



Below Market Rate in California

Naphtali H. Knox, FAICP, Page 1

What made you fall in love with planning?

James A. Castañeda, AICP, Page 3

Big Tech's affordable housing push doesn't let them off the hook

Gregory Scruggs, Page 4



San Francisco skyline from Alameda, January 2019

Photo: H. Pike Oliver



Below Market Rate in California

How America's first inclusionary housing came to be built in Silicon Valley

Naphtali H. Knox, FAICP

A version of this article originally appeared in the January 2019 digital issue of *Planning* magazine under the headline "An Unexpected Pioneer," <http://bit.ly/2CGYQ72>

PALO ALTO is known as the home of Stanford University and the birthplace of Silicon Valley. It is also known for its extraordinarily expensive housing.

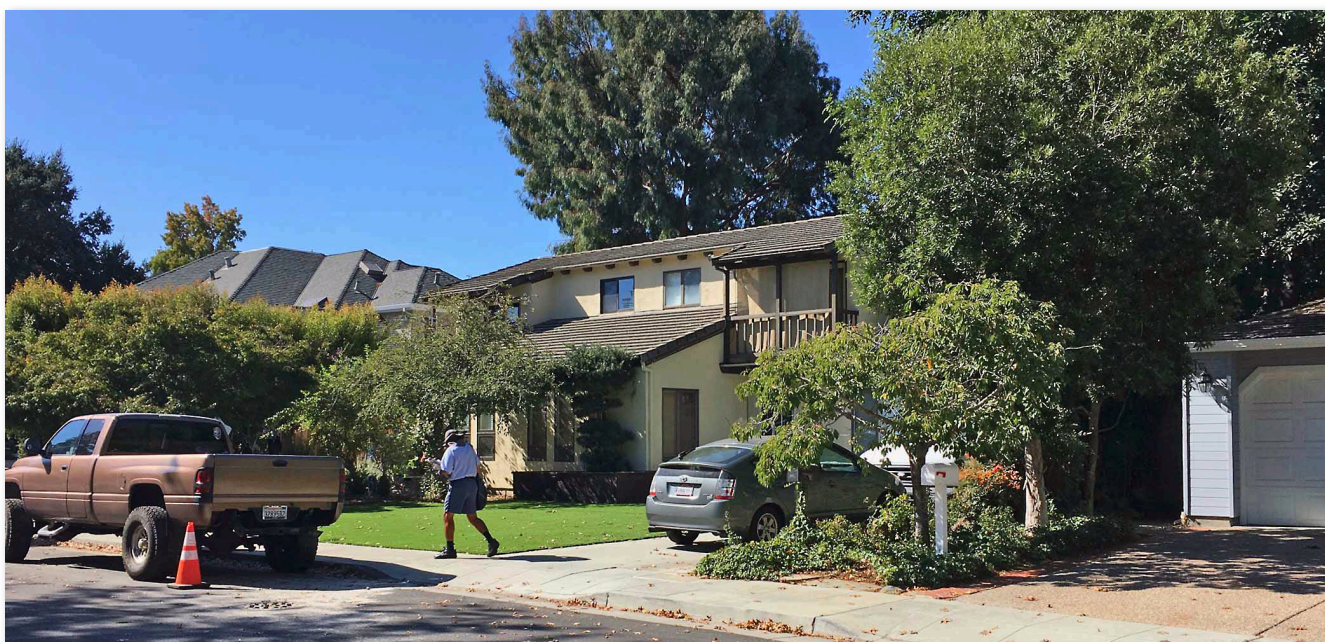
But almost unknown is that the city was a front runner in the country's experimentation with inclusionary housing. Yes, a place consistently ranked as one of the priciest enclaves in America started nearly 50 years ago to address its shrinking supply of affordable housing, and the first BMR units in the country were built there.

How it began

Palo Alto wasn't a big city when I arrived in 1972 (56,000) and at 64,400 it still isn't very big. Its housing costs, however, are definitely outsized. Today, the median value of a single-

family home (median 2.5 bedrooms) is \$3,270,200, and the standard single-family lot is just 6,000 square feet. One-third of all housing units are in apartment complexes.

The inclusionary housing policy — a variation of which has been in place for decades — has only helped ease the crunch in a small way. That's because the creation of inclusionary units is tied to the construction of a certain number of market rate units in a development, so no affordable units get built if market rate projects aren't going forward — and in recent years, none have been built in Palo Alto. Still, the experiment has contributed to the kit of tools planners and policy makers have at their disposal — as well as the notion that it is their job to do so.



A duplex BMR built in 1984 in Palo Alto. Each three-bedroom unit is 1530 sq. ft. The 4300-square-foot, five-bedroom house, at far left in the photo, sold for \$5.7 million in August 2017. Photo by author.

(continues on [page 15](#))

WHAT'S INSIDE

Below Market Rate in California

Naphtali H. Knox, FAICP. How America's first inclusionary housing came to be built 46 years ago in Palo Alto — a place consistently ranked as one of the priciest enclaves in America. [Page 1](#)

Director's note

James Castañeda, AICP. What made you fall in love with planning? What's new for Northern Section APA this year? [Page 3](#)

Big Tech's affordable housing push doesn't let them off the hook

Gregory Scruggs. Big Tech is increasingly focused on housing policy. That attention is welcome news for local officials overwhelmed by the affordable housing and homelessness crises on their doorstep, for which tech companies are partly to blame. But too bad if Microsoft's announcement causes us to lessen our call for public investment. [Page 4](#)

Zoning ordinance adopted to make zoning consistent with General Plan may be rejected by Referendum

Sunny Tsou. [Page 5](#)

New Housing Element Annual Progress Report (APR) form. [Page 5](#)

Berkeley approves long-mired SB 35 application

The 142-unit project is a "continuum of housing integrated into the fabric of the downtown community." [Page 6](#)

At long last, SF's Central SoMa Plan is effective. [Page 6](#)

NPC19 offers local planning firms and nonprofits a special low price for exhibit booths. [Page 7](#)

Planning news roundup • Urban rooms: where people get to design their city's future • A's plan mixed use for old Coliseum site • Bay Area housing shortage intense, so news chain supersedes housing beat • ABAG executive board endorses ambitious CASA housing plan • San Jose, Stockton mayors boost SB 50 • Microsoft's leap into housing illuminates government's retreat • Microsoft will lend \$475 million for affordable housing in Seattle area • Tech helps cut commute times for Bay Area's workers • Disability rights group sues San Diego and scooter companies over 'onslaught.' [Pages 8 and 18–20](#)

Call for nominations, 2019 APA California Northern Section Awards

Deadline for submitting nominations is Wednesday, February 19, 2019. [Page 9](#)

Congratulations to Northern Section's new AICP members. [Page 10](#)

Where in the world

Photo by Kieulan Pham, AICP. [Page 11](#)

APA's legislative push in 2019. [Page 11](#)

Who's where

Veronica Flores, Laura C. Russell, AICP, Aarti Shrivastata, AICP, and Lola Torney. [Page 12](#)

Get your mandatory Ethic and Law CM credits here and now

Libby Taylor, FAICP. [Page 13](#)

Smoke-postponed SF Urban Film Festival returns February 1, 2, and 10

Fay Darmawi. [Page 14](#)

Board directory. [Page 21](#)

EDITORIAL INFORMATION

The American Planning Association, California Chapter Northern, offers membership to city and regional planners and associated professionals primarily living or working in California, from Monterey County to Del Norte County, including the nine county San Francisco Bay Area and Lake and San Benito Counties. APA California Northern promotes planning-related continuing education and social functions in order to:

- Provide an arena for communication and exchange of information about planning related activities;
- Raise member awareness and involvement in APA affairs;
- Increase public awareness of the importance of planning;
- Encourage professionalism in the conduct of its members; and
- Foster a sense of community among the members.

