

DOCUMENTS IN THIS PACKET INCLUDE:

LETTERS FROM CITIZENS TO THE
MAYOR OR CITY COUNCIL

RESPONSES FROM STAFF TO LETTERS FROM CITIZENS

ITEMS FROM MAYOR AND COUNCIL MEMBERS

ITEMS FROM OTHER COMMITTEES AND AGENCIES

ITEMS FROM CITY, COUNTY, STATE, AND REGIONAL AGENCIES



Prepared for: 8/6/2018

Document dates: 7/18/2018 – 7/25/2018

Set 1

Note: Documents for every category may not have been received for packet reproduction in a given week.

Carnahan, David

From: League of Women Voters of Palo Alto
<voter=lwvpaloalto.org@mail94.atl161.mcsv.net> on behalf of League of Women
Voters of Palo Alto <voter@lwvpaloalto.org>
Sent: Tuesday, July 24, 2018 5:31 PM
To: Council, City
Subject: August 2018 Palo Alto VOTER

[View this email in your browser](#)



LEAGUE OF WOMEN VOTERS®
OF PALO ALTO



August 2018 Issue of The VOTER

Your digital copy of the League of Women Voters of Palo Alto's *VOTER* is here.
Just click below to [view in PDF](#) format. You can also save it to your desktop
and read at your leisure!

Thank you,

Sue Hermsen,
VOTER Editor
League of Women Voters of Palo Alto

[Click here to Open VOTER](#)

**Inside this issue you will find
upcoming events, reflections
from LWVUS National
Convention 2018, and more:**

- President's Letter
- Board Meeting Highlights
- Advocacy Report
- New Voices for Youth
- Convention Report
- Voter Registration
- Announcements
- Calendar

LWVPA
Vol. XXXIV No. 1
August, 2018

The Palo Alto VOTER
The League of Women Voters of Palo Alto
www.lwpalalto.org

Save the Date for the LWVPA Fall Kick-Off
**Moving the Needle on Voter Engagement and
Turnout in our State and Local
Communities**

Thursday, September 20, 7:00-9:00 pm
with special guest
Helen Hutchinson,
President of League of Women Voters of
California
Location TBD
Prepare to be engaged!



**TWO Events To Help YOU
GET INVOLVED
WITH THE LEAGUE!**

Activate Your Membership!
A workshop for new and seasoned members to learn about the League's work and how to become active League members.
Saturday, August 11, 9:00 - 11:00 am

High School Voter Registration Volunteer Kickoff
On the heels of our successful 2017-18 pilot program in the schools (nearly 1000 voters registered), this workshop will prepare both new and experienced volunteers for the coming year of high school voter registration.
Saturday, August 25, 9:00 - 11:00 am

Register to attend either or both events [HERE](#)
Locations of both events **TBD**
Questions? Please contact Jean [Lybeck](#) or Kathy Miller

In this issue:
President's Letter pp. 2-3
Upcoming Voter Registration p. 3
Board Meeting Highlights p. 4
New Voices for Youth p. 4
Advocacy Report p. 5
Convention Report pp. 5-6
Voter Registration at Elmwood Community Facility p. 6
Announcements p. 7
Calendar p. 8

The League is a broadly based organization that encourages informed and involved participation in government through voter service and influences public policy through education and advocacy.
The League does not support or oppose political candidates or parties.



[Facebook](#) [Twitter](#) [Website](#)



Copyright © 2018 League of Women Voters Palo Alto, All rights reserved.
From Voter Recipient List

Our mailing address is:
League of Women Voters Palo Alto

3921 E Bayshore Rd Ste 209
Palo Alto, CA 94303-4303

[Add us to your address book](#)

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

MailChimp



Carnahan, David

From: Roberta Ahlquist <roberta.ahlquist@sjsu.edu>
Sent: Friday, July 20, 2018 4:48 PM
To: Joe Simitian; planning.commission@pln.sccgov.org; Council, City; Palo Altans for
Sensible Zoning
Subject: Build Low-income Hosing FIRST

Dear Supervisors and Council People:

WILPF Low-income housing committee members urge EPA Council to **not let Stanford be permitted to expand the labs/ industrial park or an other office development UNTIL** they provide **10,000 units** (not beds) of LOW INCOME HOUSING for its service sector workers, an then students. Increase the \$per sq ft to \$250,. Stanford and Palo Alto have gotten away with de-facto segregation, not hardly building any LOW income housing for its service sector and other workers, and they have not conributed \$\$ for the Palo Alto School District. It's time for Stanford to provide its FAIR SHARE of low-income housing so that workers need not travel long distances, creating more eco-devastation, more time lost from familites. Housing for our low-paid workers FIRST.

Roberta Ahlquist representing Women's International League for Peace & Freedom. 7/17/18 Low-income housing sub-committee Peninsula Branch

Carnahan, David

From: PNQL-Now <info@pnqlnow.org>
Sent: Tuesday, July 24, 2018 10:30 AM
To: PA Neighbor Network
Subject: Castilleja Expansion: Still No Plans; Why So Many Variances?; Draft EIR



JULY 2018

Castilleja Expansion: Still No Floor Plans; Variances Galore; DEIR

It's been two years, where are the plans? For starters, Castilleja is asking for a myriad of variances and special exemptions, because they are not submitting a compliant project. To name a few:

- Castilleja is asking for an above-grade floor area ratio (FAR) that is **38% above code** (code = 87,000, asking for 120,000).
[See PA Weekly »](#)
- Castilleja is trying to convince PA Utilities to shift or reduce the size of a utility easement by 5 feet. The utility easement cuts across the campus where Melville Avenue used to dead-end, and carries all water, sewage, etc. for the neighborhood.
- They seek to reduce setbacks along Embarcadero Road to virtually zero, to make room for a planned underground garage.
- Castilleja wants to remove protected mature oaks and redwoods.
- Castilleja claims they are exempt from residential code, even though they operate in an R1 zone. Thus they think an underground garage in an R1 neighborhood should not count as floor space.

PNQL is actively engaged with city staff to monitor activities and requests, and to offer our input.

Draft Environmental Report (DEIR)

City planning staff expects to see the DEIR this year. The public will have 45 days to comment. It's hard to believe that a DEIR would not red flag the planned underground garage. The entrance is on the Bryant Bike Boulevard, and it empties into the neighborhood at Melville and Emerson.

[LEARN MORE »](#)



Has Your Lawn Sign Gone Missing?

We will gladly drop off a new one or two. Just reply to this email.

Muni Code 18.12.60(e) When is a Garage Not a Garage?

An underground garage in an R1 neighborhood requires a variance per Muni Code 18.12.60(e), in which case it is added to the floor area ratio of the property. Castilleja is proposing an underground garage not attached to any above-grade structure. City planning staff says it's not a residence so it does not count toward FAR. So, why do we have a muni code???

Castilleja Continues to Make a Mockery of Neighborhood Meetings

Castilleja meetings with neighbors are required biannually, to discuss neighbors' concerns. The last 3 meetings have been PR events for the school, and they refuse to answer any detailed questions or have subject matter experts in attendance. We get the same dog-and-pony show about the proposed plans and total disregard for our concerns.

The Playing Field is Not Level

The PR firm hired by the new owners of the President Hotel has 2 former city planners on staff. Among their other clients are Castilleja, Google, and Facebook. We're up against a well-financed and well-connected opponent determined to change the face of our neighborhood on behalf of a non-profit corporation whose customers (students) are 75% from outside of Palo Alto.

Castilleja doesn't pay property taxes or income taxes, and puts a lot of wear and tear on the infrastructure, so we as neighbors subsidize the school.

[VISIT PNQLNOW.org →](http://PNQLNOW.org)

PNQLNOW.org | Email: info@pnqlnow.org

Carnahan, David

From: Neeraj Pendse <pendse.neeraj@gmail.com>
Sent: Monday, July 23, 2018 3:05 PM
To: Council, City; Planning Commission
Subject: Changes to the Downtown Office Cap

Dear City Council and Planning Commissioners

I am a resident of Downtown North, and have been involved in several local activities related to traffic, safety and neighborhood quality of life. I urge you to:

1. Take no action on downtown office cap until all residents in the Downtown RPP are fully notified and informed about parking impact including the unkown funding of the programs to manage the RPP. Staffing and budgets to manage permit parking are on the shakiest grounds in the past two years.
2. Take no action until neighborhood traffic solutions are fully discussed with neighbors currently challenging safety and traffic issues on Middlefield, Hamilton, Lincoln and Addison.

Thank you,

Neeraj Pendse
(Downtown North resident for 11 years)

Carnahan, David

From: Palo Alto Free Press <paloaltofreepress@gmail.com>
Sent: Saturday, July 21, 2018 7:30 AM
To: James Aram; Jonsen, Robert; Council, City
Subject: Community Advisory?

<https://www.cityofpaloalto.org/civica/press/display.asp?layout=1&Entry=1628>

<https://www.facebook.com/1452077141/posts/10215829392275042/>

Hand picked once again. This time more stringent... What's missing? Polygraph testing... Subtle but factual display of inherent bias...

Mark

Sent from my iPhone

Carnahan, David

From: Gregory Zicarelli <gregory.zicarelli@gmail.com>
Sent: Tuesday, July 24, 2018 11:20 AM
To: Council, City
Subject: Dewatering Regulations and Enforcement

Palo Alto City Council,

My home has been impacted by the dewatering project at [3428 Cowper Ct](#) and I'm disappointed with your enforcement of the regulations for that activity. Building Permit 16000-03007 was issued on July 6, 2017 and the City's May 4, 2017 dewatering rules should have applied.

On this project, not even the 2016 version of the rules were applied. According to written communication from the City's Chief Engineer the project did not expect groundwater and significant pumping was not expected and thus the rules need not apply.

Many neighbors know the groundwater is high and water must be pumped when basements are built. It happened right next door in 2012. The City has a map with groundwater levels so the City and the builder cannot plead ignorance. When groundwater is encountered, digging is supposed to stop and a written dewatering plan must be developed and then followed. Exceptions should not be made for poor planning.

When they dug the wells and turned on the pumps, the water came gushing and did not stop. The following elements from their 2016 dewatering worksheet you have on file have not been followed, despite the fact that the City has assured us on multiple occasions that they are.

- Plans called for 6-8 wells operating at 25-35 gpm each. They operated 4 wells for 3 weeks and 2 wells since June 25. I routinely see pump rates of 40 to 50 gpm from a single well. Less wells do not mean less impact, one of the two wells that continues to operate is about 125ft from my property, that well operating at that rate was not in the engineer's specifications.
- No radius of influence, or calculated cone of depression was available for me to review of the site. My house is within the zone, and has clearly been impacted. I am not reassured by an engineer from the same town as the contractor checks a box saying he does not anticipate any impacts.
- Construction plans called for the discharge hose to be buried under the street to lessen the impact to neighbors. It has been snaking along more than a quarter mile of the street, impacting several highly used parking areas for more than 2 months.
- A couple of large trees less than 20 ft from the excavated zone are clearly sick. No arborist has intervened and zero water has been diverted to save them.
- A fill station was not built, no use plan for the water was submitted, and 100% of the water from this project went down the drain. At this point approximately 10 million gallons of water have been pumped down the local storm drain.

