

From: Tim Platt

Sent: Monday, April 24, 2023 9:26 PM

To: Brianne Zorn; Mark Ross; Debbie McKillop; Satinder S. Malhi; Jay Howard; Jonathan Bash; Sean Trambley; Michael Cass

Cc: Michael Chandler; Victoria Walker; Dee Dee Fendley; Tim Platt; Harlan Strickland

Subject: Public Comment: "Housing Plan Background Report Public Review Draft—March 2023"

Following are comments on the "Housing Plan Background Report Public Review Draft—March 2023."

Our city is undertaking a difficult job to fulfill the State mandates for new housing sites and agreeing to rezone the sites to higher density. This is the major direction our attempt to meet the State mandate is taking. This rezoning will change the face of our town, both the Downtown and the neighborhoods.

This Housing Report also recommends multitudinous additional actions that will have major effects on our City budget and on the physical character of our town. Many of these actions are at the discretion of the City Council.

Following are some comments that we ask you to consider in the actions you take on the Housing Element.

General Comments:

1. The costs over which the Council has control in implementing the Housing Element are huge—in the millions of dollars.

The multitude of new programs, fee waivers and deferrals, added free services and other costs being recommended in the Report will be very expensive. Waiver of developer impact fees alone could potentially cost over \$5,000,000 (501 housing units x \$10,048/unit).

Many of these costs are at the discretion of the Council to implement or not. Before the Council can decide to approve them these added costs need to be delineated and costed out by the Staff and then reviewed carefully by the Council. Many of these costs are hidden in the Report details but there are a lot of them. For instance, almost every one of the 28 Housing Programs (pg. HP-6 through 36) lists "General Fund" as the first "Funding Source".

We urge the Council to add a requirement in the Housing Element that staff must provide an estimate of cost in dollars and staff time for each of these discretionary actions and that the Council will pay strict attention to these costs before giving their approval. With our many other goals that require significant funding, like staff hiring and moving the marina forward, we need to know what costs we would incur under the Housing Element before the Council votes to fund them.

See comment below on “Pg. HP-6 Program 1: Partnership for Affordable Housing” for more details.

2. The City will have the flexibility to determine some of the “bonuses” and incentives that developers can get by agreeing to including affordable housing. Some of the “bonuses” and incentives are mandated by the State, most importantly higher density. **But the Council can decide to offer additional ones. We urge the Council to not extend additional “bonuses” or incentives or replace discretionary approvals or extend ministerial (by-right) approvals without very careful thought and justification.**

Many concessions have already been made in the General Plan, and additional bonuses like added height or reduced parking or increased lot coverage will only increase the impact the new housing will have on what is special and cherished by us in our town, including particularly in our Downtown and waterfront areas.

See comment below on “Pg. HP-16 Program 11: Zoning...” for more details.

3. **The number of lots that have been designated in the report to be rezoned for more housing end up giving us more potential units than the State demands, 1877 housing units versus the State RHNA demand for 1345 units.** We assume we need a little buffer, but a decent number of the 532 excess units should not be rezoned if that is not needed.

That will reduce the impact on our neighborhoods and Downtown, and those units can be rezoned as necessary for the next 8-year cycle. Importantly, this may mean some lots Downtown would not need to be rezoned now.

Also, although it is not clear, **Map ID F appears to show John Muir School Park being rezoned for housing**, and that could be reversed. (We oppose rezoning open space/parks for housing unless that is the only option. That is why we worked so hard to turn Measure I, the Martinez Open Space and Park Initiative, into law.)

4. We strongly recommend that you do a cost analysis on the entirety of the proposed new housing in the Housing Element as was done for the Annexation Study that gave a pretty complete idea of whether the City income from the annexed areas would cover the added costs the City would incur to support the areas. That would be valuable information to have on the housing mandated in the Housing Element for when the Council discusses all the optional added costs they could approve under the Housing Element (see Comment 1).

This information may also be useful if we are able to take some sites off the rezoning list as discussed in Comment 3 above. For instance, it may be able to help us choose sites that would have the best overall economic benefit to the City coffers from not being used for housing.

For example, it might show us the added tax benefit of repurposing the Telfer property, Map ID 201, from housing to light industrial or commercial use which would probably be beneficial on a net cost basis for the City and would be a safer use for the property and provide local jobs.

5. Under the possible funding sources for some programs the report notes the possible use of Infrastructure Finance District (IFD) which we do not support. IFDs are basically tax diversion devices that take property tax the new development should be paying to the General Fund to cover the day-to-day costs to the City of the new housing and population and diverting it to pay for infrastructure costs that are normally paid for by the developer or other sources.

Then the City has to divert funds from the General Fund to pay for those day-to-day costs to provide police/street

repair/administration/etc. IFDs do not provide new money, they just divert our tax dollars from the General Fund to a specific purpose.

Specific comments:

Pg. HP-2 A. Introduction---Focuses. Preserving Housing Assets: "...ensuring development is consistent with the surrounding neighborhood context." We believe this should be a paramount goal.

Pg. HP-2 Policy H-1.5 Incentives and Concessions. See cost and "bonuses" Comments 1 & 2 above.

Pg. HP-3 Policy H-1.7 Annexation. The recent Annexation Study done by the City showed local annexations would be extremely costly for the City. This should not be in the Housing Element as a City goal.

Pg. HP-3 Policy H-2.3: Developer Incentives. See cost and "bonuses" Comments 1 & 2 above.

Pg. HP-3 Goal H-3 "Improve and preserve the existing housing stock...and ensure new residential development is consistent with the surrounding neighborhood context." We strongly support this Goal. See "bonuses" Comment 2 above.

Pg. HP-4 Policy H-4.1: State Bonus Law. We must comply with State requirements, but need to be very careful about going beyond those requirements. See "bonuses" Comment 2 above.

Pg. HP-4 Policy H-4.2: Regulatory Incentives and Concessions. See cost and "bonuses" Comments 1 & 2 above. NOTE this Policy says to provide these "...while protecting quality of life goals." We agree with that goal.

Pg. HP-4 Policy H-4.7: Fee Reduction and Waivers. See cost and "bonuses" Comments 1 & 2 above.

Pg. HP-4 Policy H-4.8: Parking Reductions. See "bonuses" Comment 2 above.

Pg. HP-6 through 36 C. Housing Programs Almost every one of the 28 separate Programs says this: “Funding Sources: General Fund...” In the majority of the Programs that is the only funding source noted. The Staff time alone to run these programs appears to be immense and, therefore, costly. If any of these programs are at City Council discretion, the Council should look at reducing the number of them.

Pg. HP-6 Program 1: Partnership for Affordable Housing.

This Program recommends a multitude of new programs, added free services, fee waivers and deferrals and other costs that will be very expensive for the City. Waiver of developer impact fees alone could cost over \$5,000,000 (501 housing units x \$10,048,000/unit).

These developer impact fees are \$10,048 for a multifamily unit and \$14,041 for a single-family unit. These fees by law can only reimburse the City for costs of impacts the development would have on police/parks/transportation/childcare/cultural. Waiving them would be a major hit to the City’s budget, as paying these costs would have to come out of the General Fund.

(It is critical to note that this Housing Report on pg. HBR-83 says, “The City of **Martinez’s fees, which include planning, development impact, and outside agency fees...do not constrain the development of housing.**”)

Free services and waivers include City or consultant design services up to a certain dollar limit; having the City complete project frontage improvements which appears to be an open-ended expense; waiving planning application and building permit fees; a free concierge program; free staff study sessions on projects; providing free architectural design services.