APA California Northern publishes *Northern News* 10 times each year for the exchange of planning ideas and information. Current and back issues are available for download at <http://bit.ly/2S1dUli>. Entirely the effort of volunteers, the News is written and produced by and for urban planners in Northern California. Circulation (downloads per issue) 4,000.

To update your email address or other information, go to <https://planning.org/myapa/> and login.

Northern News welcomes comments. Letters to the editor require the author's first and last name, home or work street address and phone number (neither of which will be published), and professional affiliation or title (which will be published only with the author's permission). All letters are subject to editing. Letters over 250 words are not considered.

Deadlines for submitting materials for inclusion in *Northern News* range from the 8th to the 23rd of the month prior to publication.

You can download the latest publication schedule at <http://bit.ly/2COctSg>.

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Director's note

James A. Castañeda, AICP

What made you fall in love with planning?

That was the icebreaker question at APA California's Chapter Board retreat, which I had my first opportunity to attend a few weeks ago, representing you in my new role as Northern Section Director. At first I felt intimidated, but that question and the many familiar faces assured me I was in the right place.

I had to think for a moment, but then shared the story, only half joking, of how I came to planning as a disengaged engineering student whose grades suffered from spending study time playing SimCity 4. It was around the same time that I discovered the city-planning program in college and learned that it was a profession that seemed to have what I was looking for. Beyond visions of building cities from scratch, I was curious about what made communities what they are, and what challenges they faced in getting there. I also had a strong desire to be a problem solver. All of those together made me fall in love with planning.

That exercise at the retreat also got me thinking about why I volunteer my time with APA: It's that same love for planning that landed me here in service to the Northern Section. It's also a desire to validate others who love this profession and further empower them by providing the resources they need to be successful. I feel it's part of our Northern Section duty to support and nurture that love for planning that drives us to serve our communities. That's why I'm proud to serve as your Section Director, and I am honored to work alongside all of you in this fantastic body of professionals who share a similar vision.

So what's new for Northern Section this year?

We'll be continuing with some of our proven programs even as we take on new challenges in 2019. To name just a few, we'll continue our successful and recently streamlined awards

programs (currently accepting nominations through Feb. 19) and our expanded mentorship program (275 participants this past winter). And we'll continue to partner with other professional organizations including AARP, AEP, SPUR, ULI, and the Silicon Valley Economic Development Alliance, while reaching out to other related professional organizations to expand your opportunities for learning, networking, and advancement. Finally, with the National Planning Conference coming to San Francisco April 13–16, we in the Northern Section will be preparing assiduously to welcome planners from across the country.

Last year, Northern Section introduced two new tracks that the Board hopes will be valuable to and popular with our members. Our Distance Education Coordinator, **Shannon Hake, AICP**, will create new events and expand on many of our existing ones (most of which will offer CM credits) to make them available online. At the same time, our Mid-Career Planning Group Coordinator, **Miroo Desai, AICP**, will focus on finding resources and creating new events and workshops specifically for those of us in the middle of our planning careers.

A good start

By the time you read this, your Section board will have held its annual retreat to reflect on last year's successes and challenges as a way to guide us in what we want to do in 2019. I'll share in our March issue what we've come up with, as well as what we're doing to implement some of the great ideas we rolled out last year.

Again, I am honored to work on your behalf to bring you additional programming, events, and resources, while validating what made you fall in love with planning. Together, let's make 2019 a very special year for planning in northern California. ■

Big Tech's affordable housing push doesn't let them off the hook

Gregory Scruggs, *Next City*

For affordable housing developers who need to move federal Low-Income Housing Tax Credit projects forward, January has been frustrating. Calls and e-mails to HUD are met with the “sorry we’re furloughed” soundtrack of the government shutdown.

No one answering the phones at the Weaver Building in Washington, D.C., is a potent symbol of the depressing state of affairs for public sector responses to the U.S. affordable housing crisis. The federal lights are off, which further precludes a meaningful congressional debate about anything resembling a national housing plan or policy. Meanwhile, local elected officials heed the NIMBY interests of current constituents to block affordable housing for future residents. The end result: government and the electorate at all levels are currently proving themselves not up to the task of providing the estimated 7.2 million homes needed for families unable to afford market-rate housing (<http://bit.ly/2U5hbkh>).

Enter Microsoft, which [in January] announced \$475 million in loans for middle- and low-income affordable housing in greater Seattle. The tech giant, based in suburban Redmond, will also give \$25 million in grants to support homelessness efforts like the formation of a new public agency between the City of Seattle and King County, the surrounding jurisdiction, where the homeless population is the third largest in the U.S. Finally, the company will lobby local governments to relax regulations that inhibit housing construction and lean on Washington state legislators to double the \$100 million housing trust fund.

Microsoft's move comes on the heels of Oakland-based Kaiser Permanente's \$200 million affordable housing investment (<http://bit.ly/2U1fHav>), the Chan-Zuckerberg Initiative (<http://bit.ly/2TWBKzg>) taking up the cause, and Salesforce's CEO throwing his weight behind San Francisco's recently passed city tax on big business to fund homelessness services.

With all of these steps in the New Gilded Age's school of philanthropy (Richard Florida, <http://bit.ly/2U5hxr7>), Big Tech is increasingly focused on housing policy. That attention is welcome news for local officials overwhelmed

by the affordable housing and homelessness crises on their doorstep, for which tech companies are partly to blame.

“I’ve been very clear that for us to take on a challenge of this scale, it needs to be an all hands on deck effort,” said King County Executive Dow Constantine [on Jan. 17] at a suburban Seattle theatre where Microsoft unveiled its plan. “The significance of today is that it is a breakthrough in making that partnership real.”

Close watchers of the tech sector believe Microsoft's unprecedented announcement will prompt others.

“This is a bold move by Microsoft and it certainly throws down a challenge for other companies — especially crosstown rivals Amazon — to up their game,” University of Washington business historian Margaret O'Mara tells *Next City*. (When queried, Amazon pointed to its existing plans to house a 65-unit homeless shelter in one of its new Seattle buildings, but did not indicate any financial commitment to fund affordable housing.)

“This recognition is particularly significant considering the heads-down, it's-all-about-the-tech focus that computer hardware and software companies have had historically,” O'Mara says. “Their leaders might have become great philanthropists, but tech companies have never become players in regional affairs like we are seeing today.”

Microsoft's \$225 million in below-market-rate loans for middle-income housing will plug a much-needed gap as Washington state's constitution prohibits loaning public dollars for all but the poor. The other \$250 million will be allocated at market rates to finance low-income housing through federal Low-Income Housing Tax Credits.

Affordable housing advocates commended Microsoft for its announcement but were also careful not to overstate the significance of the contribution.

“It's not a new dollar in the system, it's a cheaper dollar,” says Rick Jacobus, principal of Street Level Urban Impact Advisors. “The constraint for affordable housing is subsidies.”

If the Washington legislature doubles the state housing trust fund — a source of subsidies for affordable housing — that would arguably have a bigger impact than Microsoft's revolving loan fund. And while Microsoft's lobbying

(continues on page 17)

Zoning ordinance adopted to make zoning consistent with General Plan may be rejected by Referendum

Sunny Tsou

The California Supreme Court has resolved a split among the courts of appeal, concluding that citizens may bring a referendum to challenge a zoning ordinance even if the referendum would temporarily leave in place zoning inconsistent with the general plan. *City of Morgan Hill v. Bushey*, 5 Cal.5th 1068 (2018)

Government Code Section 65860(c) requires a city's zoning ordinance to be consistent with the general plan. When a zoning ordinance becomes inconsistent due to a general plan amendment, the city must enact a consistent zoning ordinance within a "reasonable time."