That water is coming from under my house and I've filled more cracks than ever this year in every room of my house. The crack in my living room floor has doubled in size to ¼ inch and is becoming a trip hazard for the disabled resident in the house. An engineer I hired has assured us the house is safe, an expense I took on to ease my family's nerves about the noises coming from all corners of the house. Concrete walkways around my house are less even and more cracked than ever.

In the three weeks since I became alarmed with the damage to my house, I've collected five reports of damage people have suffered from nearby dewatering, hosted twelve people in my home for 2 hours to discuss the topic, and visited City Hall for the first time in my life. I'd appreciate something other than another false

reassurance that everything is OK because it clearly is not. Maybe a written apology for your handling of this situation, some stricter rules put in place and actually enforced next time around?

The City absolutely must adopt regulations which limit the total pumping rate to a value that will not impact nearby properties. It is simply neither fair nor practical for those impacted by dewatering to be forced to mitigate the impacts. The city should limit the pumping rate to 30 gallons per minute without exception. This would be easy to enforce, reduce the impact, and is realistic to achieve with current technology. Such a limitation does not prevent property owners from building basements – it simply forces them to consider and partially mitigate the negative impacts of their construction.

Many of the new homes that have been built recently were constructed purely for profit. The FOR SALE signs were up while the construction trucks were still in the driveway. I don't know if that will be the case for this home, but the waivers granted to [3428 Cowper Court](#) decreased the project costs to the developer/owner considerably by avoiding the need to truck water. These benefits flow directly to the contractor and owner, while significant costs are incurred by nearby property owners. This does generate permit fees and increases tax revenue for the City of Palo Alto, but it hurts the actual residents of Palo Alto.

Gregory Zicarelli PhD

Carnahan, David

From: Ellen Smith <ef44smith@gmail.com>
Sent: Wednesday, July 25, 2018 6:49 AM
To: Council, City
Subject: Downtown Commercial Cap

I urge you not to remove the 350,000 sq foot commercial cap. At a time when housing, traffic, and parking are in perennial crisis, it seems politically foolish to remove a provision that, even if not currently invoked, can provide some limitation on the forces that would create ever more jobs in Palo Alto. What exactly are we afraid of if we seek to manage employment levels? We need a coordinated policy, with specifics - which I do not think the General Plan actually provides - to balance housing and jobs. As has been said, "If we want things to stay as they are, things will have to change."

Ellen Smith
1469 Dana Ave.

Carnahan, David

From: Rita Lancefield <ritalance@comcast.net>
Sent: Monday, July 23, 2018 8:38 PM
To: Council, City
Subject: downtown office cap

Please do NOT raise the office cap until:

- a.) the citizens have a chance to weigh in on the upcoming ballot measure and
- b.) we have completed tangible steps toward solving the jobs/housing imbalance.

Thank you.

Rita (Mary G) Lancefield
189 Walter Hays Dr

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Monday, July 23, 2018 11:25 PM
To: Jonsen, Robert; Kniss, Liz (internal); Council, City; paloaltofreepress@gmail.com; wilpf.peninsula.paloalto@gmail.com; citycouncil@menlopark.org; Keene, James; stevendlee@alumni.duke.edu; HRC; gkirby@redwoodcity.org; dcbertini@menlopark.org; council@redwoodcity.org; mdiaz@redwoodcity.org; myraw@smcba.org
Subject: From the archives ...2013

<https://www.mercurynews.com/2013/08/02/aram-james-car-dwelling-ban-would-demonize-the-homeless/amp/>

Sent from my iPhone

Carnahan, David

From: Keene, James
Sent: Wednesday, July 25, 2018 7:08 AM
To: Council, City
Cc: Nose, Kiely; Shikada, Ed; Flaherty, Michelle; De Geus, Robert; Keith, Claudia; Stump, Molly
Subject: Fwd: City Fiscal Conditions report from NLC
Attachments: City Fiscal Conditions 2016_1.pdf

In case you did not receive this. The national conditions report from NLC.

Jim

James Keene
City Manager
Palo Alto, California

From: Yuri Nisenzon <ynisenzon@lewisellis.com>
Sent: Tuesday, July 24, 2018 5:32 PM
Subject: City Fiscal Conditions report from NLC

Attached is the most recent “City Fiscal Conditions” report by the National League of Cities (NLC). Generally, it shows that public sector employers are struggling with the pension and retiree health plans related problems across the Country. The cost of pensions increased in more than 70% of cities, and one in three cities identified these expenses as the largest expense affecting their budget.

The survey supporting data show that between 2009 and 2016, 33% of public sector employers increased employee contribution rates; 22% changed plan design; 17% reduced benefits; 12% reduced the cost of living adjustment; 8% increased eligibility requirements and 7% increased the vesting period. Hybrid plans – a combination of a defined benefit and defined contribution plan – gained additional popularity, as well as anti-spiking provisions designed to increase the number of years used in the plan’s calculation to figure out an employee’s final compensation, lessening the impact of a single year’s substantial pay raise. A number of the cities used Section 115 Retirement Trust as a way to put money aside right now to help offset additional costs in the future. The survey also found that the cost of employee/retiree pensions is the third largest cost for most cities following infrastructure and public safety needs and 81% of those surveyed said that pension costs increased in the last year.

Hope you find the information helpful. Please don’t hesitate to contact me if you have any questions.

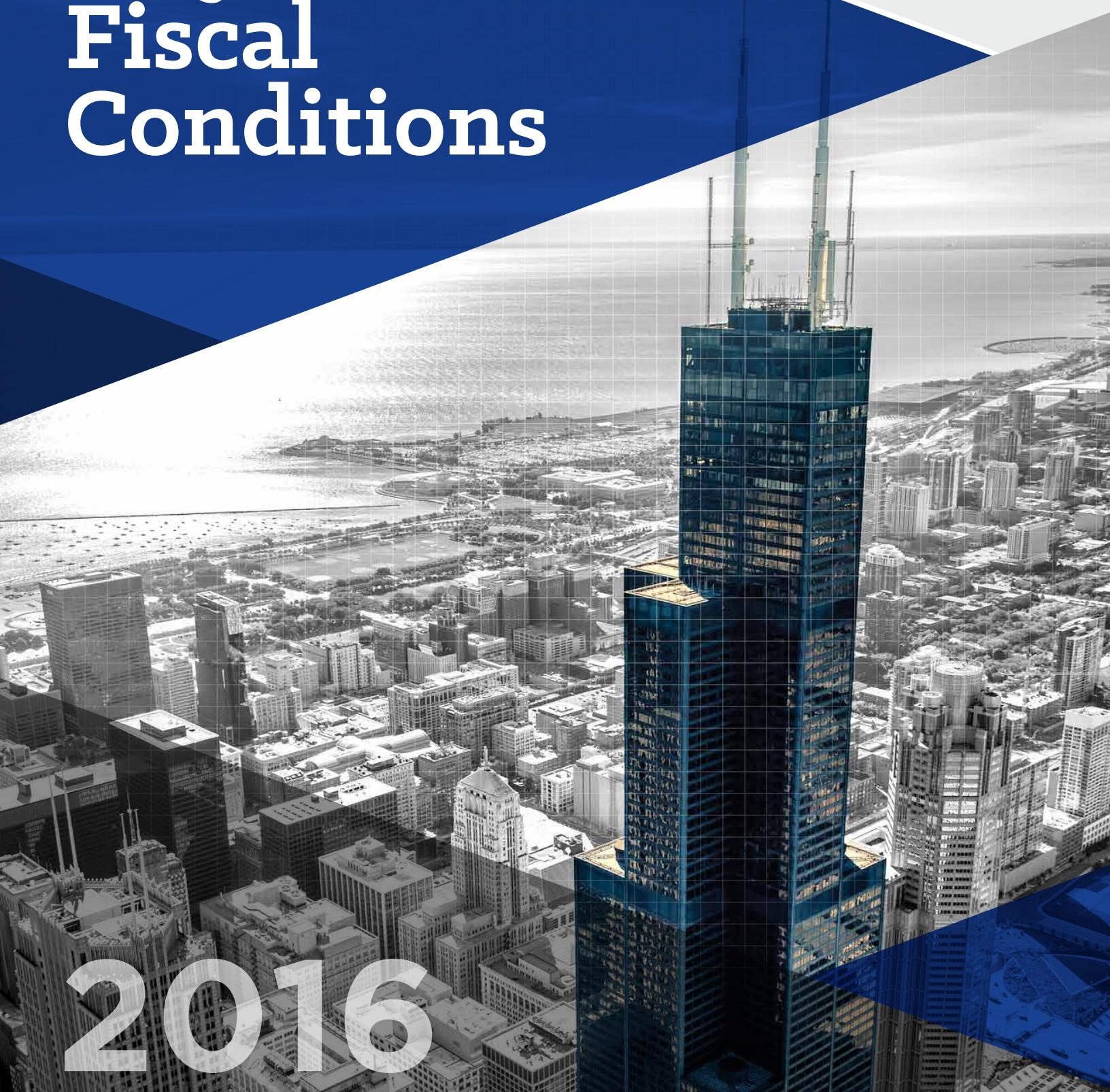
Yuri Nisenzon, ASA, EA, MAAA, FCA
Assistant Vice President and Actuary
Lewis & Ellis, Inc, Actuaries and Consultants
ynisenzon@lewisellis.com
718-926-1092



CENTER FOR CITY SOLUTIONS
AND APPLIED RESEARCH

City Fiscal Conditions

2016





CENTER FOR CITY SOLUTIONS
AND APPLIED RESEARCH

About the National League of Cities

The National League of Cities (NLC) is the nation's leading advocacy organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. Through its membership and partnerships with state municipal leagues, NLC serves as a resource and advocate for more than 19,000 cities and towns and more than 218 million Americans. NLC's Center for City Solutions and Applied Research provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues, and opportunities for city leaders to connect with peers, share experiences, and learn about innovative approaches in cities.

About the Authors

Christiana McFarland is Research Director at NLC's Center for City Solutions & Applied Research.

Michael A. Pagano is Dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago (UIC).

Acknowledgements

The authors would like to acknowledge the respondents to this year's fiscal survey. The commitment of these finance officers to the project is greatly appreciated. The authors are also grateful to Farhad Kaab Omeyr, a doctoral student in the Department of Public Administration at UIC, for his assistance in collecting General Fund data on the nation's largest 100 cities, and Trevor Langan and Josh Hart in NLC's Center for City Solutions & Applied Research for survey and research support.

Photo credits: All photo images credited to Getty Images, 2016.



City Fiscal Conditions 2016

Table of Contents

- 1** Executive Summary
- 2** Meeting Fiscal Needs
- 6** Revenue and Spending Trends
- 10** Tax Revenues
- 15** Fiscal Policy Actions
- 16** Ending Balances and Fiscal Planning
- 19** Beyond 2016

In the wake of a slow recovery, the fiscal condition of U.S. cities is strengthening. The nation's city finance officers widely report improved fiscal health, driven by better-than-anticipated General Fund revenue growth and solid performance of ending balances.

Each year, the National League of Cities surveys city finance officers about actual and budgeted revenues and expenditures as well as policy actions and priorities. Taken together, their responses provide a snapshot of the "average city" within the municipal sector.