The Council will decide which, if any, of these to approve. The Council should get dollar estimates from staff for all of these waivers/free services before putting them in the Housing Element. Some may be so expensive that we don’t even want to consider them. Regardless we should know what kind of dollars we are talking about before the Council votes on them.

One unpriced service, the “concierge” service, may actually be up for City Council approval now. That needs to be clarified.

It is our understanding that the other fee waivers/free service/new programs/etc. will not be approved at this time, but will be included in the Housing Element as official programs the City Council will look at and decide whether or not to approve at a later date. It may be wise to take some of the most expensive programs like waiver of developer fees off the table now so they are not carried forward in the Housing Element any further.

We request you put a statement in the Housing Element that cost estimates of dollars and staff time will be developed before any of these options are considered and that these cost estimates will be done for other potential costs called out in all other Programs.

We need to be supportive of affordable housing and our housing element will show we are. Waivers and free programs, although not required, may well be another way we want to be more supportive. But we believe we need to know what kind of costs we are talking about before the Council votes on them. We are not a rich city, and we also have some very large expenditure in our future.

Pg. HP-16 Program 11: Zoning...

Zoning must by law be changed to State requirements. But changes beyond what is required by the State should maintain local control to the greatest extent possible. Discretionary review should be left in place where not changed by State mandate, and ministerial (by-right) review should only be incorporated where State law requires it.

Allowing the community and City government the opportunity to influence development is preferable to ceding that right to the developer or other bodies.

This Housing Report supports local control in several places, including:

Pg. HP-2 A. Introduction---Focuses. Preserving Housing Assets: “...ensuring development is consistent with the surrounding neighborhood context”

Pg. HP-3 Goal H-3 “Improve and preserve the existing housing stock...and ensure new residential development is consistent with the surrounding neighborhood context.”

Pg. HP-4 Policy H-4.2: Regulatory Incentives and Concessions. NOTE this Policy says to provide these “...while protecting quality of life goals.”

Height, density, setbacks, lot coverage, parking and other building criteria are integral to making development a positive addition to our community and our quality of life. Leaving the City government and the public out of the process of development approval is a step in the wrong direction for our town. We urge you to not pursue that direction, but rather **cede development control only to the extent mandated by the State. Retention of local control to the greatest extent possible is in the best interest of all of us.**

Also see cost and “bonuses” comments above.

The comments regarding requiring cost estimates and ceding development design and construction control under “Pg. HP-16 Program 11: Zoning...” and “Pg. HP-6 Program 1: Partnership for Affordable Housing” and our General Comments above apply to all Programs, especially Program 15: “...Density Bonuses...”.

Tim Platt and Harlan Strickland

for Thousand Friends of Martinez Housing Element Study Group

April 24, 2023



Apr 25, 2023

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Re: Draft 6th Cycle Housing Element

Dear Martinez City Council,

The California Housing Defense Fund (“CalHDF”) writes to inform the City of shortcomings in its 6th Cycle Housing Element draft. Overall, the draft is not a bad first effort. CalHDF appreciates the work Martinez has put in and its sincerity in trying (belatedly) to comply with the law. Nevertheless, we do not believe the draft, as it stands, is close to compliance. We have outlined the draft’s major shortcomings in this letter, and we ask the City to correct them before submitting the draft to HCD.

I. The City Must Conduct a More Thorough Autopsy of the Prior Housing Element and Incorporate the Lessons into This Cycle’s Housing Element

Each cycle’s Housing Element must include a review of the successes and failures of the previous cycle’s. (Gov. Code § 65588.) The lessons from these successes and failures, furthermore, must be incorporated into the Housing Element’s programs and policies. Although the current draft analyzes the prior Housing Element (pp. 172-84 of the Housing Element Background Report (“HBR”)), it does not do so in sufficient detail, and the programs proposed for the current cycle do not adequately address the failures identified in the analysis. This is particularly worrying given that Martinez did not meet its Regional Housing Needs Determination (“RHND”) targets at any income level last cycle and produced *zero* units affordable at the low- and very low-income levels (against a RHND of 196) and *one* unit affordable at the moderate income level (against a RHND of 77).

Specifically, the draft should be revised on the following points:

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- Analyze the factors that led the City to fall so far short of its RHND last cycle and develop programs to fully address them. In particular, the draft should assess the extent to which the City's failure to follow through on many of the programs outlined in the previous Housing Element contributed to the egregious RHND misses. The City should provide concrete assurances that this will not happen in the current cycle.
- The draft identifies staff turnover as a barrier to the City's failures in the previous cycle (HBR pg. 173). It does not explain, however, what drove this high turnover, nor does it include any proposals to ensure staff retention rates increase to the level necessary to implement the programs in the draft. CalHDF further notes that long-term unfilled vacancies at the City's planning department contributed significantly to this draft's tardiness.
- The draft should provide greater detail on why Program 17 in the prior Housing Element (expedited review, fee reductions, and other support for affordable housing) did not succeed in producing any affordable housing project applications during the prior cycle. The City must do more in the current cycle to stimulate affordable housing development, and the vague language around "modifying" this program is inadequate; concrete solutions are called for.
- Despite Program 21 in the prior Housing Element (encouraging second units), only 29 accessory dwelling units ("ADUs") were built in the prior cycle. For a city of Martinez's size, with many single-family homes on large lots, this is a paltry output. The draft should assess where, specifically, Program 21 and the rest of the prior Housing Element fell short and include programs that will fix those shortcomings. This carries particular urgency given the draft's projection that ADU production will *double* in the current cycle (HBR pg. 107). For example, Martinez's ADU ordinance appears to be several years out of date with state law requirements. The city should explain whether it failed to implement state ADU standards under the prior Housing Element, and whether outdated local codes were an impediment to second unit permitting.
- The prior Housing Element included Program 24 to ensure residents with disabilities who needed reasonable accommodations to modify their home, but the draft indicates the City received no requests for reasonable accommodations. The draft should examine why this was and, to the extent it reflects deficiencies in the prior Housing Element, propose programs to correct the problem.
- The draft should explain why Program 22 (revisions to parking requirements for multifamily housing) was not implemented and analyze the extent to which this failure impeded multifamily housing production. The City should be especially

concerned here given the draft's comment that developers have flagged current parking requirements as "egregious" (HBR pg. 120).

Overall, the City did poorly in implementing the previous cycle's Housing Element, and the programs it did implement failed to produce more than a single unit of housing affordable to low- and moderate-income families. To achieve compliance, the current cycle's Housing Element should conduct a more detailed postmortem and, crucially, offer solutions to guarantee these problems do not recur.

II. Further Analysis of the Constraints on Housing Production, and Programs to Address These Constraints, Are Necessary

The Housing Element must identify governmental and non-governmental constraints on housing production (the "constraints analysis") and include programs to address them. (Gov. Code § 65583, subds. (a)(5)-(6).) The current draft's constraints analysis falls short. Although it lists a number of constraints on housing production, it makes little effort to quantify their impacts, either in relative or absolute terms.

A. Land Use Controls

Regarding setback requirements, the draft states merely that "the City's setback requirements are comparable to other communities throughout the region and do not constrain the permitted uses and densities." (HBR pg. 47.) Assertions like this require evidence. The City should also examine whether relaxed setback requirements would ease constraints on residential development before making such conclusory statements.