Here, voters in the City of Morgan Hill rejected by referendum a zoning ordinance the city council enacted to bring zoning into consistency with its recently amended general plan. The city claimed that by rejecting the zoning ordinance, the voters essentially enacted inconsistent zoning in violation of Section 65860.

The court disagreed. It held that unlike an initiative or ordinance that enacts inconsistent zoning, a referendum that leaves inconsistent zoning in place simply does so for a limited period of time — "until the local government can make the zoning ordinance and general plan consistent in a manner acceptable to a majority of voters." So long as there are other consistent zoning designations available, or the local government has other ways to make the zoning and general plan consistent, then such a referendum is valid.

Furthermore, the court interpreted the "reasonable time" provision of Section 65860(c) as providing localities some undefined time to act, and determined that the time taken for a single referendum rejecting a zoning ordinance did not violate this limitation.

Because the trial court had not addressed whether there were other viable zoning designations or other options for the city to resolve the inconsistency between the existing zoning ordinance and the general plan, the court remanded the case for further consideration of these issues.



Sunny Tsou is an associate with Perkins Coie in their San Francisco office. He focuses his practice in the areas of land use, environmental, energy, and natural resources law, assisting developers in obtaining land use entitlements and environmental compliance for residential, commercial, and renewable energy projects.

He holds a J.D. from UCLA School of Law, and a B.A. in philosophy from UCLA.

A version of this article appeared in California Land Use and Development Report, <http://bit.ly/2TkKGy4>, December 26, 2018. Republished with permission. ■

California HCD has a new Housing Element Annual Progress Report (APR) form

The new APR form incorporates feedback from stakeholders who attended HCD's 2018 open house forums or sent comments during the public comment period. The data in the new APR form will allow for a more complete understanding of California's housing production.

When submitting their 2018 reports, which are due April 1, 2019, **cities and counties must use the new APR form**, which will automatically download at <https://bit.ly/2VZKqH3>.

Berkeley approves long-mired SB 35 application

On December 21, 2018, Berkeley approved the SB 35 application submitted for a housing development at 2012 Berkeley Way in the city's downtown core.



2012 Berkeley way. Credit: LMSA for renderings/Jacek Gaccynski

The project is cosponsored by Bridge Housing and Development Corporation (<http://bridgehousing.com>) and the Berkeley Food and Housing Project, <https://bfhp.org>. The owner-developers describe the project as a “continuum of housing integrated into the fabric of the downtown community — a place to begin progress OUT of poverty and homelessness, projecting warmth, welcome, respect, and dignity.”

Designed by San Francisco-based Leddy Maytum Stacy Architects, the buildings include 142 permanently affordable dwelling units for households earning between 15 and 60 percent area median income, with 44 beds for homeless individuals and veterans and a full menu of supportive services. Rhoades Planning Group prepared and submitted the project application to the city.

“SB 35 is aimed at easing California’s severe housing shortage and affordability crisis,” writes Pillsbury Winthrop Shaw Pittman LLP in JDSupra, “but was highly controversial due to concerns about loss of local control over housing development. In the year since SB 35 was enacted, several development projects in the San Francisco Bay Area have invoked SB 35 to bypass local opposition or cumbersome permitting timelines. ... In April 2018, the Mission Economic Development Agency (MEDA) became the first San Francisco builder to [successfully] invoke SB 35 for approval of a 130-unit, 100 percent affordable development in San Francisco’s Mission District.” (<http://bit.ly/2CYQJmE>)

For code wonks, we offer this from the City of Berkeley website, Department of Planning and Development, regarding the Berkeley Way development:

“Pursuant to SB 35, the requirement to seek a discretionary permit for this project does apply. Under SB 35, projects that comply with objective standards cannot be required to obtain a discretionary use permit. See Gov. Code §65913.4(a). Under SB 35, the only applicable standards are those ‘that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.’ Gov. Code §65913.4 (a)(5). As set forth in Attachment #1 of the Applicant Statement of this application, the standards for issuance of a use permit, structural alteration permit, and parcel map involve personal or subjective judgment and are not uniformly verifiable to any uniform benchmark or criterion.” <http://bit.ly/2CY8BhA> ■

“At long last: Central SoMa Plan effective. After over seven years of planning and public outreach, as of January 7, 2019, [San Francisco’s] Central SoMa Plan and its implementing legislation (<http://bit.ly/2UjmGfp>) are finally effective. The City’s analysis concludes that the Plan area has development capacity for over 8,000 new housing units (approximately 33 percent of which will be affordable) and over 30,000 new jobs, and will generate over two billion dollars of public benefits. The Plan area is an approximately 230-acre site that runs roughly from 2nd Street to 6th Street, and from Market Street to Townsend Street. There is generally no maximum FAR in the Plan area. The Plan identifies eight Key Development Sites, which are significantly upzoned, including increased height limits for towers 200 to 400 feet in height. Residential projects 160 feet in height or less (unless 100 percent affordable) and meeting specified criteria, qualify for a 120-day streamlined ministerial review and approval process (i.e., no CEQA).” *Read more about the Central SoMa Plan from Caroline Guibert Chase at Unfamiliar Terrain, <http://bit.ly/2UduUFE>*

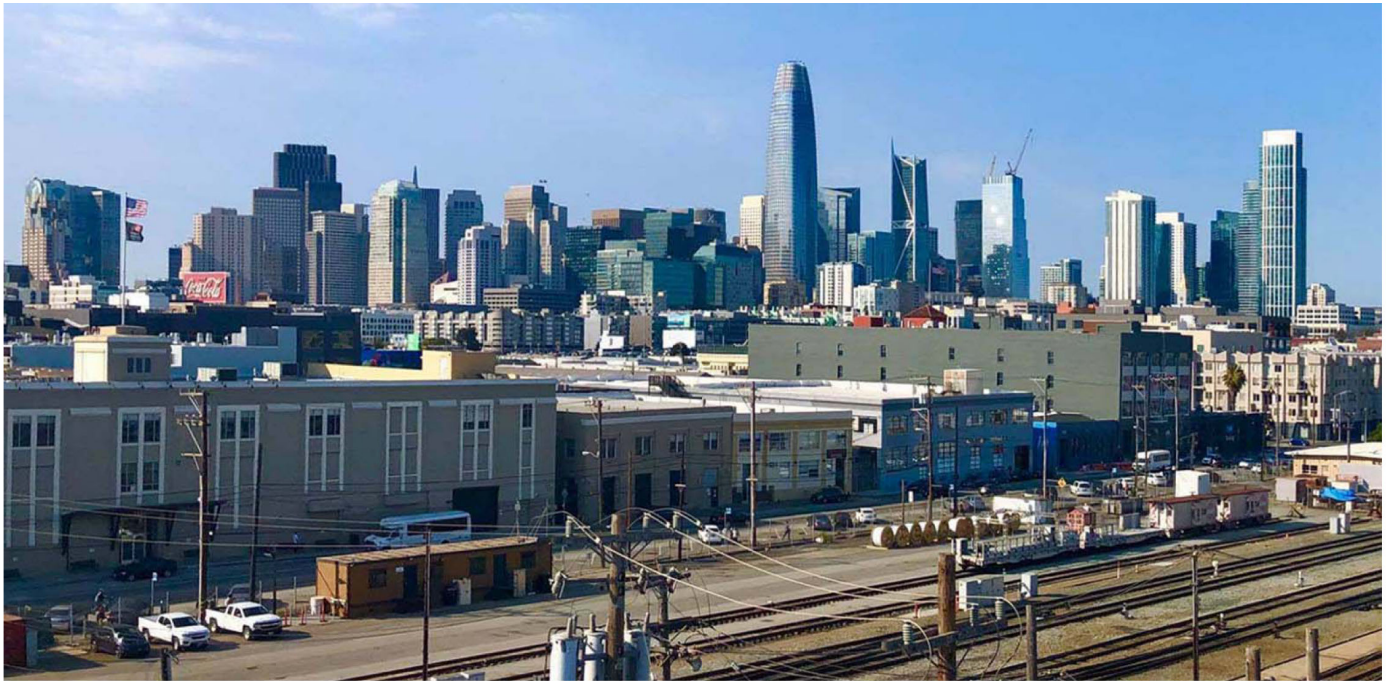


EXHIBIT BOOTHS AT NPC19!