Executive Summary

This year's City Fiscal Conditions survey finds that:

- **General Fund revenues** grew 3.73% in 2015, and are expected to grow 0.54% as cities close the books on 2016. **Expenditures** grew 3.57% in 2015 and are budgeted to increase 3.71% in 2016.
- **Property tax revenue** growth is returning to pre-recession levels, with a sizable increase of 3.77% in 2015 and anticipated growth of 2.60% in 2016.
- **Sales tax revenues** are continuing to post strong growth, with 5.49% in 2015 and 1.99% expected in 2016.
- Despite post-recession volatility, **income tax revenues** grew 5.82% in 2015 and are expected to grow 3.47% in 2016.
- **Ending balances** are returning to historic highs, standing at 24.48% of General Fund expenditures in 2015 and budgeted for 21.67% of expenditures in 2016.

Despite improved fiscal stability for day-to-day operations, local budgets continue to confront mounting challenges.

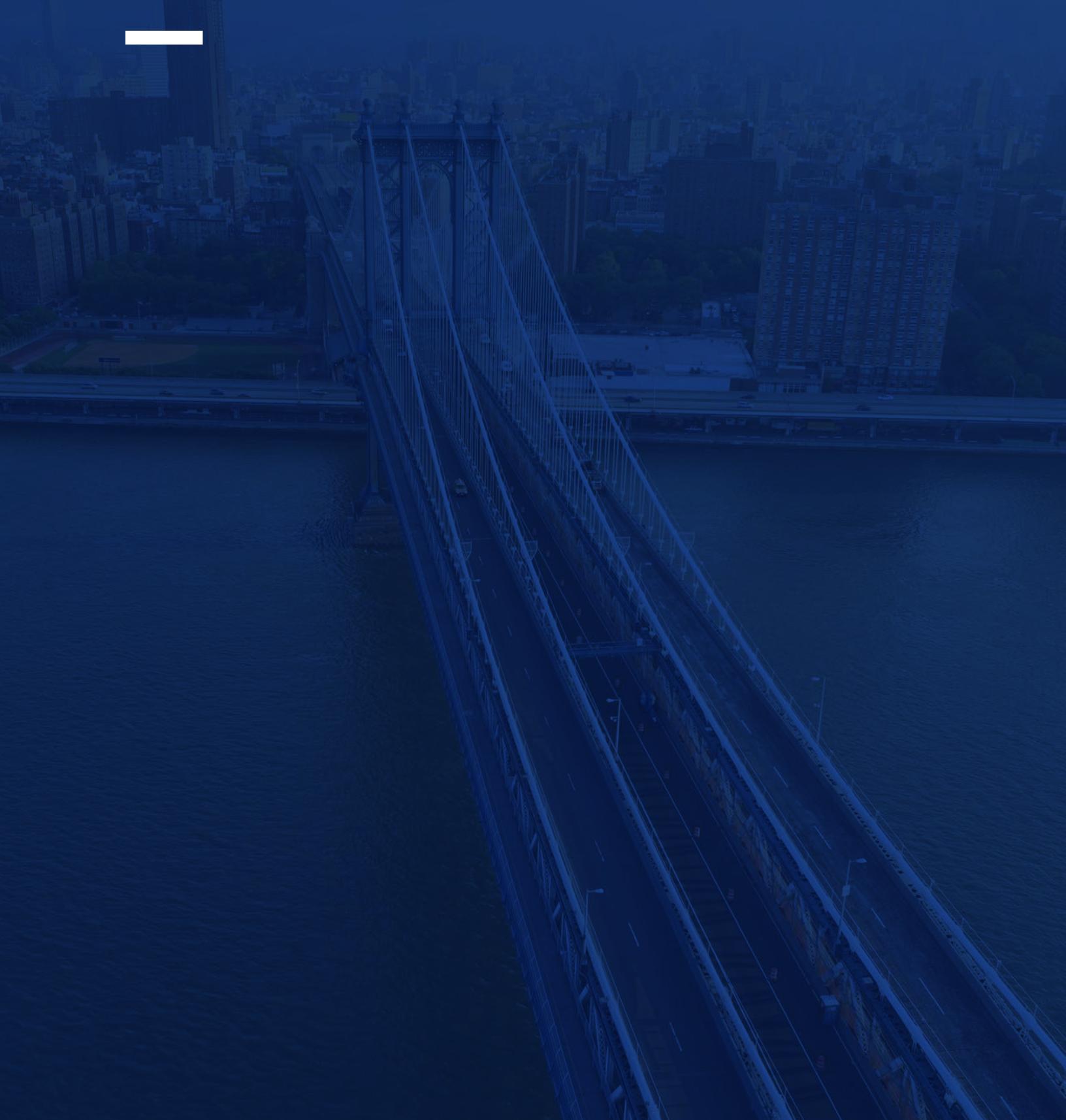
Infrastructure and employee- and retiree-related costs, matched with inequitable recovery in some local housing and labor markets, threaten longer-term fiscal sustainability. These concerns are foremost on the minds of city leaders, some of whom are implementing pension reforms and leveraging fiscal planning tools.

These strategies are particularly important given that city revenues have not fully recovered from the Great Recession. As a result, many may be operating with suppressed revenues when and if another recession emerges in the coming years. For now, though, city fiscal conditions are showing signs of vitality, with local governments reinvesting in areas critical to growth and community quality of life including infrastructure and public safety.

What is the City Fiscal Conditions Survey?

The City Fiscal Conditions Survey is a national survey of finance officers in U.S. cities conducted in the spring-summer of each year. This is the 31st annual edition of the NLC survey, which began in 1986.

Meeting Fiscal Needs



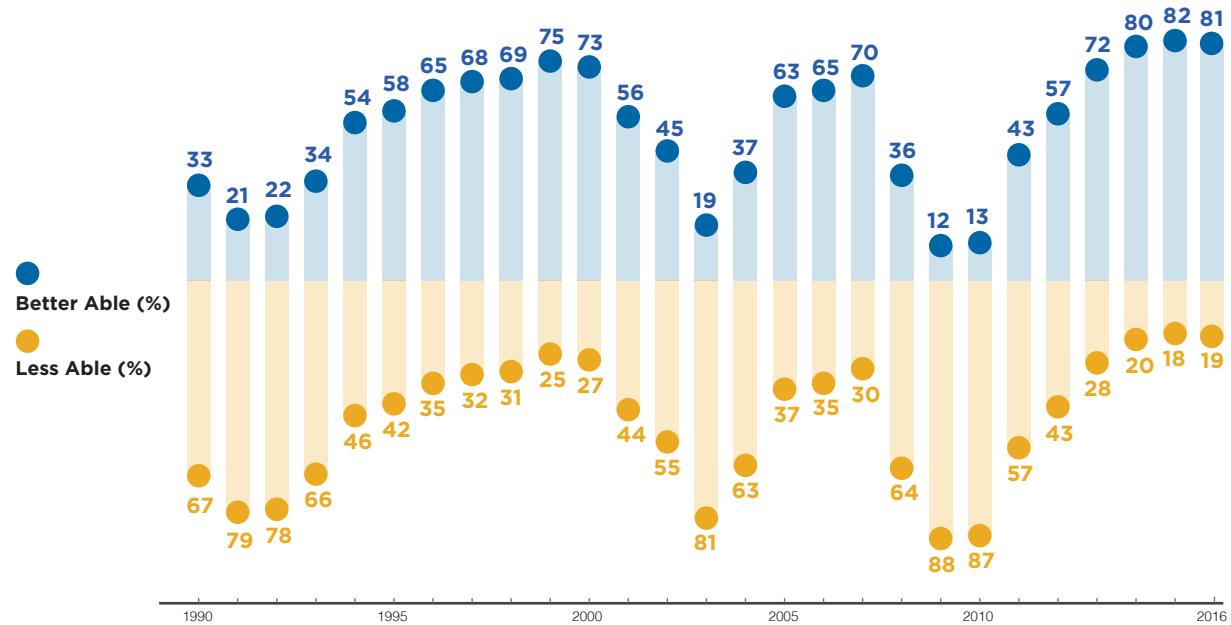
City finance officers are confident that cities are in a better fiscal position this year than last. Eighty-one percent of city finance officers report that their cities are better able to meet the financial needs of their communities in 2016 than in 2015 (see Figure 1).¹ This level of optimism among finance officers is similar to last year, indicative of continuing fiscal recovery in cities.

A number of factors combine to impact the ability of cities to meet their fiscal needs. Each year, the survey presents city finance directors with a list of factors that determine revenue performance, spending levels, and the overall fiscal

A number of factors combine to impact the ability of cities to meet their fiscal needs.

condition of cities.² Respondents are asked whether each of these factors increased or decreased from the previous year, and which three factors had the most positive and negative influence on the city's overall fiscal picture.

Figure 1 Percent of Cities “Better Able/Less Able” to Meet Financial Needs



Trending with last year, the factors most widely reported to have decreased are gas and oil prices (63%), state aid (27%), and federal aid (26%) (**see Figure 2**).

The factors most often cited as having increased during the past year are employee wages and salaries (94%), infrastructure needs (88%), and prices, inflation, or costs of services (86%).

When asked about the most impactful factors on their budgets, the value of the local tax base (60%), health of the local economy (52%), and gas and oil prices (30%) have the greatest positive influences. Infrastructure needs (42%), retiree health benefit costs (36%), and employee and employee wages and salary (32%) weigh most negatively on city budgets (**see Figure 3**). Public safety (31%) and pension (30%) expenditures are also significant negative factors.

These issues are not new to cities, but the confluence of a slow recovery and growing need are exacerbating the impact of these challenges on local budgets. In the area of infrastructure, underfunding maintenance has reached critical proportions. The need for new and expanded infrastructure is also growing as residents and businesses move back to cities.

Although borrowing costs are quite low for most municipalities, the repayment schedule often means that debt repayment competes with basic operating needs of a city.³ The long-term economic and community growth potentials of cities could be compromised should cities and other partners not address the infrastructure crisis soon.

During the recession, spending on employee wages – both wage levels and total municipal employment – declined sharply. Local job losses were felt most heavily in public safety, public works, public health, social services and parks and recreation.⁴ As noted by finance officers, cities are increasing expenditures on employee wages and salary, most notably in the area of public safety. Cities have led public sector job recovery – but, despite gains, municipal employment remains more than 88,500 jobs below its post-recession peak (December 2008) of 6.5 million jobs, according to the Bureau of Labor Statistics.

In addition to expenditures related to current employees, retiree health benefits and pensions rank among top budgetary stressors. Interestingly, health benefits and other post-employment benefits (OPEBs) only comprise about 1.5 percent of operating revenues for many local governments.⁵ However, the rising costs of claims and prescription drugs combined with an aging workforce are adding budgetary pressures.⁶

For pensions, the portion of combined state and local government spending dedicated to retirement system contributions is only about 4%.⁷ The funding levels and the extent of pension challenges, however, varies considerably from city to city based on their underlying economy, tax capacity, state fiscal health, and availability of policy choices.