The treatment of the City's current height limits, site coverage maximums, floor area ratio ("FAR") limits, and landscaping and open space requirements is similarly lacking. Height limits are presented as "a potential constraint to multifamily projects," (HBR pg. 47) but the draft, although required to address this, makes no proposals to ameliorate this constraint. The draft goes into detail on current FAR limits and site coverage maximums but then makes no effort to evaluate the magnitude of their impact on housing production nor any effort to reduce that impact. Open space requirements, the draft tells us, "may preclude developments [...] at maximum densities." (HBR pg. 48.) Again, more is required! The draft should assess the impact in more concrete terms and take steps to address it. Finally, the current draft includes a promise to study waiving landscaping requirements for certain projects (pg. 18 in the Housing Plan ("HP")) but does not – though it should – analyze these as a constraint.

More broadly, the draft goes through current zoning and land use restrictions in great detail but skips analyzing their effect on housing production in any detail. Some efforts are promised to address these restrictions' ill effects, but the current draft gives the reader no confidence that these fixes are well-tailored to the problem. This bears special emphasis in

light of the draft's acknowledgement that "developments in Martinez have typically occurred at or slightly below the maximum permitted densities," (HBR pg. 86) suggesting that current density limits are a major barrier to more housing construction in the City.

B. Parking Requirements

The constraints analysis lays out Martinez's current off-street parking requirements for housing developments. But it does not explore how these requirements impact housing production and affordability. It states merely, "excessive parking standards can pose a significant constraint to the development of housing." Such cursory language does not satisfy the Housing Element Law. The City must take a closer look at precisely how much of an effect current parking requirements have, particularly in light of how high they are. The required 2.25 spaces per unit of multifamily housing merits particular attention, especially given that developers flagged them as a major concern and service providers suggested allowing developers to provide bus passes to tenants in lieu of parking spaces. (HBR pg. 120.) Also of note is the City's admission that the current supply of parking is more than adequate, at least in the downtown area. (HBR pg. 55.)

Once the draft includes this further analysis, the City must address it. The Housing Element should do more than "study" reducing parking requirements (Program 11), promise that rezoning efforts will establish new parking requirements (Program 13), and note that projects under the state's Density Bonus Law may provide less parking (Program 15). Parking requirements are a major cost driver for housing, and they deserve serious attention and serious policy commitments.

C. Emergency Shelters

The constraints analysis should identify and analyze constraints on construction of emergency shelters, specifically, as required by the Housing Element Law. The current draft addresses emergency shelters in many places, but the constraints analysis does not explicitly analyze the barriers to their construction or operation. This must be fixed before the draft can be deemed compliant.

D. Fees

Fees are a major impediment to housing production, and the constraints analysis should do more here as well. Although the draft provides an in-depth look at fees imposed on housing developments, it only minimally speaks to the impact of these fees on housing production, and it proposes no major programs to address that impact. The draft alleges, "the City's fees do not constrain housing supply or affordability," but the only support for this lies in the City's comparisons to neighboring jurisdictions and "ongoing development and input from the development community." (HBR pg. 81.) CalHDF does not mean to be a broken record

here, but – again – the statute demands more. The City cannot simply explain its fee burden in detail and then forgo serious analysis of that burden (ideally analysis that tries to quantify the problem). It must conduct such an analysis and then, crucially, tailor the Housing Element’s programs in response.

E. Permitting

With respect to permitting rules and procedures, a similar critique is in order. While the reader comes away with a clear picture of the City’s current practice, they gain little understanding of how permitting rules and procedures affect housing construction and costs. Among other things:

- The draft claims design guidelines “have not been identified as a constraint” but does not elaborate on why. (HBR pg. 76.) This is concerning because, on the same page of the draft, the City states multifamily projects must “file a design review application that typically takes between two to eight months to process.” That is a substantial delay, and claiming it has no impact on housing construction costs beggars belief. The City should engage more seriously with the effect design review has on housing production and costs, and it should consider policies to minimize that effect.
- In the analysis of non-governmental constraints, the draft mentions developers took nearly six years, on average, to request building permits for multifamily projects. (HBR pg. 86.) The draft conjectures this period will shorten in the future, but it offers scant evidence. In making revisions, the City should examine whether and how the current permitting rules and procedures – or any other aspect of city policy – delay requests for building permits. If problems are found, programs should be drafted to fix them.

F. Non-Governmental Constraints

The portion of the constraints analysis dedicated to non-governmental constraints on housing production misses the mark by a wide margin. The City seems to have taken the attitude that its ability to address these factors is “negligible,” and that its Housing Element therefore need not include programs to address them. (HBR pg. 84.) The draft describes non-governmental constraints but does little to blunt their impact. That will not suffice. The Housing Element Law states: “The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing.” (Gov. Code § 65583, subd. (a)(6).) CalHDF urges the City to respond to this mandate rather than ignore it.

III. The Proposed Overlay Zones Will Not Satisfy the Law

The current draft describes a rezoning program to satisfy Government Code section 65583.2, subdivision (h). (HBR pg. 108.) This program relies on overlay zones in many places. A recent Court of Appeal decision, however, held that overlay zones do not satisfy section 65583.2, subdivision (h). (*See Martinez v. City of Clovis* (5th Dist. April 7, 2023) No. FO82914, --- Cal.App.5th ---, 2023 WL 2820092 (finding city's housing element non-compliant despite HCD certification because minimum densities beneath the overlay zone fell short of the standards in Gov. Code § 65583.2, subd. (h)).) The next draft of the Housing Element must eliminate the base zoning beneath the proposed overlay zones to the extent it falls below the Housing Element Law's minimum density requirements.

IV. The Current Draft Does Not Adequately Address Fair Housing Concerns

Housing Elements now need to include an assessment of fair housing problems in the jurisdiction, along with the jurisdiction's fair housing goals, metrics for progress on those goals, and strategies for achieving them. (Gov. Code § 65583(c)(10)(A).) Martinez's draft includes this assessment, but it leaves out crucial components and neglects analyzing important fair housing issues. Most notably, the draft does not lay out metrics for assessing progress towards the City's fair housing goals, nor does it analyze how likely its strategies are to succeed on those metrics. On top of that, the City should add the following to its fair housing assessment:

- An account of the historical contributors to patterns of segregation and poverty (and programs to rectify them as well as metrics to evaluate the programs' success).
- A discussion of the extent to which disproportionate increases in cost burdens for renters, as opposed to homeowners, presents a fair housing issue. The draft states, "From 2010 to 2019, renters saw a large rent increase of 43.9 percent while homeowners experienced a 3.9 percent increase in housing costs." (HBR pg. 33.) This is a fair housing concern, and it merits serious analysis (and corrective policy programs and metrics for those programs' success).
- An analysis of whether the City's relative dearth of multifamily housing, and the current geographic distribution of multifamily housing, contributes to fair housing problems. CalHDF notes "the southern portions of the City [which are predominantly single-family residential zones, many of which require large lot sizes] have census tracts with higher economic scores" than other areas of the City. (HBR pg. 154.)
- A look at whether the tendency among East Bay homeowners (identified on pg. 107 of the HBR) to make their ADUs available to friends and family rather than renters on the open market contributes to patterns of segregation and poverty. This trend may reduce the impact ADUs in single-family neighborhoods have on racial and

economic integration, and the City should analyze that potential effect, as well as devise ways to address it.

V. The Site Inventory Needs Additional Work

A key component of the Housing Element is its site inventory, which must meet numerous statutory requirements. The current draft's site inventory measures up to many of these requirements, but it falls short on others and must be amended.