Join the American Planning Association for the four-day National Planning Conference in San Francisco at the George R. Moscone Convention Center on April 13-16, 2019. Setting up an exhibit booth ensures that your company name and logo will be a familiar sight to more than 5,000 conference attendees. Raise your company's profile in the planning community and receive maximum exposure for your company by becoming an exhibitor. This special offer is for local planning firms and non-profit agencies in northern California.

Cost:

\$2,000 Exhibit booth for local planning firm

\$1,500 Exhibit booth for non-profit agency



Note: Booth size is 10' X 10'. There are additional fees for carpeting and electrical set-up.

Photo Credit: San Francisco Skyline Aug. 2018 by Juan Borrelli, AICP

To request an application for an exhibit booth or for questions:

Contact Hing Wong, AICP, at npc19@norcalapa.org or (415) 778-6726



Planning news roundup

Excerpts linked to the original articles

Urban rooms: where people get to design their city's future

The Conversation, January 18, 2019

Tim Dixon and **Lorraine Farrelly**, <http://bit.ly/2DuAldU> •

“Despite the strong Utopian traditions of urban planning, there has often been a reluctance to think beyond the short term. Long-term planning is complex, electoral cycles are short, and it’s easier to focus on the everyday challenges. For this reason, urban planners have often struggled to describe how a city might develop over the next 30 or 40 years.

“Recent research has shown (<http://bit.ly/2Dw3fKA>) that it’s essential to take a long-term, participatory approach to urban planning, to manage continuous socioeconomic and environmental change. This means bringing together local government, universities, businesses, and people living in cities.

“But there also needs to be a physical space where everyone can reflect on how a city has evolved, understand what sort of a place it is now, and debate how it should develop in the future. That’s where ‘urban rooms’ come in — they’re an important building block in making a city vision ‘real’ for the people who live there.

“Urban rooms are already commonplace in countries such as China and Singapore, in the form of urban planning museums, city galleries, or exhibition centers. These are all places where the public can directly engage with a physical space dedicated to understanding the past, present, and future of the city.”



Singapore's mega model is located in the Singapore city gallery. It first opened in 1999 to tell the story of the nation's planning efforts.

Photo: Naphtali H. Knox, FAICP

A's plan mixed use for old Coliseum site

San Francisco Business Times, January 23, 2019

Dean Bierner, <http://bit.ly/2DvJeUq> • “Housing will be a major component of the A's plan to redevelop the Oakland-Alameda County Coliseum when the team moves to a new downtown ballpark at Howard Terminal, team president Dave Kaval said January 23rd.

“Appearing with ballpark architect Bjarke Ingels of BIG, Kaval shared some details of the plan to develop a variety of residential and commercial properties on the outer portion of the Coliseum site.

“It’s going to include affordable and also market-rate housing — to make sure we address the housing crisis,” he said.

“Kaval said the specifics of the housing are to be determined following ongoing planning and discussions with the city and county, but [we are] ‘making sure we have mixed-use and retail opportunities on the first floor of these buildings.’

“Think of a transit village or of something like Fruitvale,” said Kaval, “where on the first floor there are restaurants and locations for people to gather and local merchants can have businesses.”

“Adjacent Oracle Arena will be maintained as a venue for concerts and other events.

“Leon Ross, a partner at BIG, said the park itself will help provide resilience to rising sea levels, and the adjacent developments will be raised to seven feet above sea level to accommodate 100-year projections.

“The team has an exclusive negotiating agreement with Oakland and Alameda with the goal of gaining control of the Coliseum site.”

(The news roundup continues on [page 18](#))

“Americans cleave into two distinct nations

based on commuting: One, based in smaller, less advantaged, and more sprawling metros, depends on the car, while the other, based in large, denser, more advantaged, and more educated metros, uses a variety of alternative modes. Little wonder that bike lanes have emerged as a symbol of gentrification and ‘the war on cars’ has become a way to call out the so-called urban elite.”

—Richard Florida, *CityLab*, <http://bit.ly/2DyDKbJ>

The display of calling cards from firms offering professional services appears in every issue of *Northern News*. Fees paid by the firms for this service help defray the costs of this newsletter.

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Call for nominations— Get recognized by the APA Northern CA Section!



Northern Section is officially opening a call for nominations for Section Awards. In previous years, several Northern Section winners went on to garner State APA Awards. Let's keep up the tradition and recognize the best in planning.

The deadline for nominations is Wednesday, February 19, 2019

Please select an award category for the nominee. For a description of the awards categories, please visit <http://norcalapa.org/awards>

The Section Awards Categories for 2019 are:

Project Awards

Opportunity and Empowerment	Best Practices
Comprehensive Plan – Large and Small Jurisdictions (2 awards)	Grassroots Initiative
Implementation – Large and Small Jurisdictions (2 awards)	Public Outreach
Innovation in Green Community Planning	Urban Design
Economic Planning and Development	Communications Initiative
Transportation Planning	Advancing Diversity and Social Change
	Planning Landmark
	Hard-won Victory

Awards for people/organizations

Planning Advocate	Emerging Planning and Design Firm
Planning Agency (public sector)	Academic Award
Planning Firm (private sector)	Planning Pioneer

Chapter Only

Planning and Health
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Get all the details, rules, and applications at <http://bit.ly/1qWlZgb>

For more information, please contact Awards co-Directors Florentina Craciun or Carmela Campbell at awards@norcalapa.org

Be an APA California–Northern Awards Juror

Are you interested in serving on the jury for the 2018 APA CA Northern Awards? Then please email a letter of interest (200 words) and your résumé to Awards Program Directors Florentina Craciun or Carmela Campbell at awards@norcalapa.org

Become a Sponsor

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AICP NEW AICP MEMBERS

Of the 515 APA members nationwide who passed the AICP Certification Exam administered in November 2018 (including 122 who are enrolled in the AICP Candidate Pilot Program), more than 10 percent are members of APA's California Chapter. Of those, 20 are from our Northern Section.

Newest Northern Section AICP Members

Sue-Ellen Atkinson, AICP
Shila Behzadaria, AICP
Lingyue Chen, AICP
Haley Croffoot, AICP
Brooke Fotheringham, AICP
James Hinkamp, AICP
Alesia Hsiao, AICP
Lu Jiang, AICP
Timothy Maier, AICP
Anais Malinge, AICP
Meghan McNulty, AICP
Zhuojian Peng, AICP
Stuart Poulter, AICP
Julia Rogers, AICP
Ryan Wassum, AICP
Michael Wooley-Ousdahl, AICP

New AICP Candidates

Jordan Brooks, AICP Candidate
Amy Kreimeier, AICP Candidate
Meiqing Li, AICP Candidate
Eric Roberts, AICP Candidate

Congratulations to all!