Figure 2 Change in Selected Factors

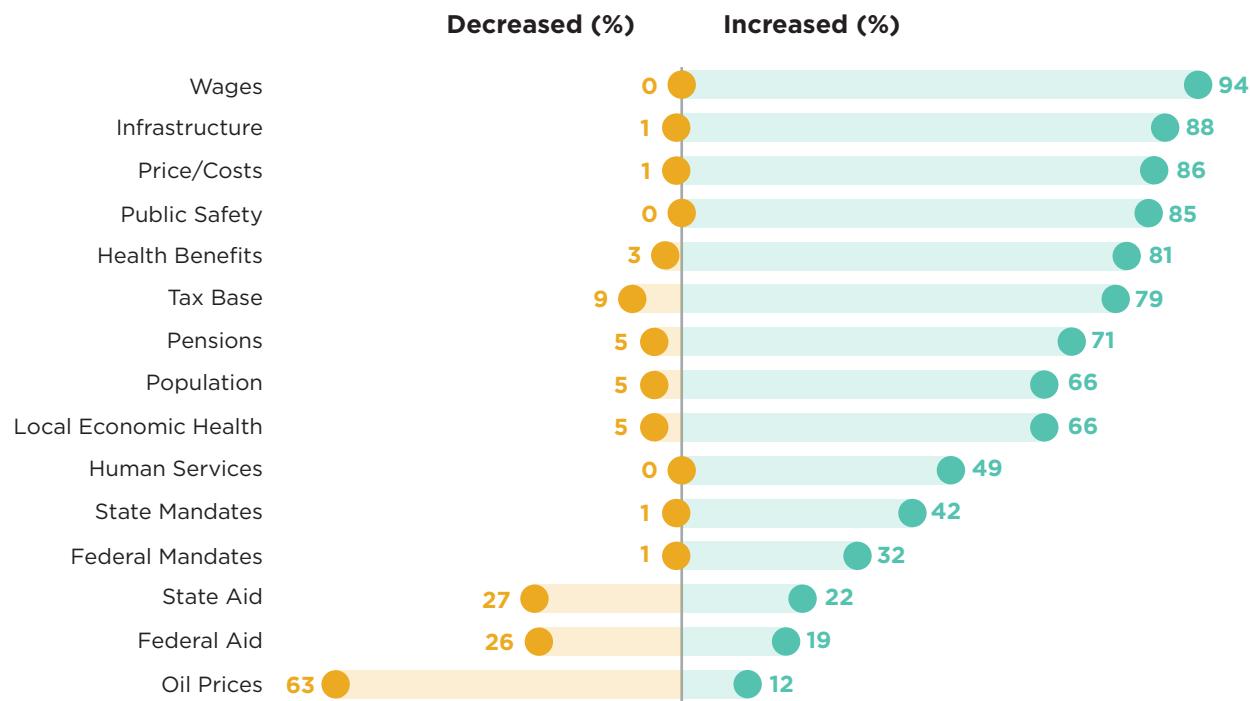
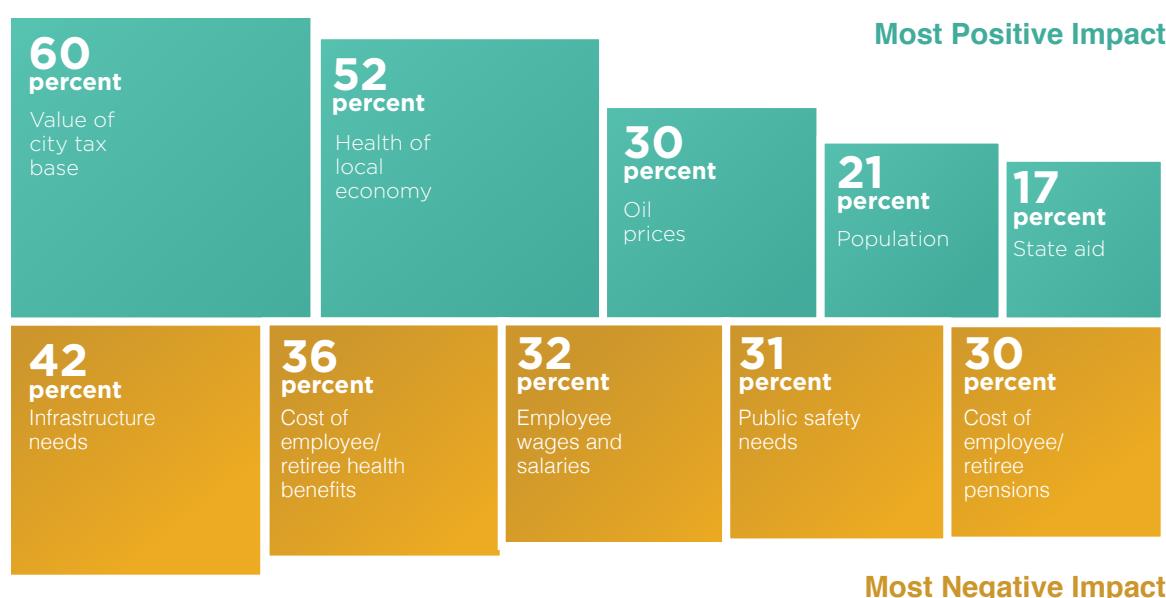


Figure 3 Most Positive and Negative Factors



Revenue and Spending Trends



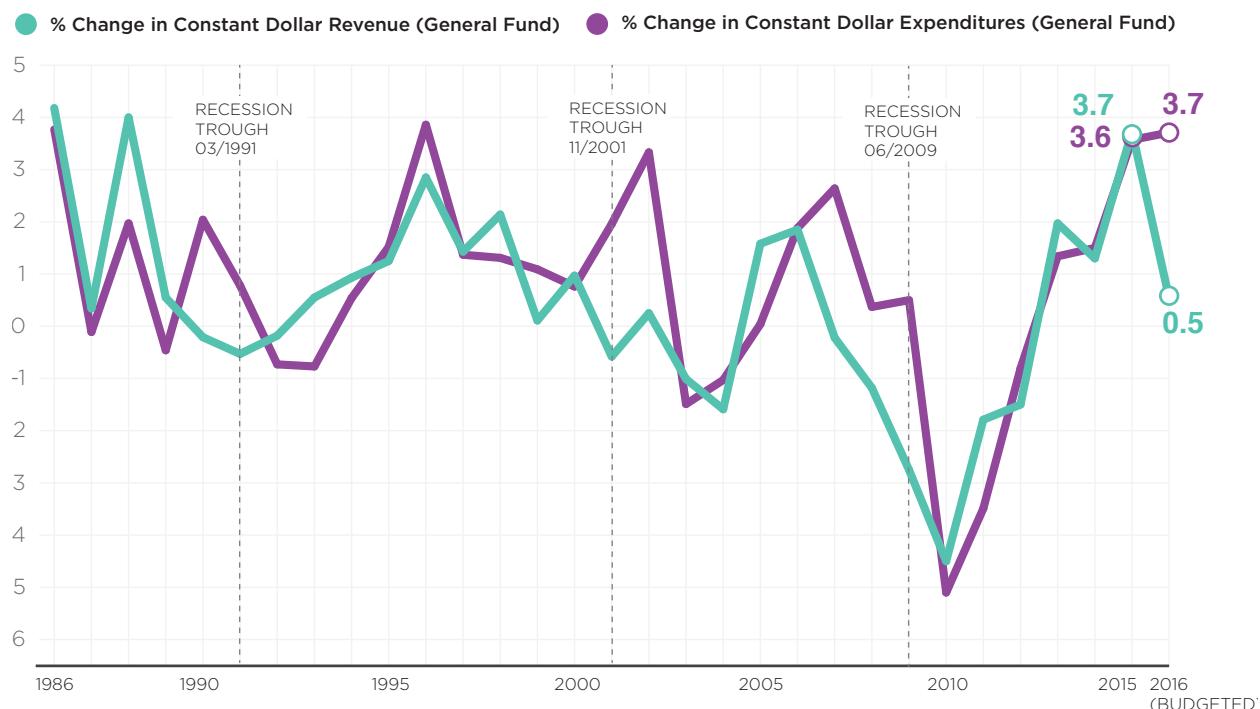
Each year, we ask city finance officers to provide information about the portion of their city's budget referred to as the General Fund. General Fund revenues are derived from property and other taxes, user fees, and shared revenues. Given these sources, the changes in General Fund revenues tend to reflect the changing economic and fiscal environment within which cities operate.

Additionally, the General Fund provides funding to cities' general operations and constitutes more than 55% of total city spending. General Fund expenditures are mostly discretionary and can be allocated to services such as police, fire, trash pick-up, or economic development as city leaders see fit.

The changes in General Fund revenues tend to reflect the changing economic and fiscal environment within which cities operate.

In constant dollars (adjusted to account for inflationary factors in the state-local sector), General Fund revenues grew 3.73% in 2015 over 2014 (see Figure 4).⁸ Revenues are expected to continue to grow 0.54% in 2016.⁹ Expenditures experienced growth in 2015 as well,

Figure 4 Year-to-Year Change in General Fund Revenue and Expenditures



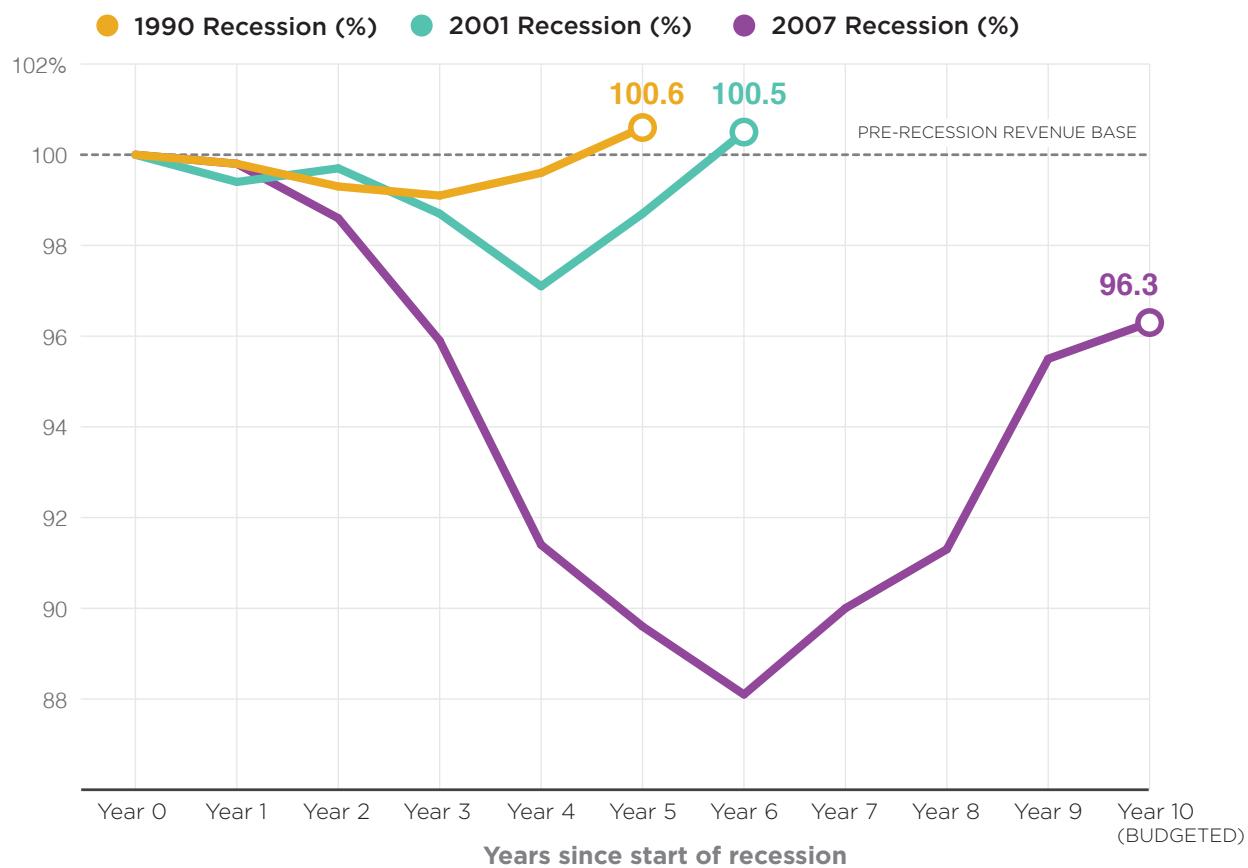
City Fiscal Conditions 2016

increasing 3.57% over 2014. City spending levels are projected to grow by 3.71% as cities close the books on 2016.