A. Projected Number of Units for Sites in the Inventory

For each site in the inventory, the Housing Element must provide the number of units the site can be expected to produce, based on calculations following a specific methodology. (Gov. Code § 65583.2, subd. (c).) If a site is zoned with a minimum density, the City may use that as the basis for the projected number of units on the site. Otherwise, a more detailed analysis is necessary. (*Id.* at subd. (c)(1).) The projected number of units must also be adjusted up or down based on relevant information in the constraints analysis, typical densities of residential developments at similar affordability levels in the City, and the site's access to utilities. (*Id.* at subd. (c)(2).)

The draft fails to provide this statutorily required assessment of each site's capacity. It contains a high-level explanation of why the City expects vacant and underused sites to develop at 80 percent of the zoned capacity, but the sites are not assessed individually. The language and context of the statute makes clear such individual assessments are necessary to the extent that different sites face unique circumstances. HCD has issued guidance supporting this reading of the statute. (See Department of Housing and Community Development, Memorandum Concerning Housing Element Site Inventory, Jun. 10, 2020, available [here](#) (providing a sample capacity calculation tailored to an individual site, rather than endorsing a generalized analysis).) In the next draft, the City must ensure site-specific analysis is provided where appropriate.

B. Discontinuation of Existing Uses

Because the draft relies on non-vacant sites to accommodate more than half of its low-income RHND, the City must provide substantial evidence the existing uses of those sites is likely to be discontinued during the planning period. (Gov. Code § 65583.2, subd. (g).) The current draft does not adequately do this. Although it explains that non-vacant sites in the inventory were chosen according to criteria designed to ensure the existing uses would be discontinued, the City cannot rely on such a general level of analysis to satisfy the statute. As the non-vacant sites in the inventory differ from each other substantially, they must analyze the unique features of each site, including existing leases, before it concludes the site is suitable for housing development during the planning period. (See Department of

Housing and Community Development, Memorandum Concerning Housing Element Site Inventory, Jun. 10, 2020, available [here](#) (“nonvacant sites with differing existing uses and lacking in common ownership, whether contiguous or located in the same general area, may not rely on a generalized analysis”).)

C. Utilities Provision to Inventory Sites

The inventory must include a “description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities” for each site. (Gov. Code § 65583.2, subd. (b)(5)(A).) This information is absent from the current draft and must be added before the City can achieve compliance.

D. The City’s ADU Projections Are Too Optimistic

The current draft anticipates 74 ADUs citywide during the planning period. (HBR pg. 107.) This rate exceeds historical ADU production levels by a factor of two, but the draft cites only “the City’s efforts to increase ADU production and the results of” a survey by the Association of Bay Area Governments as evidence for this optimism. Unless the City can provide a better rationale, it should revise its ADU projections downward to be in line with historical trends. Furthermore, the Housing Element should analyze whether the ADUs that are produced will be available to renters on the open market, given that many East Bay ADUs are occupied by friends or family of the owner (*id.*), and adjust ADU projections as necessary to account for this.



The City’s current draft housing element has many problems that will prevent it from achieving compliance. But these problems can be solved. CalHDF hopes the City will take this letter to heart and implement the necessary fixes so it can satisfy the Housing Element Law and receive HCD certification as quickly as possible.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

A handwritten signature in blue ink, appearing to be 'CW' or similar initials, written in a cursive style.

Courtney Welch
CalHDF Director of Investigations and Enforcement

April 26, 2023

To: Michael P. Cass
Planning Manager
City of Martinez

Re: Written Comments regarding Public Review Draft 2023-2031 Housing Element

Dear Mr. Cass:

This letter addresses several of the proposed Opportunity sites (#4-7) listed as suitable for development in the Appendix of the Housing Element of the 2nd Revised Draft General Plan 2035. They are:

City's Housing

Element: <https://www.cityofmartinez.org/home/showpublisheddocument/3301/638158578211670000>

Assessor's CCMAP parcel viewer: <https://ccmap.cccounty.us/Html5/index.html?viewer=CCMAP>

Housing Element, viewer page 230/252, Appendix A:

Appendix A, Map ID 4, APN 373-061-031, between the City's Lafayette Street right-of-way extension and Escobar - 1 unit

Appendix A, Map ID 5, APN 373-061-033, the City's Lafayette Street right-of-way extension - 1 unit

Appendix A, Map ID 6, APN 378-021-018, the Arana property - 19 units

Appendix A, Map ID 7, APN 378-033-015, Dineen St - 2 units

Opportunity site #6 (formerly #31) was also the subject of my former letter of 2015 (attached). Noise, air pollution, vibration, and safety were issues I addressed then regarding building housing. Those concerns remain very much alive.

In the 2.1 Introduction of the Land Use Element section goals and frameworks that will shape the next 20 years are set out. Overall, it states that the “collective emphasis of the various elements is to encourage land uses that limit future growth, preserve existing areas, retain the low-density character of the community, and retain the high quality of life derived from ample open space and recreation areas.” AND “potential areas for growth are constrained by environmental characteristics that inhibit development.” Listed among the Land Use Elements are Noise and Air Quality Elements – policies that affect siting of various land uses in proximity to noise generators or stationary pollution sources, and encourages land uses that limit air pollution “either on-site or through travel.”

The four sites in question are all in proximity to pollution sources on site and through travel. That reality has (unfortunately) been proven by the recent accident November 24, 2022 at the Refinery (PBF Energy/MRC/Shell) when 24 tons of metal laden ash were released over our neighborhoods and drifted 12 miles to the west and northwest of the refinery.

Public Safety is another Element regarding areas inappropriate for development. Although accidents involving hazardous materials are not listed in that section, they are absolutely a public safety concern. Fire, earthquake, and landslides are mentioned – all potential disasters. Refinery accidents are too.

The hazardous fallout that drifted 12 miles from the Martinez Refinery on November 24, 2022 dumped spent catalyst and likely contaminated soil miles away – even across the Carquinez Strait and to

Richmond. People living near the Refinery were advised by Contra Costa Health Services not to eat food grown in their gardens until the soil was tested or replaced. If this risk is as high as the evidence indicates – why would any site precisely next to the Refinery be considered suitable for housing?

Although Safety Audits were conducted in the winter of 2021 by the Contra Costa Health Service Hazardous Materials Program, their result showed 28 corrective actions were needed for MRC to implement and help accident prevention. Under the category of “Inherent Safety” findings were that MRC needs “significant improvement in this area to document how to make existing and new processes safer to satisfy local and state requirements.” Those words do not inspire confidence in Refinery safety.

In the MRC link to the City of Martinez website a “Root Cause Analysis Report” is included regarding the November 24, 2022 spent catalyst incident. The analysis revealed that there were two instances in which MRC personnel did not comply with Refinery policy and procedures during the incident. There was a “lack of awareness” by MRC personnel that a “high differential pressure in the FSS” (Fourth Stage Separator) could result in a catalyst carryover that could be released to the community. The Refinery didn’t begin investigating or notifying regulatory agencies and the community until there were community complaints of the ash! The Report goes on to list Corrective Actions needed based on the learnings from the incident. Oversight, alarm and response guidance, and community monitoring procedures are among the specific technical strategies needed.

Clearly, we don’t want housing units close to accidents waiting to happen. Flammable gases, Hydrogen Sulfide, Aqueous Ammonia, and Anhydrous Ammonia are all hazardous substances stored or produced on site at MRC.

My comments do not even need to detail other reasons why developing Opportunity Sites #4-7 is a terrible idea. That said, access for fire fighters is impossible to the steep sites as well. One fire fighter said they would need to use hoses that would pump water up from Escobar St. in case of a fire. Narrow streets, current housing, and hairpin turns also make access impossible for fire trucks.