“Healthcare giant invests millions in affordable housing to keep people healthy. When an affordable apartment complex in East Oakland went up for sale, Kaiser Permanente, the largest private integrated healthcare system in the U.S., helped put up the money to buy the building and keep rent low. It’s the first impact investment for the company’s \$200 million Thriving Communities Fund (<https://k-p.li/2Ugftv>) and one of three major projects the company announced January 15th. Kaiser, along with the nonprofit Enterprise Community Partners, created the joint equity Housing for Health Fund, and contributed \$5.2 million to help the East Bay Asian Local Development Corporation purchase the building for \$8.7 million. ... [That Kaiser was willing] to invest that much money in affordable housing is significant. ... Over several years, a growing number of hospitals and health care organizations have started taking steps to tackle housing as a means to improve the health of their patients: in Chicago, for example, Columbus, Ohio, and three Sacramento-area counties.” —Adele Peters, *Fast Company*, <http://bit.ly/2UcYGtY>

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Where in the world



Photo by Kieulan Pham, AICP. (Answer on [page 13](#))

APA's legislative push in 2019

In the year ahead, our national APA will be urging Congress to act on four key areas to strengthen the nation's communities and expand opportunities for all:

- Housing choice and affordability
- Infrastructure
- Inclusive growth and development
- Healthy and safe communities

You can read more about this in "Planning for Opportunity," <http://bit.ly/2D4X1B2>.

Northern News has been regularly publishing articles and bringing you digests of news items about one of those key areas — housing choice and affordability. We hope you will write an article for *Northern News* — or encourage your colleagues to do so — focused on any of the four subjects.

You can find our publication schedule at <http://bit.ly/2COctSg> and our author guidelines at <http://bit.ly/2ETcsPD>. We hope to hear from you!

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Who's where



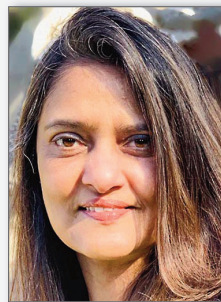
Veronica Flores has been promoted to Senior Planner with the San Francisco Planning Department, Legislative Affairs Section. Her previous roles include planner in the city's Current Planning Division, junior management assistant at San Francisco Public Works, and volunteer coordinator with GLOW Foundation.

(GLOW, since acquired by BUILD.org, empowered under-resourced students and their families to afford and complete college.) Flores served on APA's Northern Section board as Student Representative from San Jose State University (2012–2013) and currently sits on the board as Young Planners Group Co-Director (since 2016). She holds a master of urban planning from San Jose State University and a B.A. in sociology (minor in city and regional planning) from UC Berkeley.



Laura C. Russell, AICP, is now Planning & Building Director for the Town of Portola Valley. She was most recently a planner for Neal Martin & Associates, working primarily in San Carlos. Before that she held planning positions with the cities of San Bruno, Palo Alto, and Merced. Russell holds a master of urban planning from San Jose State University and a bachelor's

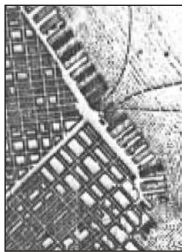
degree in urban studies from UC San Diego. Outside of work, she enjoys attending ballet and watching football. Russell is a member of the Northern Section Board, where she is Peninsula Regional Activity Co-coordinator (RAC).



Aarti Shrivastava, AICP, will join the city of Mountain View in February as Assistant City Manager/Community Development Director — the same jobs she held in Cupertino for the past 10 years. Earlier, Shrivastava worked in planning positions in San Mateo, Mountain View, and Cupertino. She holds a master of community/urban planning from the

University of Rhode Island and a bachelor's in architecture from Sir J.J. College of Architecture in Mumbai, India. Shrivastava also attended the senior executive program at Harvard's Kennedy School of Government.

(continues on next page)



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Answer to Where in the world (Page 11)

Shinagawa-Ura Harbor in the southern part of

Tokyo. Photo by Kieulan Pham, AICP

Who's where (continued from previous page)



Lola Torney has been promoted to Senior Planner at Alta Planning + Design, San Jose. She has been with the firm four-and-a-half years. Torney holds an M.S. in urban planning from San Jose State University and a B.S. in environmental policy analysis and planning from UC Davis. She is an avid bicyclist and is a League of American Bicyclists certified instructor. ■

AICP

Get your mandatory CM Ethics and Law credits here and now

Libby Tyler, FAICP

Do you want to learn more about current legal issues facing California and have a chance to discuss everyday planning ethics dilemmas?

Then join us in Oakland on Saturday, February 23, when APA California-Northern Section will offer a low-cost **Winter Law and Ethics Training Program** from 8:30 am to noon. This two-fer session will be held at the Wendel Rosen Law Offices, 1111 North Broadway, 24th floor — one block south of the 12th Street BART Station. Here are the details:

Current topics in planning law, from cannabis to the fast track

From 8:30 to 10 am, attorneys Robert Selna and Amara Morrison of Wendel Rosen will present on 1) the legalization of cannabis in California and how it is implemented through local land use permits; and 2) the implications of SB 35, the new fast-track housing development legislation.

APA ethics case of the year

After a 30-minute coffee break and networking, our second program will be a panel discussion with local planning leaders on APA's Ethics Case of the Year, with ample time for discussion about the ethical quandaries we all face.

To register and pay the reduced \$25 fee for members (required), go to <http://bit.ly/2DyuWm9>.

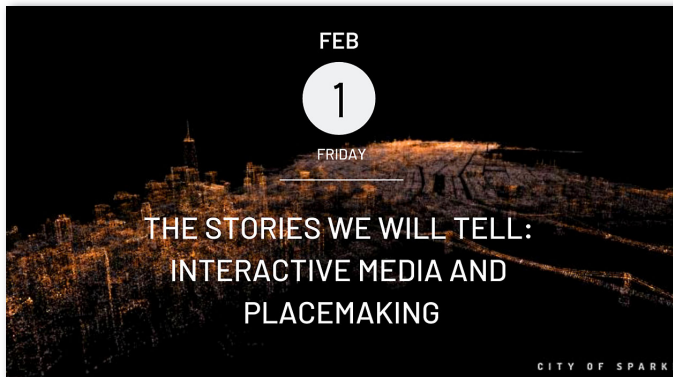
Questions? Contact Libby Tyler, Northern Section Ethics Review Director, at ethics@norcalapa.org or (217) 493-4372.

Smoke-postponed film festival returns February 1

Fay Darmawi

Good news! The four SF Urban Film Fest events postponed from November 2018 because of bad air quality from the Camp Fire have been rescheduled for early February 2019.

Now in its fifth season, the festival gathers a diverse, engaged audience and uses the power of storytelling to spark discussion and civic engagement on urban issues.



<http://bit.ly/2TNZLZj>



<http://bit.ly/2TRu7Kz>

These postponed events focus on what it means to live together in a city and how to make urban planning more equitable and inclusive.

Learn more and get your tickets by clicking on the images or links below.

You can also check out SFUFF's 2018–2019 program guide on Medium at <http://bit.ly/2Tlmt4X>.



<http://bit.ly/2TKrvy0>



<http://bit.ly/2TL5wqq>

Affordable/unaffordable cities? Or uninviting/inviting? “Four western US cities are among the world’s top 10 least affordable housing markets, according to the Demographia International Housing Affordability Survey (<http://bit.ly/2Dvqwwa>): San Jose (CA) ranked fifth; Los Angeles, sixth; San Francisco, eighth; and Honolulu, ninth. Topping the unaffordable list is Hong Kong, followed by Vancouver, Canada, and Melbourne, Australia. On the other end of the spectrum, the most affordable housing markets are in the US: Pittsburgh, Penn., and Rochester, N.Y., tied as the most affordable housing market in the world, followed by Oklahoma City, Buffalo, N.Y., Cincinnati, Cleveland, and St. Louis.” —Duffie Osental, *Mortgage Professional America*, <http://bit.ly/2DvNXpm>

In a 2017 letter to their colleagues, four city council members summed it up this way: “While Palo Alto may never be a truly affordable place to live, the city council has an obligation to current and future residents to explore policies that expand housing choices for people of different incomes, generations, and needs.”