Taking a closer look at revenue behavior during the current business cycle, city revenues registered declines for six consecutive years following the recession (**see Figure 5**). As of 2016, revenues have recovered to about 96% of pre-recession (2006) levels.¹⁰

When compared to the 1990 and 2001 recessions, it becomes clear that the fiscal impacts from the most recent recession are much more substantial than in years prior, both in terms of depth and duration. During the 1990 recession, cities experienced three years of decline, recovering to pre-recession revenue levels in less than two years. During the 2001 recession, cities experienced revenue decline and volatility for four years, but fully recovered in two.

Figure 5 General Fund Revenue Recovery During Recent Recessions



Tax Revenues



Understanding the performance of key tax sources and their connections to economic conditions helps explain the forces behind city revenue behavior. The fiscal condition of individual cities varies depending on local tax structure and revenue reliance.¹¹ While nearly all cities have access to a local property tax, more than half are also authorized to collect local sales taxes, and some cities (fewer than 10% nationally) are authorized to collect local income or wage taxes. Cities with a stronger mix of revenue sources are better able to buffer against economic downturns and to capture revenue growth during periods of economic expansion.¹²

Cities with a stronger mix of revenue sources are better able to buffer against economic downturns and to capture revenue growth during periods of economic expansion.

Figure 6 Year-to-Year Change in General Tax Receipts



Property Taxes. Local property tax revenues are driven by the value of residential and commercial property, with property tax bills determined by local governments' assessment of the value of property. Property tax revenues are considered more inelastic or less responsive to economic changes because it typically takes deeper, longer-term economic shifts to impact housing values and assessment practices are such that property owners are billed today for the value of housing from two or more years ago.

Additionally, property tax assessment cycles vary across jurisdictions; some reassess property annually, while others reassess every few years. Consequently,

Due to this lag, the sharp drop in the real estate market that set the Great Recession into motion did not hit property tax rolls until 2010. Cities faced several years of declining property tax revenues following 2010 even though real estate markets across the country had already begun to stabilize. The property market has improved in recent years, driven largely by increases in existing home prices. Low inventory and new construction, however, pose challenges to housing affordability and create broader economic and fiscal uncertainty.¹³

In 2015, property tax revenue growth returned to pre-recession levels of growth with a sizable increase of 3.77%, and is

Current property tax bills and property tax collections typically reflect the value of a property anywhere from 18 months to several years prior to collection.

property tax collections, as reflected in property tax assessments, lag behind economic changes (both positive and negative). As a result, current property tax bills and property tax collections typically reflect the value of a property anywhere from 18 months to several years prior to collection (for more on the lag which takes place between economic changes and city revenues, **see page 20**).

anticipated to grow 2.60% in 2016 (**see Figure 6**).

Sales Taxes. Sales taxes are considered more elastic than property taxes because consumer sales are generally quicker to respond to economic shifts. When consumer confidence is high, people spend more on goods and services, and city governments with sales-tax authority

reap the benefits through increases in sales tax collections.

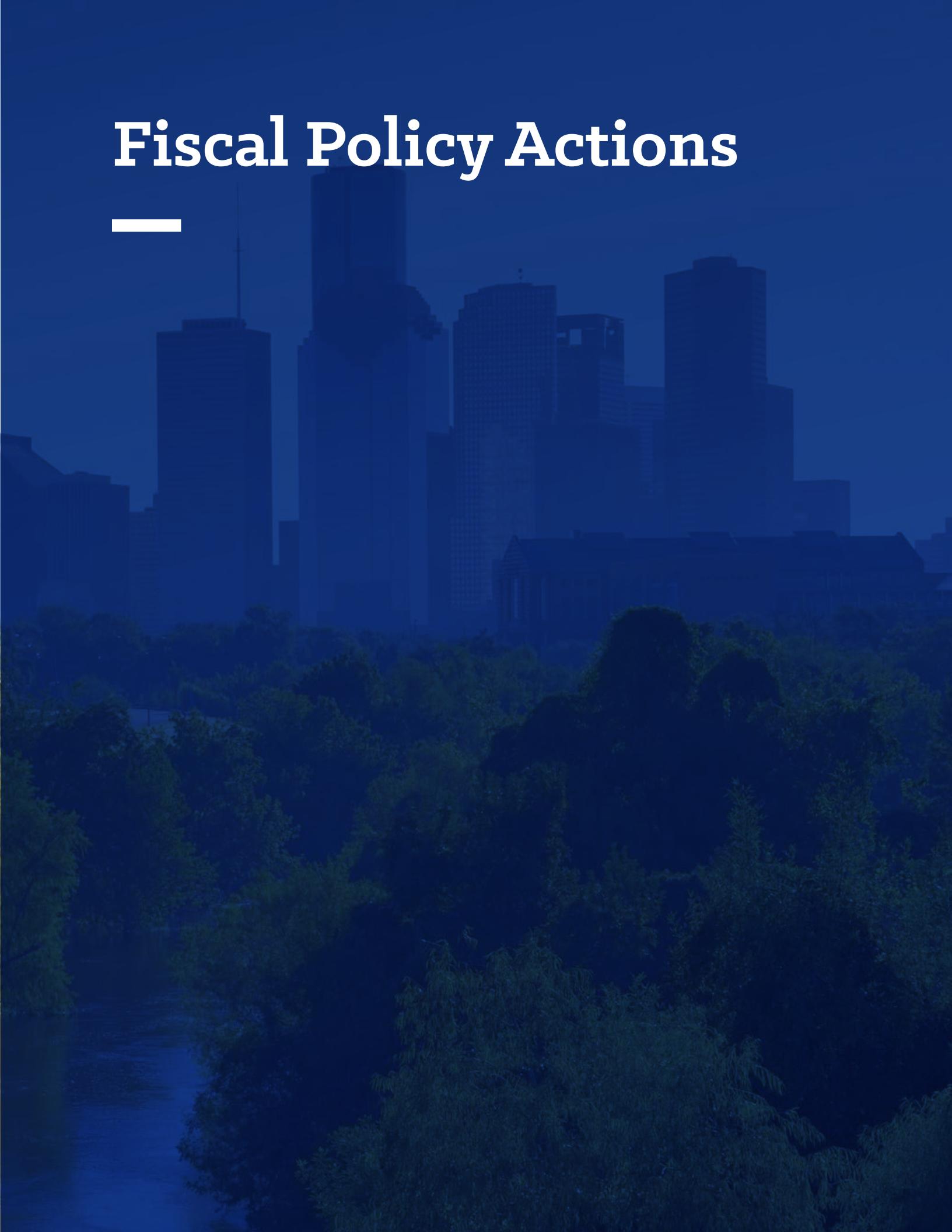
For many years prior to the recession, consumer spending was fueled by a strong real estate market that provided additional wealth to homeowners. The struggling economy and declining real estate market reduced consumer wealth and confidence, resulting in less consumer spending and declining sales tax revenue.

Recent job growth has improved consumer confidence in the broader economy, and this trend is reflected in strong local sales tax revenue growth. In 2015, sales tax revenues grew 5.49%, and are budgeted to grow 1.99% in 2016.

Income Taxes. Local income tax revenues are driven primarily by income and wages (not by capital gains). Like sales taxes, income taxes are a more elastic source of revenue because personal incomes respond more quickly to local economic circumstances.

Median household income grew in 2015 for the first time since the recession.¹⁴ National unemployment and poverty rates also continue to improve – trends that are bolstering income tax revenues. Income tax receipts grew 5.82% in 2015 and are expected to grow 3.47% in 2016. Despite these improvements, slow employment and wage growth, widening income inequality, and a lack of expansion of middle income jobs continue to contribute to the general volatility and uncertainty of this tax source.

Fiscal Policy Actions



Most cities are required to balance their budgets on an annual basis. This means that they are actively adjusting revenues and expenditures throughout the year. To better understand these fiscal policy responses, we asked city finance officers about specific revenue and spending actions taken in 2016.

As has been the case for much of the past two decades, regardless of the state of national, regional, or local economies, the most common action taken to boost city revenues has been to increase fees charged for services. Two in five (41%) city finance officers report that their city has raised fee levels (**see Figure 7**). In the past year, approximately one in five cities increased the number of fees that are applied to city services (20%).

Twenty-two percent of cities increased local property tax rates in 2016. Since the mid-1990s, irrespective of economic conditions, the percentage of city finance officers reporting increases in property taxes in any given year has been reported at about this same level, reflecting state- and voter-imposed restrictions on local property tax authority as well as the political challenges of raising property tax rates. Increases in sales, income, or other types of tax rates are even less common, and this has continued to be the case in 2016.

When asked about expenditure actions taken in 2016, most cities increased employee wages (84%), public safety expenditures (79%), and infrastructure spending (71%) (**see Figure 8**).