Safety, air pollution, noise, access, vibration issues, and the need for a natural buffer zone for humans and wildlife next to the Refinery property should disqualify these sites from potential housing. Any one of these reasons is of concern. Together they make added housing an alarming proposal. The Revised Draft General Plan 2035 should not include Opportunity sites #4-7 now or for future consideration.

Sincerely,

Carol Wiley
Martinez resident/37 years

October 29, 2015

To: Mercy Cabral, City Clerk, Dini Tasini, Planning Manager, Lara Delaney, Council member

Re: Comments on City of Martinez 2035 General Plan

Although I intended to make comments related to the General Plan in its entirety, I will focus simply on one objection to a detail in the voluminous General Plan due to time constraints and because it directly impacts my life. Tim Platt sent an excellent commentary to the Council on October 28 regarding numerous specifics relating to housing development, use of open space and other important issues in the General Plan. I concur with much of what he said. On the whole, I am very impressed with the scope, thoroughness, vision, spirit, attention to detail, and well researched nature of this informative document.

Under 7.0 Housing Element 2015-2023 I am concerned about #31 designated “Opportunity Site” shown on the map of the Downtown Specific Plan under Adopted Housing Element (January 19, 2011) (Updated Housing Element 2015-2023). This parcel should be removed from consideration as an Opportunity Site for future Housing development and remain as it is for a much needed buffer and greenbelt because it abuts Shell Refinery.

The General Plan itself repeatedly asserts (for various different reasons) why putting development right next to the refinery is a bad idea. Under the Implementation section of the Noise and Air Element, for example, item A-1-3.1d says “Locate development sites as far away as possible from freeways, roadways, refineries, and rail lines.” Opportunity site #31 is precisely adjacent to the refinery and evidence in that same section already supported unacceptable noise levels recorded near there as samples (Figure 3, 9-10 page showing levels 33 feet from the center of Marina Vista Avenue), Table 8, 9-16 ST-1 documenting 50 feet from the center of Pacheco Blvd., and other similar data. Several charts in the Noise section show above the normally acceptable 60dBA CNEL high for residential uses. Transportation noise from the Union Pacific and BNSF railroads are exceedingly high much of the time. With shattering sound rising from the railroad tracks within the refinery and along the border of site #31 more housing would be unsuitable.

Vibration is a very real problem as well near site #31. My residence is by site #31 and very often suffers dramatic rattling of windows and doors that is beyond just perceptible. I’ve used cardboard wedges, pillows, and towels to try to counter the vibrations and the pets still stare at me and are agitated. Shell Refinery leaves trains idling in the switching yards at all hours and vibrations are relentless. And often the use of pile drivers in the area goes on for hours. Again, the Noise and Air Element 9-30, N-P-2.5 states “Discourage the establishment of acoustically incompatible land uses in juxtaposition or adjacency to each other, when possible.” And supporting the buffer idea – N-P-2.7 states “Use open space, wherever practical, to isolate noise sources from sensitive land uses by the employment of adequate separation distances.”

Air Pollution potential is another huge issue that I need to bring up but cannot address in detail for site #31. There are pollution episodes and unpleasant odors – plus flare-ups, fires, and accidents that I have personal knowledge of from the 30 years I have lived in Martinez. My

comments apply to the potential effect of air quality conditions needed as part of the EIR review process for proposed projects.

Safety Elements present yet additional issues related to proposed site #31.

Seismic hazards from faults such as the Concord-Green Valley Fault and others present serious potential threats to the area. With the transportation of hazardous chemicals on a daily basis, waste treatment, and storage issues - development of housing at his site is REALLY a bad idea. The sheer volume of trains elevates the possibility of mishaps. Under Implementation 8-28 PS-P-11.1a states “Through land use policy and text amendments, establish an appropriate buffer between land uses involving hazardous materials and those where the presence of hazardous materials is incompatible.”

It is daunting to address all of the issues related to possible development of site#31. I only heard word of the approaching deadline for comments to the General Plan a little over a week ahead of time when I was out of town. Geology, soils, topography, slope, hydrology, water quality, utilities capacity, water and sewer capacity, traffic and circulation issues, parking, etc – all are in question. I have not had a second to read the Draft EIR portion of the General Plan. I purchased a disk of the General Plan on Monday, October 26 and attended the City Council meeting Wednesday night when only five minutes were allotted to public comment. Requests for extension of the deadline for comments to the General Plan from community residents, attorneys, and engineers were ignored. One Council member, Lara Delaney, did attempt to get a response for us from the rest of the Council. The vague feeling they communicated was that it was too late and there was no provision to extend the deadline. Ms. Delaney told me afterwards that there would be time to comment later, although I have no official assurance of that.

Development of site #31 is unsuitable to the needs of the community in Martinez. I realize that the city is directed to provide more housing and of the zeal of our City Council to develop high density housing in the Downtown. But development must be safe and appropriate. I suggest that the City of Martinez purchase site #31 if it becomes available and use it as a green belt/buffer as currently exists. Adding this buffer would help to satisfy the needed increase in ratio of open space to people projected for our future (a little over three acres toward the 29 plus acres that are needed).

In summary, site #31, should be removed from consideration as an Opportunity Site for development due to the numerous problematic issues raised within the City of Martinez 2035 General Plan itself.

Sincerely,

Carol Wiley
30 year resident of Martinez
Retired teacher, Martinez Unified School District



April 28, 2023

Michael P. Cass
City of Martinez
525 Henrietta Street
Martinez, CA 94553

RE: Draft Housing Element

Dear Mr. Cass,

East Bay for Everyone is a membership organization advocating for housing, transit, tenant rights, and long-term planning in the East Bay. We write to provide comments on the City of Martinez's 6th Cycle Housing Element Public Review Draft.

Summary of feedback:

- Rezoning and extra incentives for affordable housing are crucial for Martinez's success
- The analysis of RCAAs and AFFH is incomplete
- The programs are insufficient to enable more housing production unless revised
- The city should plan for a broader Missing Middle housing program, as San Ramon did

Important Policy Commitments

Martinez's housing element contains several substantial commitments that will help the city accommodate new homes and comply with state law. Program 1 makes a concrete commitment to defer fees for affordable housing in the planned Fee Deferral Program. Program 3A lays out a coherent timeline for dedicating publicly owned land to affordable housing.

RCAAs and AFFH:

The draft says that "While HCD does not have a standard definition for RCAAs", but that isn't the case. HCD does provide a tool([linked here](#)) which shows RCAAs in the state. This shows that more than half the area of Martinez is a Racially Concentrated Area of Affluence. The draft has very little discussion of RCAAs, AFFH, and environmental justice issues present in Martinez today. The Housing Element should provide more details on how these issues have shaped Martinez's land

use patterns over time, and what constraints exist in the land use and development standards that are preventing the city from reducing segregation and environmental justice issues.

The city found that “Lack of a variety of housing types targeted to a full range of income levels in areas with identified patterns of isolation or segregation” are leading to Integration/Segregation issues in the city, but the programs do not do enough to address these stated issues(see next section).

Programs are Insufficient:

The "Policies and Programs" section of the draft can be the most impactful section of the Housing Element. However, the Programs in this draft do not seem like they will result in significant changes to city policy or housing development in Martinez. Many programs have language such as “The City will promote” “The City will continue to advocate”, “The City will continue to monitor”, etc without clear objectives or quantifiable outcomes. These programs should need significant changes in order to meaningfully address the housing shortage in Martinez and ensure that the pattern of low-growth in the city will change. We strongly recommend the adoption of a broader Missing Middle Program with specific zoning changes.