A small step toward maintaining diversity

Inclusionary housing — or as it’s commonly referred to here, below-market-rate housing, or BMR — was our go-to Band-Aid in the early 1970s to keep Palo Alto available to both working class and white-collar households. The concept was (and still is) hotly debated, even in liberal California.

A December 2012 report by The Urban Institute for the U.S. Department of Housing and Urban Development (<http://bit.ly/2yvFCxX>) cites Fairfax County, Virginia, and Montgomery County, Maryland, as the birthplaces of inclusionary housing, but the first four inclusionary units in America were built in Palo Alto and occupied in 1974.

A commonly accepted definition of “inclusionary housing,” according to the same HUD report, is “any program or policy that requires — or offers incentives for — the creation of affordable housing when new development occurs.”

When I became Palo Alto’s planning director in 1972, the city was grappling with a dearth of suitable land zoned for residences. Jobs were being added faster than builders could provide housing. We had 2.5 jobs for every household and the ratio was trending upward — it is now 3.8 jobs per household. The median house price back then was \$54,000, and only 4 percent of Palo Alto households earned more than \$35,000.

The worsening jobs-housing imbalance raised several concerns. One was the rapidly growing in-commute traffic. A second was that the new workers with their higher salaries were successfully competing for the city’s existing for-sale housing and the small supply of new homes. Lower-income Palo Altans were moving out, and the community was losing its economic diversity.

When I heard about Montgomery County’s inclusionary housing purchase program, I called a planner there who explained their approach. Without hesitating, I borrowed the concept to help address our concerns about diversity and, late in 1972, outlined a possible approach to the city planning commission.

The premise was that we could never build enough housing to accommodate our already large and steadily

growing workforce, but maybe we could find a way to assure that at least some of whatever housing that was built would be affordable to low- and middle-income households. The rationale was that housing developers had a responsibility to build for all segments of the market. As the city’s comprehensive plan would state three years later, “the desired result of the housing policies and programs” was to “help Palo Alto continue to provide a high-quality residential environment for the diversity of people who make up the community.”

If you build it, they will buy

The first developer to use our program had proposed applying for federal Section 235 mortgage subsidies to provide four low-income units in a small single-family subdivision. His offer was accepted and incorporated into the relevant Planned Community zoning for the development. But while the project moved ahead, President Richard Nixon declared a moratorium on nearly all federal housing programs, including Section 235.

In response, the developer advised the city he could not afford to carry the subsidy on four single-family homes, and instead offered to include in his development two duplexes to be sold at “below market rate” prices under the still-evolving BMR program. The city would amend the PC zone (needed to increase the specified number of units by two) and approve a subdivision map that would split two single-family lots into four smaller ones that were, by Palo Alto regulations, substandard in size and frontage. The four units — the first ones sold under the city’s BMR program — went to their new owners at previously negotiated prices that were less than half the cost of the 25 larger single-family homes in the development. A precedent was set.

But Palo Alto’s inclusionary housing program was still a work in progress, and planners, the city’s Housing Advisory Committee, and city council hashed out what size development would trigger the policy and what percentage of housing in a development must be affordable to gain approval. I initially suggested a policy with a threshold of 12 units or more requiring 20 percent of units priced below market rate. Various configurations were considered, but in the end, the numbers game was settled with Palo Alto’s very first comprehensive plan, adopted November 29, 1976. It declared, “In new housing developments of 10 or more units, not less than 10 percent of the units should be provided at below-market rates to moderate- and middle-income families.”

(continues on next page)

Units for lower-income households were not considered, since the city's experience during the previous three years indicated that the typical price of the inclusionary units approved under the program was "around \$30,000 — too high to reach low-income households." Today the city's required percentage of BMR units is 15.

From the time the city agreed to the first four BMR units in 1973 until I left my job as director of planning and community environment in 1981, 63 BMR units were built and occupied at 12 different locations in our small city.

Where inclusionary housing stands today

Since its inception, Palo Alto's BMR purchase program has been managed by the nonprofit Palo Alto Housing Corporation, now Palo Alto Housing. PAH also runs a BMR rental program for Palo Alto, and administers the inclusionary housing programs for nearby Redwood City, Mountain View, and Los Altos.

Today, when a development of three or more housing units is built in Palo Alto, the developer is required to contribute at least 15 percent of those units at below-market rates. The city currently has 237 units for purchase in Palo Alto, and all of them are occupied, according to Lauren Bigelow, BMR administrator at PAH. But no market-priced residential developments of any scale have been built since 2008, and thus neither have any new BMR units. However, BMR resales have occurred under terms preestablished by a formula that sets the resale price at well below market and gives the city the right of first refusal.

"Owners generally have had a difficult time reconciling their Below Market Rate selling price with the market rate values of their neighbors' homes," notes Bigelow. "In almost all of the resales I've handled over the past three years, the owners explicitly said there would have been no way they could have stayed in the area without this program, and they are incredibly grateful for it."

Palo Alto's early experiment with inclusionary housing was picked up by other California cities, most notably San Francisco, which adopted its policy in 2002. Under that city's policy, as explained in 2017 by Kristy Wang, community planning policy director at SPUR, the San Francisco

Bay Area Planning and Urban Research Association, "New developments with 25 housing units or more are now required to either make 18 to 20 percent of their units affordable, build affordable units at another location equaling 30 to 33 percent of the total units, or pay an in-lieu fee equivalent to the cost of 30 to 33 percent of the units, which will then be used to build affordable housing elsewhere." (<http://bit.ly/2PINXiV>) That means that most new for-sale and rental multifamily developments in San Francisco include below market rate units within the community, nearby, or in another building by that same developer, according to a 2018 article by Chris Roberts in *Curbed SF*, who notes that there were more than 85,000 applications for the 1,210 BMR units built in San Francisco in 2017.

According to the Lincoln Institute of Land Policy's 2017 working paper "Inclusionary Housing in the United States: Prevalence, Impact, and Practices," by Emily Thaden, PhD, and Ruoniu Wang, PhD, by the end of 2016 more than 83 California jurisdictions had adopted 144 inclusionary housing programs (Table 4, page 15, <http://bit.ly/2QzuN63>). Only nine of those programs date from the 1970s (<http://bit.ly/2yuEBWW>, Figure 2). A September 2013 article in the *Mercury News* (<http://bayareane.ws/2OopDwr>) noted that more than 80,000 Californians lived in a home made affordable through an inclusionary policy. I'm gratified that what we started in Palo Alto 46 years ago has blossomed across California to help so many people find affordable housing.



Naphtali H. Knox has been editor of *Northern News* for the past 13½ years. He began his planning career in 1957 in Colorado and has worked in Des Moines, Iowa; Chicago; San Francisco; and Palo Alto, California. For 27 years until his retirement in 2009, his consulting firm Knox & Associates prepared general and specific plans and housing elements for communities across northern California. ■

CA Supreme Court sets standard for CEQA air quality impact analyses. "The California Supreme Court overturned the environmental impact report for a mixed-use development project, holding that the EIR inadequately explained the human health consequences of significant air pollutant emissions that would result from the development. *Sierra Club v. County of Fresno*, Cal. Supreme Court Case No. S219783 (Dec. 24, 2018) <http://bit.ly/2Tt4YWi>. In so doing, the court has both clarified the standard of review that courts must apply to an EIR's explanation of significant environmental impacts, and increased the obligation of EIR preparers to provide those explanations." For more on this, read *Julie Jones and Barbara Schussman, Perkins Coie California Land Use and Development Law Report*, <http://bit.ly/2TqfnBM>

suggests that the company understands the need for a continued public sector push to make up the 305,000-unit affordable housing deficit in the Puget Sound region, Jacobus cautions that corporate largesse could breed complacency.