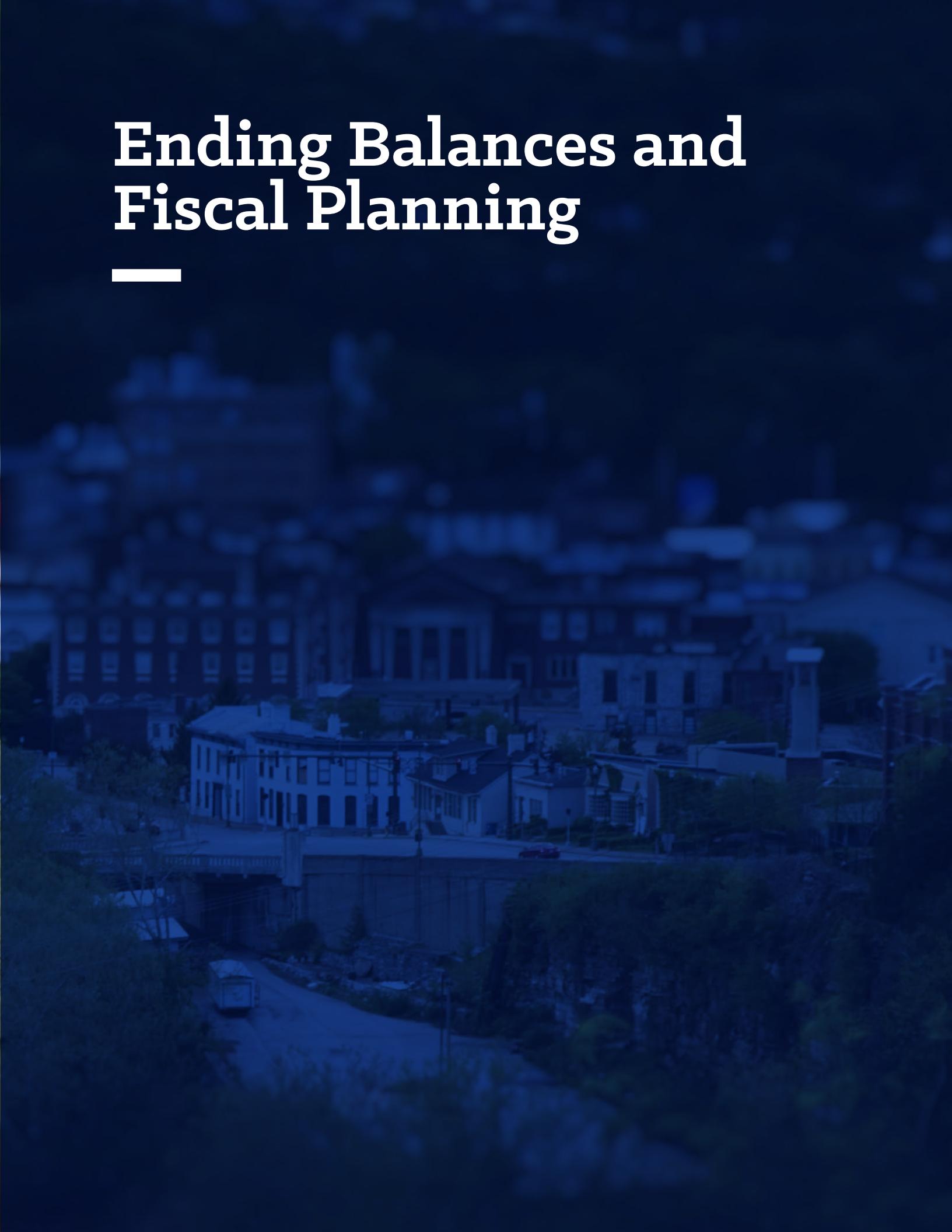
Figure 7 City Revenue Actions

	Decrease	Increase
Fee Levels	1%	41%
Property Tax Rate	10	22
Level of Impact Fees	2	20
Number of Fees	1	20
Other Tax Rate	1	9
Sales Tax Rate	1	6
Tax Base	4	6
# of Other Taxes	1	4
Income Tax Rate	1	1

Figure 8 City Spending Actions

	Decrease	Increase
Wages	1%	84%
Public Safety	1	79
Infrastructure	7	71
Capital Projects	8	63
Workforce	7	50
Other City Services	3	45
Health Benefits	6	38
Pension Benefits	5	32
Human Services	1	31
Contracting	1	15
Education	4	14
Interlocal	1	12

Ending Balances and Fiscal Planning



One way that cities prepare for economic downturns is to maintain adequate levels of General Fund ending balances. Ending balances are similar to reserves, or what might be thought of as cities' equivalents to "rainy day funds" in that they provide a financial cushion for cities in the event of a fiscal downturn or the need for an unforeseen outlay. However, unlike states' reserves or "rainy day funds," there is no trigger mechanism, such as an increase in unemployment, to force release of the funds – instead, reserves are available for spending at any time or for saving for a specific purpose.

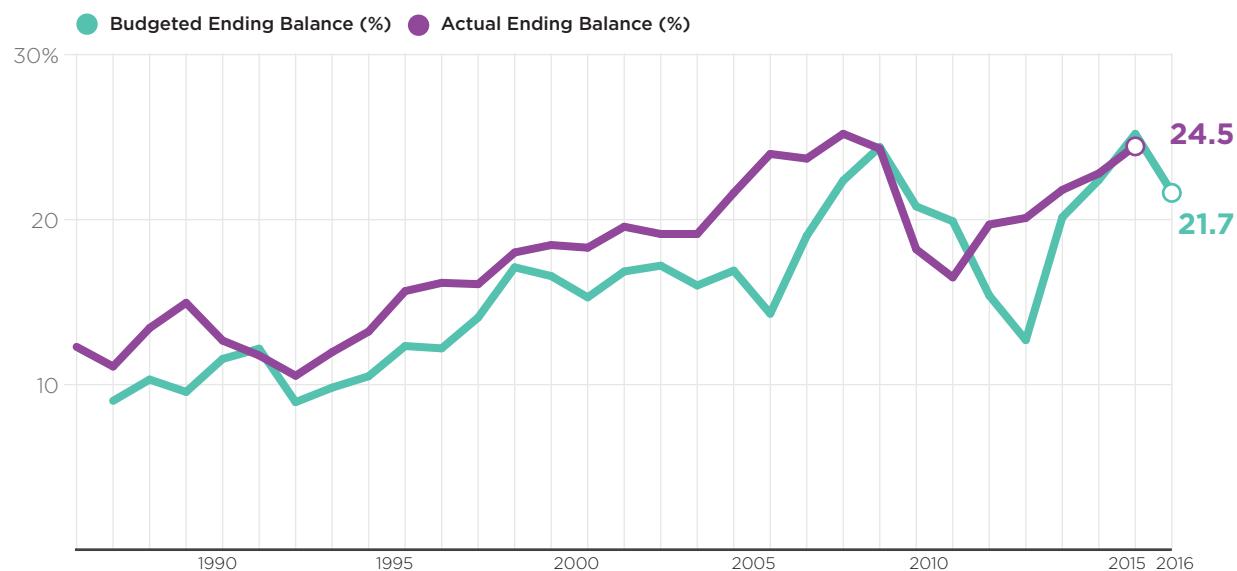
City ending balances, which are transferred forward to the next fiscal year in most cases, are maintained for many reasons. For example, cities build up healthy balances in anticipation of unpredictable events such as natural

One way that cities prepare for economic downturns is to maintain adequate levels of General Fund ending balances.

disasters and economic downturns. But ending balances are also built up for specific purposes, much like a personal savings account, to set aside funds for planned events such as construction of capital projects.

Bond underwriters also look at reserves as an indicator of fiscal responsibility, which can increase credit ratings and decrease the costs of city debt, thereby

Figure 9 Ending Balances as a Percentage of General Fund Expenditures



saving a city money in annual debt service costs. Finally, as federal and state aid to cities has become a smaller proportion of city revenues over time, cities have become more self-reliant and are much more likely to set aside funds for emergencies or other purposes.

Prior to the recession, as city finances experienced sustained growth, city ending balances as a percentage of General Fund expenditures reached a historical high (since the NLC survey was first administered) of 25%. However, as economic conditions made balancing city budgets more difficult, ending balances were increasingly utilized to fill the gap (**see Figure 9**).¹⁵

Ending balances neared historic highs, at 24.48% of General Fund expenditures in 2015 and budgeted for 21.67% of expenditures in 2016. A city's strategy to grow ending balances must also be weighed with potential forgone expenditures. The growth of ending balances does signal, however, the desire of cities to be more prepared for future fiscal downturns and the recognition that key tax revenues, along with state and federal aid, have become less reliable. Additional ways cities are planning for future downturns are through comprehensive stress tests (14.8%), revenue stress tests (8.6%), and other planning techniques such as multi-year plans (36.4%).

Beyond 2016

In 2016, stronger city revenues are building the capacity of cities to deliver critical services and improve quality of life. This trajectory of growth, however, is threatened by number of persistent concerns:

- The recovery dynamics of the real estate market, namely low inventory paired with rising prices, are depleting stocks of affordable housing throughout the country. This will lead not only to uncertainty regarding property tax collections, but as workers move further from job centers to find more affordable housing, entire regional economies will be threatened;
- The prolonged effects of slow and inequitable growth of employment and wages will weigh heavily on future city income tax revenues and sales tax receipts; and
- As cities move to shore up healthcare and pension liabilities, the additional expenditures required in their General Funds will compete for scarce resources with other city services, confronting city leaders with difficult choices among employee and retiree benefits, city service levels, and raising new revenues.

These concerns are foremost on the minds of city leaders, some of whom are implementing pension reforms and leveraging fiscal planning tools. These strategies are particularly important given that city revenues have not fully recovered from the Great Recession. As a result, many may be operating with suppressed revenues when and if another recession emerges in the coming years. For now, though, city fiscal conditions are showing signs of vitality, with local governments reinvesting in areas critical to growth and community quality of life including infrastructure and public safety.

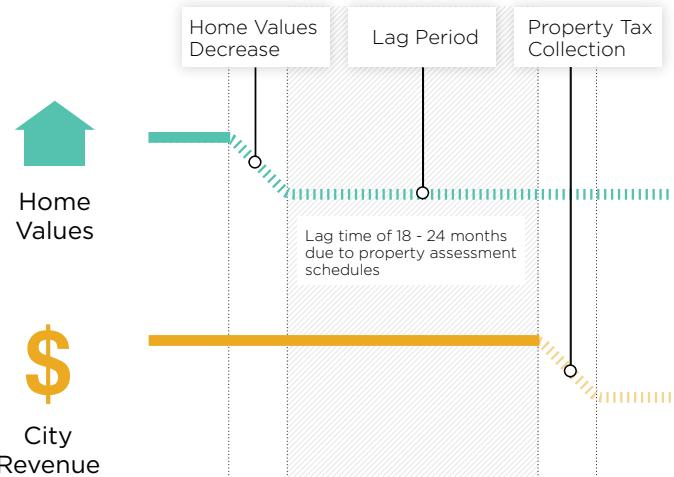
The Lag Between Economic & City Fiscal Conditions

We often refer to the lag between changes in the economic cycle and the impact on city fiscal conditions.

What does this mean? The lag refers to the amount of time between the point when economic conditions change and the point when those conditions have an impact on reported city revenue collections. In fact, cities likely feel the impacts of changing economic conditions quite early. However, because reporting of city fiscal conditions occurs in most cases on an annual basis, whether through annual budget reporting or NLC's annual survey, those impacts tend to not become evident until some point after the changes have started to occur.

How long is the lag? The lag is typically anywhere from 18 months to several years, and it is related in large part to the timing of property tax collections. Property tax bills represent the value of the property in some previous year, when the last assessment of the value of the property was conducted. A downturn in real estate prices may not be noticed for one to several years after the downturn began, because property tax assessment cycles vary across jurisdictions; some reassess property annually, while others reassess every few years. Consequently,

Lag Between Economic and City Fiscal Conditions



property tax collections, as reflected in property tax assessments, lag behind economic changes (both positive and negative) by some period of time. Sales and income tax collections also exhibit lags due to collection and administration issues, but typically no more than a few months.