See for example the letter from HCD to the City of Lafayette dated March 29, 2023 (emphasis added):

“Goals and actions must specifically respond to the analysis and identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, discrete timing or milestones, geographic targeting and metrics or numerical targets. As appropriate, actions must address housing mobility, new housing choices, density and affordability in higher resource or higher income areas, place-based strategies for community preservation and revitalization and displacement protection. In addition, promoting housing mobility removes barriers to higher opportunity areas and strategically enhances access to housing choices and affordability.”

Link: <https://www.lovelafayette.org/home/showpublisheddocument/7254/638163033349570000>

Missing Middle Program

With the above points in mind, the city must do more to reduce the constraints on housing in the city by relaxing development standards. A recommended program would be similar to San Ramon’s planned Missing Middle program. Specifically we recommend the following development standard changes in all residential zones in the city to:

- All residential zones should permit at least 15 du/acre, except those at high risk of wildfire or flood inundation.

- Reduce parking minimums to no more than 0.5 spaces per unit, uncovered, with no guest parking
- Reduce setback requirements to, at most, 10 feet front yard, 5 feet side yard
- Increase minimum site coverage requirements to, at least, 60%
- Increase maximum building height to, at least, 30 feet
- Reduce minimum lot sizes to, at most, 3,000 square feet
- Allow up to 6 units per site

To support our vision for Martinez, Greenbelt Alliance and other partnering organizations have crafted a go-to guide for accelerating equitable adaptation to the climate crisis; [The Resilience Playbook](#). The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey.

EB4E appreciates Director Cass's quick turnaround of Martinez's draft housing element and the opportunity to provide comment. We look forward to working with the city to create a housing plan that meets the needs of all Martinez residents while complying with state law.

Maxwell Davis and the 2500 members of East Bay for Everyone

Victor Flores
Greenbelt Alliance

cc: HousingElements@hcd.ca.gov

From: Ryan Aston
Sent: Friday, April 28, 2023 3:42 PM
To: Michael Cass
Subject: Public Review Draft 2022-23 Housing Element

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Cass,

I am writing to provide public comment on the Public Review Draft 2022-23 Housing Element. I am a lifelong Martinez resident and recent first-time homeowner here in town. My partner and I own a home on Lafayette Street, which backs up to parcel 378-021-018-7 (at the end of Dineen Street, numbered 4,5,6, and 7 on Figure 2). I understand that this parcel, and others adjacent to it, are being considered for development under the Martinez Housing Element Plan.

Our property has had vehicle access through an easement on this neighboring parcel for many decades and provides us with the ability to access the driveway at the rear of our home from Marina Vista via Miller and Dineen. Lafayette Street is quite narrow with limited parking. We have no garage in the front and no other means of parking in the driveway which is located at the rear of our property. Additionally, we are considering renting out the bottom story of our home, which would require additional space for renter's cars. If any development is undertaken at the top of Dineen Street, it is extremely important to us that we would retain the ability to access our property in this way.

Another concern we have relates to emergency vehicle access. The top of Miller Avenue has a very sharp turn onto Dineen Street, and any additional homes built on the hill would increase the risk of fire or other hazards. Allowing fire or ambulance services the space they need to access this area, as well as to access the rear of the properties on Lafayette Street, would be an extremely important aspect of the planning of any development.

We also have concerns related to environmental hazards. The property proposed for development backs up to the refinery, which brings with it additional risks. Having some degree of buffer between the refinery and nearby homes would likely be beneficial. Another consideration is the wildlife- we often see deer, fox, coyotes, and Great Blue Heron on the hill. Having the open space to cater to the needs of wildlife is a part of what makes Martinez a special place.

I realize that the housing mandate is not optional, and that Martinez must comply with its requirements. I also understand the dire need we have in California for additional housing. I am writing in hopes that any development on this hillside is undertaken with great care, and hopefully with consideration of the concerns I am writing to you about. I appreciate the opportunity to provide comment, and I am grateful for your time.

Sincerely,

Ryan Aston

April 30, 2023

Comments on the “Public Review Draft 2023-2031 Housing Element”: housing development and its consistency with its surroundings; “sustainability” – housing vs. resident safety and financial viability for Martinez

BACKGROUND: THE FEDERAL GOVERNMENT AND THE HOUSING CRISIS

Back in the 1970's, when offshoring and other aspects of international trade became a serious factor in determining the viability of industries in countries around the world, some countries, like Germany, saw the world changing, and developed national consensus among business, labor, and the government on policies to address the changing situation, involving business-labor relations, education, and social safety net provisions. Our country chose a different path, relying on market forces to deal with the forces of change. While America has done well overall, the result has been not only rising inequality among the population generally, but in a regional patchwork of successes and failures, with cities like Detroit experiencing serious economic decline and a housing excess, and the Bay Area becoming a world-class center of innovation and economic vitality, with a housing shortage.

California's Housing Crisis is simply the flip side of America's regional Jobs Crisis. One counter-intuitive result is that even non-technical service workers in our high-cost-of-living environment do better here than in hollowed-out environments like Detroit. Lower-skilled immigration pressure is thus added on top of the immigration pressure of skilled jobseekers. Given the huge outside pressures, and the magnitude of the resulting housing shortage, experts generally agree that we can't build our way to providing affordable housing for everyone that shows up and wants it. *The New Geography of Jobs*, by Enrico Moretti, Houghton Mifflin Harcourt, 2012, lays out the dynamic of regional economic shifts and dislocations as the information age has replaced the age of traditional manufacturing.

NOW: PLANNING BY SACRAMENTO vs. PLANNING BY MARTINEZ

Housing developers are businesspeople, and they're in business to make money. For them, government encouragement of housing is nice, but only if it's profitable - which explains why, as we're starting on the 6th Housing Cycle, so little low-income housing has actually been built: it's not profitable. But forcing cities to provide subsidies for it can make it profitable, as is detailed in the many programs laid out in the Housing Element. For its part, California state government has taken advantage of crises such as the current Housing Crisis to expand its power and to centralize power in its hands. Before Jerry Brown pulled the plug, there were Redevelopment Agencies. They had huge power to take and develop private property, but at least there were a few points in the Redevelopment Agency process where local citizens had a chance for input. Since 2017, however, over 100 bills have been passed taking local planning decisions away from local governments and their citizens.

Attached is an opinion piece, *'Campaign for Democracy' should start here*, by Joe Matthews, describing the current trajectory of state vs local control. Also attached is another opinion piece by former mayor of Los Altos, Anita Enander, *Homeowners should have say on developers' projects*, arguing not only that local government should be making their own planning decisions, but that it produces better results, including for low-income housing. We must do what the state asks, but we should keep the good of Martinez in mind – especially regarding subsidies and the future impacts of upzoning - as much as we possibly can as we finish the current Housing Element.

THE TELFER PROPERTY, APPENDIX A – INVENTORY OF RESIDENTIAL AND OPPORTUNITY SITES, MAP ID #201, APN #372-400-006: CONSISTENCY WITH SURROUNDINGS; SUSTAINABILITY

POINT ONE: re Housing Plan focus #3: Proposed development is inconsistent with its surrounding neighborhood context

The Telfer property is bounded on the north by the railroad tracks, on the west by the Alhambra Cemetery, on the east by light industrial, the city Corp yard and the creek, and on the south by the road up to the cemetery and a handful of residences. Residential development on the Telfer property is, on the face of it, inconsistent with its “surrounding neighborhood context.”

POINT TWO: re Housing Plan focus #6: Proposed development is not “sustainable”

Sustainability in the Housing Element is being narrowly defined as green building and having water available. What’s being left out is the safety of residents, and the financial viability of the city. Without these, is a development plan truly “sustainable”?