"If [Microsoft's announcement] causes us to lessen our call for public investment then it has a negative effect," Jacobus says. "We have to be sure not to fall into a false sense that giant corporations are going to take care of this problem."

The problem is both regulatory and fiscal. "Washington state's lack of a state income tax and California's Prop 13 have starved the public sector of revenue, and zoning and land use laws make it nearly impossible to build anything, especially multifamily housing," [UW's] O'Mara says. "This is how this mess began, and changing it is how it ends."

Both Constantine and Seattle Mayor Jenny Durkan pointed to the hundreds of millions their jurisdictions are already investing in affordable housing (<http://bit.ly/2TWBQH8>), but neither elected official nor Microsoft President Brad Smith was willing to comment on a state income or capital gains tax. Durkan also remained mum on the city's groundbreaking big business tax to fund affordable housing that went down in flames under pressure from Amazon, local businesses, and conservative grassroots efforts.

While Smith did not acknowledge that Microsoft's decision was a direct response to the big business tax debate that engulfed Seattle last year, he did indicate that the company's housing plan emerged from the Challenge Seattle business roundtable chaired by a former

Washington governor, which began meeting in earnest shortly after the issue led to raucous protests citywide.

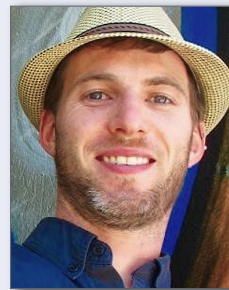
That connection gives National Housing Trust president Priya Jayachandran slight pause amid an otherwise rosy announcement.

"The only risk is that business argues they don't need to pay these taxes because they are doing it on their own," Jayachandran says. "Let's not let business off the hook. We still need government to be doing a whole lot more."

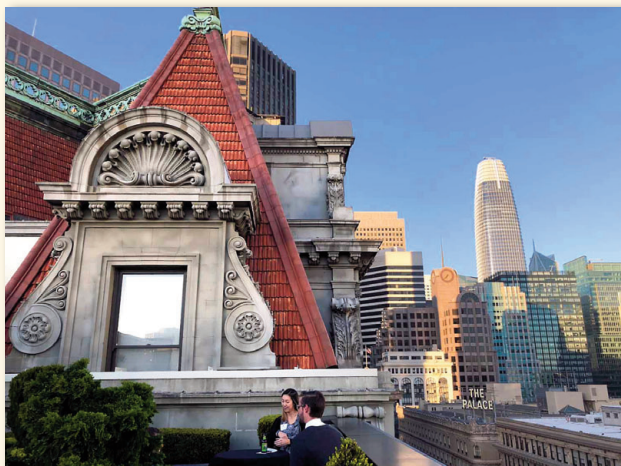
That need is especially true nationally, says John Duda of the Democracy Collaborative.

"Robust publicly funded programs at the local, state, and federal level, with a clear orientation towards equity and inclusion, are a key part of making sure that every community — not just those with a munificent tech giant in their backyard — gets the resources they need to tackle challenges around housing," Duda says. "Philanthropic investment in affordable housing can be important, but community control of land and housing needs to be the end result of those investments."

This article was originally published in Next City January 18, 2019, <http://bit.ly/2U5hRG1>. Republished with permission.



Gregory Scruggs is an award-winning journalist writing about cities and culture. He has reported on urban, land, and cultural issues from five continents. He holds an M.A. in regional studies – Latin America and the Caribbean from Columbia University and a B.A. in literature from Harvard University. ■



"This POPOS (Privately Owned Public Open Space) in the sky is the photogenic setting for conversation and connection. But access issues make us wonder who can enjoy this urban amenity. Not many people know it's up there, and the presence of a security guard in the building lobby scares away visitors. Cities, designers, and developers need to keep the public foremost in mind when creating public space." —Fay Darmawi comments on her photo of the San Francisco financial district snapped from a POPOS on a roof at 25 Grant Street.

Bay Area housing shortage intense, so news chain supersedes housing beat

Poynter.org, January 23, 2019

Kristen Hare, <http://bit.ly/2UdNuxd> • “The Bay Area’s housing crisis hits poor and low-income people the hardest. But it’s something that everyone’s talking about, said Rebecca Salner, assistant managing editor for metro and business at the Bay Area News Group.

“‘Housing has really become the animating conversation of the region,’ she said.

“So in November 2017, two of the Bay Area News Group’s daily newsrooms created a team to cover housing. The *Mercury News* and the *East Bay Times* are part of Digital First Media and went through a round of buyouts and layoffs a few months after the team formed. The newsrooms did not hire any new journalists for those roles, but instead made choices about

what they’d stop doing, including covering green energy and startups.

“The housing team, once just one person, now has Marisa Kendall, Louis Hansen, state government reporter Katy Murphy, George Avalos, transportation reporter Erin Baldassari, photojournalist Dai Sugano, and editor Karen Casto. They have a closed Facebook group with more than 1,300 members (“Full House: Inside the Bay Area housing shortage”). They cover the impact of the housing crisis, policy, news, and features that intersect with nearly every other beat.

“The team [has] a theme that sums up life in the Bay Area: ‘It’s a hard place to live, but we love it.’”

ABAG executive board endorses ambitious CASA housing plan

Many local governments don’t like it

The California Report, KQED, January 18, 2019

Guy Marzorati, <http://bit.ly/2DsBirN> • “After nearly three hours of heated public comment, the Association of Bay Area Governments executive board voted 21–9 in favor of the Committee to House the Bay Area Compact (CASA, <http://bit.ly/2Uatpbb>). The plan, which took upward of 18 months to draft, recommends a broad mix of strategies to address the region’s affordability crisis, including creating a regional housing entity with the authority to levy taxes and issue bonds to fund the construction of new affordable housing units and administer the financial aid outlined in the compact.

“The vote was nonbinding: Most of the ideas need approval from the state Legislature before any actual changes take place. Some [proposals] have already been introduced as bills in Sacramento.

“But the vote to direct ABAG president David Rabbitt to sign the compact was controversial. Dozens of elected officials and members of the public packed into the meeting to criticize it as government overreach.

“The divide foreshadows the balancing act state lawmakers now have to perform, as they consider turning these proposals into enforceable policies.

“Metropolitan Transportation Commission director Steve Heminger, who also signed the compact after his board overwhelmingly approved it in December, said he hoped the new agency would be created in time to place a revenue-generating measure on the 2020 ballot. He argued that grouping the individual proposals together gives them a better chance of becoming law.”

San Jose, Stockton mayors boost SB 50

Curbed San Francisco, January 18, 2019

Adam Brinklow, <http://bit.ly/2UczJyZ> • “San Jose Mayor Sam Liccardo endorsed SB 50 (<http://bit.ly/2UeaLiQ>), the proposed new law that aims to create more dense housing near major transit lines in California, as did the mayor of Stockton, Michael Tubbs.

“The proposed law specifies that it applies to ‘sites within one-half mile of fixed rail and one-quarter mile of high-frequency bus stops and in job-rich areas.’

“Liccardo praised the proposal as a potential antidote to long commutes. ‘Too many children go to bed at night without seeing parents who are stuck in crippling commutes,’ Liccardo said in an emailed statement.

“The mayor predicts that ‘SB 50 will spur more affordable housing near transit and job centers so that people can live close to where they work.’

“Stockton Mayor Michael Tubbs endorsed the measure too, promoting it as a way to encourage more housing and keep prices down.

“‘As we force individuals to pay more for their rent, we also push them into poverty,’ said Tubbs. ‘This is a policy failure that we must address.’