Figure 4 shows year-to-year change in city general fund revenues and expenditures, and includes markers for the official U.S. recessions from 1991, 2001 and 2007, with low points, or "troughs," occurring in March 1991, November 2001 and June 2009, respectively, according to the National Bureau of Economic Research (NBER). Comparing the dates of the recessions to the low point of city revenue and expenditures as reported in NLC's annual survey (typically conducted

between April and June of every year), the low point for city revenues and expenditures after the 1991 recession occurred in 1993, approximately two years after the trough of the U.S. economic recession (March 1991 to March 1993). After the 2001 recession, the low point for city revenues and expenditures occurred in 2003, approximately 18 months after the trough of the U.S. economic recession (November 2001-April 2003). Our reporting on this lag is dependent upon when the annual NLC survey is conducted, meaning that there is some degree of error in the length of the lag – for instance, had the survey been conducted in November of 1992, rather than April of 1993, we might have seen the effects of changing economic conditions earlier. Nevertheless, the evidence suggests that the effects of changing economic conditions tend to take 18-24 months to be reflected in city budgets.

About the Survey

The City Fiscal Conditions Survey is a national email survey of finance officers in U.S. cities conducted annually from May to July. Surveys were emailed to city finance officers for a sample of 1046 cities with populations greater than 10,000, asking for their assessments of fiscal status, actions taken, and factors affecting their fiscal conditions. Budget and finance data were also requested in the survey from all cities with the exception of the 100 largest cities by population. Budget and finance data from those cities were collected directly from online city budget documents. In total, the 2016 data are drawn from 277 cities, for a response rate of 27 percent. The data allow for generalizations about the fiscal condition of cities.

The number and scope of governmental functions influence both revenues and expenditures. For example, many Northeastern cities are responsible not only for general government functions but also for public education. Some cities are required by their states to assume more social welfare responsibilities than other cities. Some assume traditional county functions.

Cities also vary according to their revenue-generating authority. Some states, notably Kentucky, Michigan, Ohio and Pennsylvania, allow their cities to tax earnings and income. Other cities, notably those in Colorado, Louisiana, New Mexico

Categories	Survey Responses	%
TOTAL	277	100
Population		
>300,000	55	20
100,000-299,999	86	31
50,000-99,999	80	29
10,000-49,999	56	20

and Oklahoma, depend heavily on sales tax revenues. Moreover, state laws may require cities to account for funds in a manner that varies from state to state. Therefore, much of the statistical data presented here must also be understood within the context of cross-state variation in tax authority, functional responsibility, and state laws. City taxing authority, functional responsibility, and accounting systems vary across the states.¹⁶

When we report on fiscal data such as General Fund revenues and expenditures, we are referring to all responding cities' aggregated fiscal data included in the survey. As a consequence, the data is influenced by the relatively larger cities that have larger budgets and that deliver services to a preponderance of the nation's cities' residents. When asking for fiscal data, we ask city finance officers to provide information about the fiscal year for which they have most recently closed the books (and therefore have verified the final numbers), which we generally

refer to as FY 2015, and the budgeted (estimated) amounts for the current fiscal year (FY 2016).

When we report on non-fiscal data (such as finance officers' assessment of their ability to meet fiscal needs, fiscal actions taken, or factors affecting their budgets), we are referring to percentages of responses to a particular question on a one-response-per-city basis. Thus, the contribution of each city's response to these questions is weighted equally.

City Fiscal Conditions 2016

DATA TABLES

FIGURE 4: Year-to-Year Change in General Fund Revenue and Expenditures

Change in Constant Dollar Revenue (General Fund), Percent

1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
4.18%	0.34%	4%	0.55%	-0.21%	-0.53%	-0.18%	0.55%	0.93%	1.25%	2.85%	1.43%	2.14%	0.11%	0.97%	-0.58%
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
0.25%	-1.01%	-1.59%	1.58%	1.85%	-0.22%	-1.18%	-2.75%	-4.50%	-1.79%	-1.50%	1.97%	1.30%	3.73%	0.54%	

Change in Constant Dollar Expenditures (General Fund), Percent

1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
3.77%	-0.11%	1.97%	-0.46%	2.04%	0.78%	-0.73%	-0.77%	0.54%	1.52%	3.86%	1.37%	1.31%	1.09%	0.76%	1.96%
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
3.33%	-1.49%	-1.03%	0.04%	1.88%	2.64%	0.37%	0.50%	-5.10%	-3.49%	-0.81%	1.34%	1.50%	3.57%	3.71%	

FIGURE 5: General Fund Revenue Recovery During Recent Recessions

1990 Recession

Year 0	Year 1	Year 2	Year 3	Year 4	Year 5										
0	-0.21%	-0.74%	-0.92%	-0.37%	0.57%										

2001 Recession

Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6									
0	-0.58%	-0.34%	-1.34%	-2.93%	-1.35%	0.50%									

2007 Recession

Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10					
0	-0.22%	-1.40%	-4.14%	-8.64%	-10.43%	-11.93%	-9.96%	-8.73%	-4.46%	-3.66%					

FIGURE 6: Year-to-Year Change in General Tax Receipts

Sales Tax, Percent

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
3.6%	3.4%	6.0%	2.4%	2.8%	-5.3%	-3.4%	-3.2%	1.0%	0.5%	3.0%	-0.3%	2.3%	-6.6%	-8.4%
2011	2012	2013	2014	2015	2016									
1.6%	6.2%	5.9%	3.1%	5.5%	2.0%									

Income Tax, Percent

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
-0.1%	1.2%	4.2%	0.9%	-0.1%	-0.2%	-5.1%	-4.7%	-2.3%	-1.1%	2.3%	-2.5%	2.2%	1.3%	-1.0%
2011	2012	2013	2014	2015	2016									
-2.5%	4.4%	3.6%	-1.7%	5.8%	3.5%									

Property Tax, Percent

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
1.3%	2.0%	1.5%	1.4%	1.0%	2.0%	4.4%	0.6%	3.3%	2.2%	4.0%	6.3%	6.2%	4.2%	-2.0%
2011	2012	2013	2014	2015	2016									
-3.9%	-0.4%	0.8%	2.4%	3.8%	2.6%									

DATA TABLES

FIGURE 9: Ending Balances as a Percent of General Fund Expenditures

Actual Ending Balance, Percent

1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
11.54%	12.29%	11.10%	13.43%	14.96%	12.67%	11.77%	10.54%	11.97%	13.22%	15.67%	16.17%	16.09%	18.01%	18.46%	18.30%
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
19.57%	19.13%	19.13%	21.62%	23.98%	23.70%	25.20%	24.30%	18.20%	16.50%	19.70%	20.10%	21.80%	22.80%	24.48%	N/A

Budgeted Ending Balance, Percent

1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
N/A	N/A	9.02%	10.31%	9.56%	11.56%	12.18%	8.94%	9.82%	10.51%	12.34%	12.20%	14.07%	17.11%	16.58%	15.29%
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
16.86%	17.21%	16.01%	16.91%	14.30%	19.02%	22.37%	24.40%	20.80%	19.90%	15.40%	12.70%	20.14%	22.40%	25.20%	21.67%

City Fiscal Conditions 2016

Endnotes

1 When asking for fiscal data, we ask city finance officers to provide information about the fiscal year for which they have most recently closed the books (and therefore have verified the final numbers), which we generally refer to as FY 2015, the year prior (FY 2014) and the budgeted (estimated) amounts for the current fiscal year (FY 2016).

2 The factors include: infrastructure needs/costs, public safety needs/costs, human service needs/costs, wages, pension costs, health benefit costs, prices and service costs, federal aid, state aid, federal mandates, state mandates, city population, city tax base, the health of the local economy, and gas and oil prices.

3 Darrell Preston, Bloomberg, September 13, 2016. Mega Deals Lead Ballot Measures as Infrastructure Makes Comeback. <http://www.bloomberg.com/news/articles/2016-09-13/mega-deals-lead-ballot-measures-as-infrastructure-makes-comeback>

4 National League of Cities, National Association of Counties and U.S. Conference of Mayors, July 2010. Local Governments Cutting Jobs and Services. <http://www.nlc.org/documents/Find%20City%20Solutions/Research%20Innovation/Finance/local-governments-cutting-jobs-services-rpt-jul10.pdf>

5 Moody's Investor Services, March 2015. Moody's: Most large local governments have low retiree healthcare outlays, although outliers are present. https://www.moodys.com/research/Moody's-Most-large-local-governments-have-low-retiree-healthcare-outlays--PR_319991

6 Center for State and Local Excellence and University of Tennessee, Institute for Public Service, December 2014. Local Government Strategies to Address Rising Healthcare Costs. <http://slge.org/wp-content/uploads/2014/12/LG-Strategies-to-Address-Rising-Health-Care-Costs1.pdf>

7 National Association of State Retirement Agencies, February 2015. State and Local Government Spending on Public Employee Retirement Systems. <http://www.nasra.org/costsbrief>

8 "Constant dollars" refers to inflation-adjusted dollars. "Current dollars" refers to non-inflation-adjusted dollars. Constant dollars

are a more accurate source of comparison over time because the dollars are adjusted to account for differences in the costs of state and local government. To calculate constant dollars, we adjust current dollars using the U.S. Bureau of Economic Analysis (BEA) National Income and Product Account (NIPA) estimate for inflation in the state and local government sector. Importantly, inflation between 2014 and 2015 is essentially zero.

9 It is typical for revenue estimates for the current year (i.e. FY2015) to be conservative and for expenditure estimates to be greater than revenue estimates.

10 This estimate is calculated from the compounded year-over-year decline/growth in constant dollar General Fund revenues for each recession, with the year prior to the start of each recession (1989, 2000, 2006) as the base year (i.e. Year 0 in figure 5).

11 For more information on variation in local and state tax structures, see Cities and State Fiscal Structure (NLC 2015) at <http://www.nlc.org/find-city-solutions/city-solutions-and-applied-research/finance/cities-and-state-fiscal-structure>

12 Robert Tannenwald, "Fiscal disparities among the states revisited," New England Economic Review, 1999, pp. 3-25.

13 National Associate of Realtors, August 24, 2016. Existing-Home Sales Lose Steam in July. <http://www.realtor.org/news-releases/2016/08/existing-home-sales-lose-steam-in-july>

14 U.S. Census Bureau, September 2016. Income and Poverty in the United States: 2015. <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-256.pdf>

15 The Government Finance Officers' Association (2009) recommends that cities maintain an ending balance, at a minimum, of no less than one to two months of regular general fund operating expenditures. <http://www.gfoa.org/determining-appropriate-level-unrestricted-fund-balance-general-fund>

16 For more information on variation in local and state tax structures, see Cities and State Fiscal Structure (NLC 2015) at <http://www.nlc.org/find-city-solutions/city-solutions-and-applied-research/finance/cities-and-state-fiscal-structure>



Carnahan, David

From: zbrcp1@comcast.net
Sent: Monday, July 23, 2018 12:08 PM
To: Council, City
Subject: Fwd: Downtown Office Cap

Council Members,
Each of you PLEASE re-visit your opinion on
how much commercial development in our city is ENOUGH.
Thank you.
Joseph Baldwin

From: zbrcp1@comcast.net
To: "Eric Filseth" <efilseth@gmail.com>
Sent: Monday, July 23, 2018 12:04:55 PM
Subject: Re: Downtown Office Cap

Then please move council to endorse initiative to put an 80,000 SF/year cap
on office development CITYWIDE!

