. These students generally do not contribute to the "vitality" of the community because they study and eat on campus. These students often buy cars whereas those in dorms rarely do.

ABAG should subsidize people adding second units to their homes instead. Remodeling in the flatlands can include adding an in-law or second unit. This type of development is a great success, especially when using real green building concepts, saving trees and sunlight, and using windows that open instead of air conditioning. These good places for families to live need to be considered as a part of Berkeley's fair share.

ABAG needs to greatly reduce its 2007-2014 housing goals for the City of Berkeley. ABAG's current methodology is simply wrong. We do not want to destroy our unique, friendly, diverse neighborhoods with massive development projects.

## **II. UNIVERSITY OF CALIFORNIA EXPANSION ISSUES:**

### **1. ABAG FAILS TO CONSIDER UNIVERSITY OF CALIFORNIA PROVIDED HOUSING IN CALCULATING WHAT IT CONSIDER'S THE CITY OF BERKELEY'S SHARE OF THE REGIONAL HOUSING NEED:**

ABAG has not been considering dorms and other University owned housing as part of Berkeley's affordable housing supply. UC Berkeley has added thousands of new dorm beds in new development projects in recent years. Yet ABAG unfairly ignores this new housing in calculating what it considers to be Berkeley's affordable housing fair share obligation.

The California Legislature has directed the ABAG process specifically to consider universities and colleges in the RHNA process. ABAG must do this now, not after it completes its current round of housing needs assessments.

### **2. ABAG FAILS TO CONSIDER THE SEVERE NEGATIVE IMPACT THAT THE UNIVERSITY OF CALIFORNIA'S ONGOING EXPANSION IS HAVING ON BERKELEY**

The University of California sprawl is destroying the viability of Berkeley as a city. So much land is being taken off the tax rolls by UC B, that property taxes are increasingly unaffordable. UC's unchecked development is invasive, incredibly stressful, noisy, polluting, destructive of the environment, harmful to the peace and welfare of the community.

UC Berkeley should maintain clear growth boundary limits like other universities. Strawberry Canyon and the Ecological Study Area could be linked to the East Bay Regional Park greenbelt. Berkeley City plus 35,000 UC students create a very dense built-out area next to the canyon, which is in serious

risk of disaster from earthquake or fire. The University and the Lawrence Berkeley Labs should not expand further into that area for their own sake as well as for the protection of the environment and the community.

The original concept of Town/ Gown relationships in Berkeley was planned so that UC students would live in and be part of the community. Students rented rooms at affordable rents, much cheaper than renting an apartment. But today students are being encouraged to rent apartments in the new, large developments near campus and on transit corridors. These buildings tend to separate students from the greater community and this has a polarizing effect on Town/ Gown relationships. The students come and go from the new apartments to campus without being a part of the life on Shattuck Ave and University Ave.

UC Berkeley is having a huge impact on the small city of Berkeley. Regarding job impacts we concur with the concept that University-related jobs should be spread over the area that contributes workers.

3. LBNL - The same of course should apply to the Lawrence Berkeley National Laboratory, which is connected to the University through allocation of funds and shared facilities, projects, and developments.

Lawrence Berkeley National Laboratory is here also and currently planning a massive expansion-- 15 new laboratories, housing, 5 acres of surface parking, new access roads all in Strawberry Canyon, the ecologically sensitive area between two partial greenbelts. ABAG has not properly considered the Universities impacts on housing, congestion, destruction of priority conservation areas, jobs

### **III. TRANSPORTATION AND BART ISSUES**

1. BART - Berkeley has three BART stations spaced about one mile apart. Berkeley flatland residents generally live within a half-mile easy walk or roll to BART. Those living in the hills, or neighboring cities like Albany, generally drive to a BART station, and therefore need easy, safe parking. BART usage would increase if simple security measures were implemented.

Safety in BART parking lots and routes to and from BART should be greatly improved with enhanced lighting and extra security measures. This would encourage walking, biking, as well as driving by Hill residents to BART.

At South Berkeley BART, most residents want a "Mainstreet" model of development to maintain the diversity of the inner city, and to keep the existing community living there. Residents have a clear vision of rehabilitation and creative reuse. The remarkable historic structures could be used for affordable apartments and homes and community serving businesses. Three stories maximum size development, in order to see the sky, feel the sunshine, and enjoy a wonderful central park.

The crime rate is very high near all Berkeley BART stations. Berkeley is becoming chronically short of police officers, and robberies and violent crime are increasing. Berkeley does not have bicycle cops available to safely patrol the vicinity and bike paths of BART. City of Berkeley needs to improve lighting, maintenance (remove broken glass, trash) and pruning of overgrown vegetation near BART.

BART usage would also increase if the deafening screech of BART train wheels could be reduced to

safe and legal levels. Many people avoid using BART, or ride BART as little as possible because of the painfully high noise level of the BART trains.

2. OVER-DEVELOPMENT OF TRANSIT CORRIDORS - City of Berkeley's big box development on transit corridors has not created Parisian revitalization as promised by our elected officials. Instead it has created a wasteland in much of Downtown and on University Ave, with filth, litter, crime, and homeless encampments. Areas without the new "smart growth" development, such as North Shattuck, Solano, and Fourth Street, thrive. These latter shopping areas have buildings no higher than three stories where shoppers can feel the warmth of the sun and clearly enjoy themselves while walking about.

3. LACK OF PARKING - Local residents now find no parking Downtown, and thus give up going there. Lack of parking, and the resulting lack of shoppers kills anchor businesses. The City Council unwisely is giving away our revenue producing, business sustaining, "satellite" parking such as the former Oxford/Kittredge lot, for large-scale development.

As community parking diminishes Downtown, UCB is planning huge new parking lots, which will draw thousands of vehicles Downtown. This defeats all "smart" planning strategies. Road congestion and air pollution will increase, while Berkeley residents will drive farther away to shop.

4. BUS RAPID TRANSIT (BRT) – The currently proposed BRT through South Berkeley is highly controversial. Many local residents correctly argue that it will greatly damage their neighborhoods, while providing little if any improvement in the transit situation. Improved bus service in general, better BART to bus connections, and lower AC Transit fares or Ecopasses for Berkeley citizens, would accomplish much more for environmental justice and reducing Global Warming than the proposed BRT. It would save AC Transit many millions of dollars which could be used toward creating clean air plug in electric priuses.