“Though seemingly less divisive than his former effort, Wiener’s new bill has attracted some of the same criticisms, including Marin Independent columnist Dick Spotswood’s declaration (<https://bayareane.ws/2U9gkyU>) that the bill is ‘designed to end local control of planning,’ comparing it to ‘war on suburbia.’”

(The news roundup continues on next page)

Microsoft's leap into housing illuminates government's retreat

The pledge of \$500 million to help build affordable housing in Seattle reflects a nationwide void in addressing the problem

The New York Times, January 18, 2019

Emily Badger, <https://nyti.ms/2U0Q6hV> • “Microsoft is trying to help fix a market failure — a job government typically does.

“‘It really represents something almost unprecedented,’ said Matthew Gordon Lasner, an associate professor of urban studies and planning at Hunter College. ‘What we’re seeing Microsoft do is in effect privately assume the role that historically the federal government and the states have played.’

“Microsoft’s announcement is welcome news in the Seattle region. But the fact that a tech company has to step in to help ensure the development of affordable housing points to a long-building reality nationwide: The federal government has largely retreated from this role.

“The government spent about three times as much on housing programs in the 1970s as it does today, according to

the National Low Income Housing Coalition (<http://bit.ly/2U1TR6J>).

“And now most new below-market-rate housing is built not by public agencies, but by nonprofit developers leveraging tax credits [which have] declined recently.

“Diane Yentel, president of the Coalition, said she would welcome a trend in which more major tech companies put up money to address housing. But ‘Today’s modern phenomenon of homelessness didn’t exist in the late 1970s because our country housed almost everyone, including the lowest-income and most vulnerable,’ she said in an email. ‘The key difference between then and now is declining federal subsidies.’”

Microsoft will lend \$475 million for affordable housing in Seattle area

The New York Times, January 16, 2019

Karen Weise, <https://nyti.ms/2Dc8f6Q> • “Microsoft, arguing that [tech] has an interest and responsibility to help people left behind in communities transformed by the boom, is putting up \$500 million to help address the inequality that has spread in areas where the industry is concentrated. It will fund construction for homes affordable not only to the company’s non-tech workers, but also for teachers, firefighters, and other middle- and low-income residents.

“Microsoft executives hope the housing efforts will spur others to follow its lead.

“Other tech businesses have tried to address the homeless crisis. Amazon’s Jeff Bezos supported homeless service providers through his personal foundation, and Salesforce’s Marc Benioff helped fund Proposition C in San Francisco to tax businesses to pay for homeless services.

“Microsoft plans to lend \$225 million at subsidized rates to preserve and build middle-income housing in six cities

near its Redmond headquarters. It will put \$250 million into low-income housing across the region [via market-rate loans]. As the loans are repaid, Microsoft plans to lend the money out again to support additional projects.

“The remaining \$25 million will be grants to local organizations that work with the homeless, including legal aid for people fighting eviction.

“The Seattle Times reported Jan. 16 that Microsoft will most likely put smaller amounts in many projects to help build ‘tens of thousands of units.’

“‘This is where Microsoft is going to be, and the region needs to work,’ said Claudia Balducci, a member of the King County Council who helps lead the Regional Affordable Housing Task Force. ‘I don’t think this is wholly altruism.’”

(The news roundup continues on next page)

Tech helps cut commute times for Bay Area's workers

San Francisco Business Times, January 17, 2019

Hannah Norman, <http://bit.ly/2DhGsSC> • “The average Bay Area commute hovers at 32 minutes (<http://bit.ly/2DgQZO1>), and one study found that one in three San Francisco workers have quit a job due to a grueling drive to work (<http://bit.ly/2DgW9JJ>).

“Fear not, transportation innovators are on it.

“Waze Carpool, a separate app, allows drivers to offer rides to those traveling on similar routes. The program launched nationwide in October. Pricing is never more than 54 cents per mile, with the money going directly to covering the driver's gas and expenses. A ride from San Francisco to Mountain View, for example, is \$9 to \$10.

“Waze has teamed up with cities and companies to give riders discounts. Major Bay Area employers include UCSF, Kaiser Permanente, Walmart.com, Amazon's distribution center in Brisbane, Google, and Intuit. The city of Palo Alto subsidizes Waze Carpool at a \$2 per ride rate.

“Lyft, beyond a 2020 goal of making half of its rides shared, is rolling out new wheeled options, including bikes and scooters. Lyft also has ‘partnered with public transit’ with a ‘transit nearby’ feature, which provides real time transportation information for users.

“Efficiently finding parking can also assist in clearing up traffic. SpotHero uses technology to connect its users to fragmented and old school parking. It works directly with companies to let its thousands of corporate customers — such as IBM, Siemens, and Apple — reserve and pay for parking at scale.”

Disability rights group sues San Diego and scooter companies over ‘onslaught’

NBC San Diego, January 17, 2019

Christina Bravo and **Steven Luke**, <http://bit.ly/2TSZN1N>

• “A class-action lawsuit filed in the U.S. District Court, Southern District of California, claims the city of San Diego and three companies have failed to keep city sidewalks clear from an ‘onslaught of unregulated dockless scooters.’

“Bird, Lime, Razor and the city are named in the lawsuit as violating the Americans with Disabilities Act by neglecting to keep the city's sidewalks clear of dockless scooters for people who are visually impaired and who use wheelchairs and walkers.”

Among the factual allegations in the lawsuit, <http://bit.ly/2TLVgye>, are these.

“23. The City of San Diego has failed to adequately maintain the system of sidewalks, crosswalks, curb ramps, transit stops, pedestrian crossings and other walkways, by allowing dockless scooters ... to proliferate unchecked throughout San Diego and to block safe and equal access for people with disabilities... Defendant City of San Diego has thereby denied Plaintiffs the benefits of the City's services, programs, and activities...

“24. The Scooter Defendants have used and appropriated varying portions of the City's public sidewalks, crosswalks, transit stops, curb ramps, pedestrian crossings and walkways with impunity for their own private profit ... in abject disregard for the safety and access rights of San Diego's residents or visitors with disabilities.”

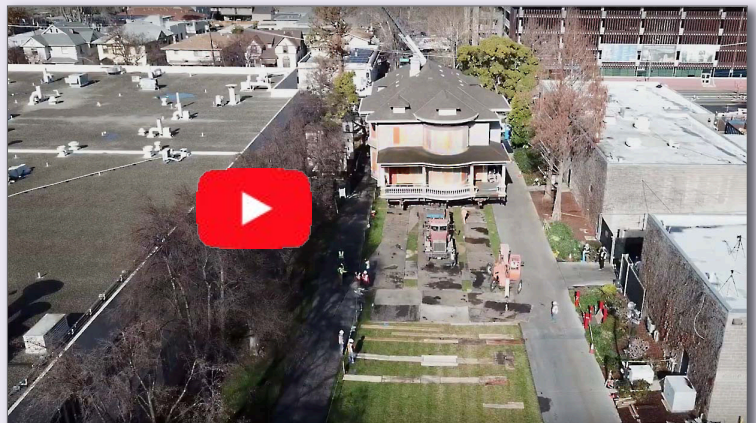
“The plaintiffs are asking for statutory damages, for the scooter companies to return ‘monies wrongfully obtained as a result of...wrongful and illegal conduct,’ and for scooters to stop operating on the sidewalks.” (Rachel Kaufman, <http://bit.ly/2TRnSGA>) ■

Historic 200-ton house moves across San Jose

State campus to new home. “To make room for a new \$181 million Interdisciplinary Science Building, the university decided that the Associated Students House, previously known as the Scheller House, would be moved to a new location near the intersection of E. San Antonio and S. 10th Street.”

—Melanie Hogue and Isabella Jibilian, *Peninsula Press*, <http://bit.ly/2DuMY8N>

You'll want to watch this short (3:30) and excellent video.



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