Sustainability - Safety

The Telfer property is not only a noisy, polluted environment for housing, but has the possibility of train disasters as occurred recently in East Palestine, Ohio. The property is immediately next to one of the highest-traffic railroad corridors in the nation. Luckily, north-of-the-tracks development has been taken off the table, but residences right next to the tracks on the south side would still be at risk.

Sustainability - City’s financial viability

Housing, especially low-income housing, doesn’t pay for itself. Attached is *City of Martinez - GPU Comments - Element 2.0 - Land Use - City Revenue From Housing - 9-22-2022.docx*, which lays that out, but it also shows that market-rate housing doesn’t generate a lot of income, either. There’s a good case for Martinez’s general fund needing \$6,000,000 or more annual revenue in the future, to deal with Measure X sunset, Marina debt, Marina upgrades and maintenance, as well as rising police and other personnel costs.

The Telfer property is one of the last places in the city where an industrial park, containing Biotech, Biomedical, CleanTech, Advanced Materials & Manufacturing or other technology businesses referred to in the Northern Waterfront Economic Development Initiative Strategic Plan, could be located. For this kind of limited real estate – large, flat, next to worker and product transportation, and unsuited for residential – it’s a zero-sum game in Martinez: to be a housing YIMBY there is to be a jobs and city revenue NIMBY. Martinez needs safe housing. Martinez needs more revenue. The Telfer property is ideal for, and should be, light industrial.

Homeowners should have say on developers’ projects

The Mercury News recently reported on the story of a Los Altos Hills developer working to construct a 20-unit apartment building on a single-family lot — using a state law that prevents neighbors and local elected officials from having any say in approving the project.

He is not alone. Throughout California, for-profit developers are racing to invoke this nuclear option, called the “builder’s remedy,” to construct massive projects in residential neighborhoods, including more than a dozen high-rises in Santa Monica and a 2,300-unit project in Redondo Beach.

While we all agree that we need more housing of all types in California, it is essentially only developers, their hand-picked politicians and their so-called “YIMBY” cheering section that agree we should create these units with zero input from local communities.

The so-called builder’s remedy is not new, but it has been given new life by a series of recent state laws such as SB 9 and SB 10 that have stripped local communities of any meaningful say in local planning issues. That means developers can tear down single-family homes, build multi-story, multi-unit buildings and leave you with a higher tax bill for the cost of new roads, transit, schools, parks and other services — to say nothing about the impact on your neighborhood.

Dangerously, it also means that in high-fire threat areas such as Los Altos Hills and many other Bay Area communities, developers can place even more Californians in harm’s way without having to adequately address issues such as increased fire protection or how residents will evacuate on even more crowded roads during a fire emergency.

Draconian remedies like this kind of unrestricted power for developers is certainly driven by the state’s housing crisis. But that does not mean the solution is to give developers a blank check while leaving local residents with higher tax bills or silencing local elected officials who want to speak out on behalf of their residents.

Our housing crisis has many causes — and there are many solutions that do not include suspending our democratic rights to have a say about what happens in our own communities. These solutions include restoring the state program that once helped fund appropriate affordable housing, the state investing in the roads and transit that allows for new housing without increasing traffic gridlock, training more construction workers, investing in innovative modular construction and many other appropriate steps.

Look no further than San Jose for an example of how citizen input can be the basis of new housing that makes sense for a local community. San Jose didn’t silence local voices, it encouraged them, and the result was an “urban village” plan for new growth where it makes sense — near existing jobs and well-served transit.

What’s important to note is that builder’s remedy is not any kind of remedy for our state’s affordable-housing crisis. The developers don’t need to build any additional affordable housing in exchange for the massive value of the de facto up-zoning they will enjoy. And despite the repeated claims of developer-backed groups, flooding the market with luxury housing does not lead to more affordable

housing; in fact, it frequently drives up the cost of housing as it leads to gentrification and displacement.

Neighbors working with neighbors to shape growth so it makes sense for everyone isn't part of the problem — it can be a vital part of the solution.

That's why across California local elected officials and concerned neighbors are fighting back, forming a statewide group called Our Neighborhood Voices to help bring back a local say in housing issues. For Los Altos Hills and communities across the Bay Area and California, it is a race to restore our democratic rights to shape what happens in our own neighborhoods and to turn back the flood of developer-backed bills that allow them to build what they want, wherever they want, and leave us with more taxes, more traffic and even more dangerous construction in high-fire threat areas.

Anita Enander is a former mayor of Los Altos.

CALIFORNIA HAS A DEFICIT

‘Campaign for Democracy’ should start here



Gov. Gavin Newsom is launching “Campaign for Democracy” against authoritarian governors who are limiting freedom in Republican states. RICH PEDRONCELLI — THE ASSOCIATED PRESS, FILE

Gov. Gavin Newsom is doing a good thing by launching “Campaign for Democracy” against authoritarian governors who are limiting freedom in Republican states like Alabama and Florida.

But what he’s campaigning for is not democracy.

If democracy were his mission, he'd be campaigning in California — because our state has a deficit of it.

Newsom's "Campaign for Democracy" — the name he's given to a series of events in Republican states and to the political action committee paying for them — isn't just a misnomer. It's part of an epidemic of leaders who portray whatever they are doing as "democracy," and their political opponents as a threat to it.

To understand the problem, let's start with a definition: Democracy is everyday people governing themselves.

But Newsom's campaign has little to do with getting together with your neighbors to practice self-government. The governor instead is leading a large national media campaign to confront sins of politicians with whom he disagrees.

On the Campaign for Democracy website, the stated mission is all about conflict — "patriotic Americans must go on offense," the site says, "bringing the fight" with an "aggressive" campaign "to confront and defeat unAmerican authoritarianism." Who are these authoritarians? They are all "extremist Republicans."

Like most Californians, I agree with the campaign's criticisms of the Republican Party for bullying vulnerable people, criminalizing free speech, denying rights to women and dehumanizing immigrants. I think it's good that Newsom is offering strong words and some protections for people under right-wing attack.

But Newsom's narrow cherry-picking of targets undermines his good intentions. Democratic decline is a global problem that touches all parties, and anti-democratic authoritarians also can emerge from the political left — like Joko Widodo in Indonesia or Andrés Manuel López Obrador in Mexico.

That, however, is not the greatest omission in the "Campaign for Democracy." The website offers hardly any ideas for extending democracy and the practice of government. One part of the site, called "California Leadership," focuses on progressive social and environmental policies, with only a brief mention of democracy.

Why? Perhaps because there isn't much democracy in California to defend.

For the past century, California has been centralizing power in state government in Sacramento, and reducing the power of people to govern themselves locally. Decisions about taxation and spending are especially centralized, with communities reduced to lobbying Sacramento to get their money back.

Newsom, and previous governors, have extended their powers, especially in emergencies. Accountability is hard because state government is a highly secretive entity. California agencies routinely hide data, ignore public and press questions, and refuse to provide basic information.

Meanwhile, our democratic mechanisms have become less useful. Our system of direct democracy is so costly that only the richest and most powerful people and organizations can afford to use it. The state's Brown Act, an open meetings law, is now an anti-democratic gag rule limiting the ability of local officials and citizens to meet and have broad discussions.

State officials love to talk about efforts to make it easier for Californians to vote. They don't talk much about the fact that our elections are rarely competitive, or that the state's most powerful entities — unions, corporations, various commissions — can't be voted out by the people.

In California, we also ignore the fact that huge shares of Californians aren't eligible to vote — because they are too young, or because they are not U.S. citizens. One quarter of voting-age adults in Los Angeles, and more than one-third in the Salinas Valley, and more than half in Central Valley towns are disenfranchised because of their citizenship.

If Newsom wanted an effort worthy of the name "Campaign for Democracy," he'd pursue a new constitution that provides universal suffrage and restores the power of local communities to determine their own fates.

The governor is deeply familiar with democratic innovation, as he demonstrated in his 2013 book "Citizenville." But will he take on

democratic reform?

The politics argue against it. It's easy to point out red-state fascism. It would much harder to give up power and lead a campaign to let Californians govern themselves.

Joe Mathews writes the Connecting California column for Zócalo Public Square.

Comments on the “2nd Revised Draft General Plan 2035”: calculations of net City revenue for three typical housing examples

THE PROBLEM – LOW CITY INCOME:

Martinez needs more income.

The most obvious example is the Marina: the fishing pier, the state of the berths, the seawall that needs repair and reorienting. The upcoming harbor dredging is once again only partial, and once again the City is making interest-only payments on Marina debt to the state.

The City is depending on grant money for the fishing pier, as well as for long-overdue repairs to our water system. If Measure X hadn't passed, the City would be going into reserves for operating expenses. Staffing, including for police, continues to be a problem in Martinez, and there is no plan to deal with Measure X sunset.

Why is a city within the wealthy, world-class innovation sphere of the Bay Area, struggling? How can this problem be addressed?

THE SOLUTION – LONG-TERM PLANNING:

Economic Development to improve City revenue is a long-term proposition. The General Plan Update represents a unique opportunity to think beyond the two-year budget cycle. While the City has been working on extending its budget forecast horizon, budgeting is primarily about allocating existing revenue sources, not figuring out how to introduce substantial new sources of revenue into Martinez's economy.

How we use land will determine the financial viability and vitality of Martinez in the future. While there is constant pressure to increase housing, housing's occupants represent significant General Fund costs in the form of services and maintenance, not just revenue from taxes and fees. For the same amount of land, businesses can bring in much more revenue to the General Fund with far fewer expenses than housing. Martinez is largely built out, and the opportunities for improving General Fund income with high-revenue land use are shrinking.

The Greenwood land use recommendations tacked on the end of the Land Use Element sound good, but they are simply ideas, mostly policies, with few if any implementation specifics. This is in stark contrast with the very detailed housing density specifications.

BE CAUTIOUS WITH HOUSING:

Below are three representative examples of typical housing units on the market, and what their net contribution is to the General Fund: positive, negative or zero. To deal with the sunset of Measure X, as well as deal with looming future expenses as touched on briefly above, Martinez could easily use another \$6,000,000 in annual revenue. The net General Fund revenue from housing is surprisingly low, as shown in the following examples, so caution should be used in assigning housing to currently unused land. The General Plan can always be amended to allow more intensive land uses in the future, but

going in the other direction, so-called “down-zoning,” can be quite difficult for a city to do. How many houses would it take to generate \$6,000,000?

From the 2022-2023 Biennial Budget (“Budget”), about 80% of the General Fund (“GF”) operating budget comes from four sources: property tax, VLF property tax swap, sales and use tax, and franchise fees. Assuming residents avoid parking tickets, the remaining sources of GF revenue represent negligible input from typical residents, so the following calculations, based on the four main GF revenue sources, are a good approximation of the financial impact of the three housing unit examples below. A list of the assumptions used follows the calculations.

THE CALCULATIONS:

In the following, GF Revenue =

Property value x (1% tax + VLF tax swap) + residents x ((sales tax + Measure X) + franchise fees, all per)

Note: For more detail, see Assumptions at the end

Example 1:

\$750,000 median price single family home, 3 bd, 2 ba
2.6 residents

GF Revenue: $\$750,000 \times (.00159227 + .00055442) + 2.6 \times (\$251 + \$48) = \$1610 + \$777 = \2387

GF Revenue per capita = $\$2387 / 2.6 = \918

Net GF revenue per capita = GF revenue per capita - GF expenditure per capita = $\$918 - \$805 = \$113$

Net dwelling annual GF revenue = $2.6 \times \$113 = \294 NET ANNUAL GF REVENUE

Example 2:

\$613,000 low-income housing or condo, 2 bd, 2 ba
2.6 residents

GF Revenue: $\$613,000 \times (.00159227 + .00055442) + 2.6 \times (\$251 + \$48) = \$1316 + \$777 = \2093

GF Revenue per capita = $\$2093 / 2.6 = \805

Net GF revenue per capita = GF revenue per capita - GF expenditure per capita = $\$805 - \$805 = \$0$

Net dwelling annual GF revenue = $2.6 \times \$0 = \0 ZERO NET ANNUAL GF REVENUE

Example 3:

\$750,000 townhouse, 4 bd, 3 ba
3.6 residents

GF Revenue: $\$750,000 \times (.00159227 + .00055442) + 3.6 \times (\$251 + \$48) = \$1610 + \$1076 = \2686

GF Revenue per capita = $\$2686 / 3.6 = \746

Net GF revenue per capita = GF revenue per capita - GF expenditure per capita = $\$746 - \$805 = (\$59)$

Net dwelling annual GF revenue = $3.6 \times (\$59) = (\$212)$ NET ANNUAL GF LOSS

ASSUMPTIONS:

- Property Tax: For Martinez's largest TRA (Tax Rate Area) 5000, which includes the downtown, and which has one of the highest return-to-GF rates for the City:
Fraction of TRA 5000 1% ad valorem property tax going to the GF = .159227, so fraction of assessed value going to the GF = $.01 \times .159227 = .00159227$
- VLF revenue as fraction of assessed property value going to the GF (the same everywhere within Martinez, regardless of TRA; total Martinez assessed valuation from the Assessor's report for 2022-23):
City VLF revenue / City total assessed value = $\$4,030,700 / \$7,270,111,655 = .00055442$
- Sales & use tax revenue per capita =
(Sales and use tax + Measure X (could not find figure in budget, but assume essentially the same as Measure D)) / population = $(\$4,972,400 + \$4,636,000) / 38290 = \$251$
- Franchise fees per capita = $\$1,833,400 / 38290 = \48
- GF expenditure per capita = $\$30,833,844 / 38,290 = \805
- Property values are net assessed values, after owner-occupied discount, if applicable
- Numbers are consistent with the 2022-23 budget

From: Jennifer Pearson
Sent: Monday, May 1, 2023 12:04 AM
To: Brianne Zorn; Michael Cass
Cc: Jennifer Pearson
Subject: Comments on Draft Housing Element

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April 30, 2023

The choice of town planners to exceed the State required Housing Element of 1345 new housing units In the next 8 years to 1877 is unjustified and plainly irresponsible. How were these quantities created?

How were the 'opportunity sites designated'?

Not only will housing growth strain the City's infrastructure which is noted to have serious deferred maintenance issues, the Downtown Strategic Plan must address mitigation of Climate change vulnerabilities of future massive flooding.

Intense rainfall, storm surges, add to sea level rise. Opportunity sites adjacent to creeks and in the designated flood plane are vulnerable beneath land. Patrick Barnard, research director of the USGS Climate Impacts and Coastal Processes Team states: It's this slow creep upward that gets into garages, and foundations and roadbeds.

Rising sea water coupled with rising groundwater can remobilize capped soil contaminants, bring pollutants into coastal and creek watersheds, damage streets, sewers.

From Jennifer Mary Pearson 135 Dutra Road, Franklin Canyon, Martinez