JLB

PS- Remember when 4 council members had to recuse selves
from a vote due to commercial property interests downtown?
The perpetual machine majority (council/developers) aided and
abetted by 8 million pound gorilla Palantir continue to push
our once livable city toward being Manhattan West. How sad
for our children and grandchildren not to be able ever to live
in their hometown.

From: "Eric Filseth" <efilseth@gmail.com>
To: zbrcp1@comcast.net
Sent: Monday, July 23, 2018 10:27:45 AM
Subject: RE: Downtown Office Cap

The Council already voted 5-4 last year to eliminate the Downtown Office Cap

- Wolbach, Scharff, Kniss, Tanaka, Fine in the majority
- DuBois, Holman, Kou, Filseth in the minority

Eric

From: zbrcp1@comcast.net [mailto:zbrcp1@comcast.net]
Sent: Monday, July 23, 2018 9:37 AM
To: Council, City; planningcommission@cityofpaloalto.org
Subject: Downtown Office Cap

Respectfully urge you to postpone action on staff recommendation to reduce or eliminate subject cap.

Take no action without clear, quantified study of impact on neighborhoods of staff's questionable proposal.

Thank you.

Joseph Baldwin
850 Webster St Apt 524
Palo Alto CA 94301
650-324-7378
zbrcp1@comcaast.net

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Wednesday, July 18, 2018 2:20 PM
To: Doug Vagim; dennisbalakian; David Balakian; Mayor; Mark Standriff; midge@thebarretts.com; info@superide1.com; Daniel Zack; nick yovino; paul.caprioglio; esmeralda.soria@fresno.gov; beachrides; blackstone@blastfitness.com; Leodies Buchanan; bearwithme1016@att.net; Mark Kreutzer; huidentalsanmateo; hennessy; Dan Richard; Cathy Lewis; pavenjitdhillon@yahoo.com; terry; Council, City
Subject: Fwd: Drink up! You've seen this water before!

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Jul 18, 2018 at 2:08 PM
Subject: Fwd: Drink up! You've seen this water before!
To: Loran Harding <loran.harding@stanfordalumni.org>

On Wed, Jul 18, 2018 at 1:28 PM, Loran Harding <loran.harding@stanfordalumni.org> wrote:

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Jul 18, 2018 at 1:23 PM
Subject: Fwd: Drink up! You've seen this water before!
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Jul 18, 2018 at 1:13 PM
Subject: Fwd: Drink up! You've seen this water before!
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Jul 18, 2018 at 12:40 PM
Subject: Fwd: Drink up! You've seen this water before!
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>

Date: Wed, Jul 18, 2018 at 12:24 PM

Subject: Drink up! You've seen this water before!

To: Loran Harding <loran.harding@stanfordalumni.org>

Wed. July 18, 2018

Mr. Doug Vagim

Doug- You'll love this:

http://www.kvpr.org/post/fresno-clovis-plan-mix-recycled-sewer-water-drinking?utm_source=Morning+Roundup&utm_campaign=fa7075d367-EMAIL_CAMPAIGN_2018_07_18_02_55&utm_medium=email&utm_term=0_165ffe36b2-fa7075d367-78450701&mc_cid=fa7075d367&mc_eid=7afa3a94f3

Note that they're all wringing their hands about the Calif. Sustainable Groundwater Management Act, SGMA, I guess.

Now that the State has knocked out the dangerous Temperance Flat Reservoir project- a total boondoggle that would have placed 1.8 MAF of water upstream from Fresno behind it and Friant Dam- they should all consider the Stanford report on Managed Aquifer Recharge- MAR.

I sent numerous emails about this report to all a year ago. It would be a state regulated project- farmers et. al. would decide where to put the facilities. Officials would not just show up with the sheriff and tell a farmer that "we are going to flood 100 acres of your land for 10 years". These would be purpose built facilities that would flood areas of land, impound water on there, and let it perc into the aquifer.

Here is an article discussing the MAR plan:

<https://news.stanford.edu/2016/07/21/cost-effective-path-drought-resiliency/>

Existing canals in the CV and some new ones would convey water from the San Joaquin and other rivers out to these impound facilities. The farmers and other owners of the land would be compensated for the loss of production on the affected land BUT where many of them now fallow land due to lack of water, a recovering aquifer would instead allow groundwater pumping in abundance. I see two huge benefits of this idea:

1) We would not be impounding 1.8 MAF of water upstream from Fresno, which is on schedule to go from 520,000 people to 1.5 million people by 2100, if the local politicians and developers get their way. I predict that they will be sued and then prosecuted out of that idea at some point, but putting even the current Valley population at risk is just unacceptable.

With the crazy Temperance Flat Dam proposal, we would have had a total of 1.8 MAF of water impounded just upstream from 520,000 Fresnans, with some greater population number sure to come. Around 2100, we'll get a repeat of the Cascadia Subduction Zone quake, magnitude 9.0, which occurred in the year 1700. Geologists think it has a 400 year recurrence interval. The entire Pacific Northwest will be devastated by this, and the shaking in Fresno will be as severe as was that in downtown San Francisco on April 18, 1906. If

either Friant or Temperance Flat Dam, or both, failed in that, it would kill many thousands of people. That alone justified killing T.F. Dam.

How prosecuted? As the severe impacts of sea level rise and climate change become more costly in money and lives, legislation will be passed to rein in out of control developers and politicians. The people we elect are not going to just look at the bible and say "Be fruitful and multiply" (and further enrich the developers, generous as they are with us). They are going to start looking at reports on climate change coming out of Stanford and other centers of science. They already are. This plan to add one million people inside the city limits of Fresno is a pipe-dream. It will not happen. See "The Earth Under Water" by the BBC on YouTube to see why not.

Here it is: <https://www.youtube.com/watch?v=lqdLD31FkW4>

A not so tiny sidenote: As climate change due to human-caused GHG production proceeds, sea levels will continue to rise. At some point, if we do not act to prevent it, we will lose the Delta as a source of fresh water. Maybe a six foot rise in sea levels will salt up the entire Delta. You see that in "The Earth Under Water". That is the water supply for the Delta-Mendota and California Aqueducts. The former supplies water for farmers on the west side and the latter supplies it for 25 million people in So. California. The solution to that scenario is to build the Golden Gate Dam, and we should get started on it right away. You see that in "The Earth Under Water" too.

2) A year ago we let billions of gallons of Sierra run-off flow down the San Joaquin and other rivers to the sea. No means to store it was in place as Friant Dam et. al. were overtopping. With the Stanford MAR plan implemented, much of that water could have been channeled out into the CV and allowed to percolate into our aquifer. It would be there as you read this. I believe that this is the real answer to the SGMA requirements. Don't just try to live from surface water, which will vary in volume with recurring droughts. In wet years, channel the excess water out into the valley to the MAR facilities and recharge the aquifer. That is our piggy bank. Doing that will smooth out the fluctuations in surface water. No more watching billions of gallons of pure Sierra runoff going to the sea in wet years, and no dangerous dam just upriver from a big population center to capture the water. The MAR plan would be a huge, safe answer to our depleted aquifer.

L. William Harding
Fresno, Ca.

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Thursday, July 19, 2018 12:16 PM
To: Steven Feinstein; Doug Vagim; dennisbalakian; David Balakian; blackstone@blastfitness.com; beachrides; Leodies Buchanan; bearwithme1016@att.net; Cathy Lewis; paul.caprioglio; Council, City; Dan Richard; Daniel Zack; esmeralda.soria@fresno.gov; fmerlo@wildelectric.net; Raymond Rivas; Chris Field; huidentalsanmateo; hennessy; steve.hogg; info@superide1.com; Joel Stiner; jerry ruopoli; Mark Kreutzer; kfsndesk; kwalsh@kmaxtv.com; newsdesk; leager; Mayor; mthibodeaux@electriclaboratories.com; midge@thebarretts.com; Mark Standriff; nick yovino; nchase@bayareanewsgroup.com; nettemike2011@gmail.com; paventjtdhillon@yahoo.com; popoff; russ@topperjewelers.com; Steve Wayte; terry; yicui@stanford.edu; shanhui.fan@stanford.edu
Subject: Fwd: New battery from Stanford to store wind and solar e.

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Thu, Jul 19, 2018 at 12:05 PM
Subject: New battery from Stanford to store wind and solar e.
To: Loran Harding <loran.harding@stanfordalumni.org>

Thurs. July 19, 2018

Mr. Steven Feinstein
Ionic Materials

Mr. Feinstein- I have not even read this yet but thought that you should see it.

<https://news.stanford.edu/2018/07/19/liquid-metal-high-voltage-flow-battery-2/>

I hope your lithium metal battery (which is NOT this Stanford battery) is progressing. You saw that, about a month ago, a Tesla Model S in the LA area parked at the curb with no one in it caught fire. Flames were shooting up the right side of the car along the front door.

One might think that Mr. Musk, and GM, would be camping outside your door to accelerate work on your safer battery.

See Nova "Search for the Super Battery" to see what Ionic Materials has, about midway through the Nova program. It is stunning.

L. William Harding
Fresno, Ca.

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Saturday, July 21, 2018 3:19 PM
To: Loran Harding; Doug Vagim; dennisbalakian; David Balakian; Mayor; Mark Standriff; esmeralda.soria@fresno.gov; paul.caprioglio; Joel Stiner; Steve Wayte; steve.hogg; scott.mozier; robert.andersen; blackstone@blastfitness.com; Leodies Buchanan; beachrides; bearwithme1016@att.net; Cathy Lewis; Council, City; Dan Richard; Daniel Zack; info@superide1.com; Jason Tarvin; jerry ruopoli; kfsndesk; kwalsh@kmaxtv.com; Mark Kreutzer; newsdesk; leager; nick yovino; pavenjitzdhillon@yahoo.com; russ@topperjewelers.com; terry; Tom Lang
Subject: Fwd: The parks sales tax effort.

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Sat, Jul 21, 2018 at 2:28 PM
Subject: Fwd: The parks sales tax effort.
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Sat, Jul 21, 2018 at 2:04 PM
Subject: Fwd: The parks sales tax effort.
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Sat, Jul 21, 2018 at 1:28 PM
Subject: Fwd: The parks sales tax effort.
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Sat, Jul 21, 2018 at 1:08 PM
Subject: The parks sales tax effort.
To: Loran Harding <loran.harding@stanfordalumni.org>

Saturday, July 21, 2018

Mr. Doug Vagim-

Doug- I know you've seen this since you read Hostetter's stuff. Powell, who I don't think much of, shot himself in the foot when he declared who would benefit if this passes: Kids and families.

What if you're a single, white male without kids, paying his bills, obeying the law, contributing to this community? How comfortable would you feel attending a park in Fresno with mostly non-white families with lots of kids? Not comfortable at all, BUT YOU GET TO PAY FOR THIS under these sales tax proposals. I object to it.

http://www.cvobserver.com/fresno/voters-may-decide-fate-parks-instead-electeds/?utm_source=Morning+Roundup&utm_campaign=5847e4736d-EMAIL_CAMPAIGN_2018_07_20_03_20&utm_medium=email&utm_term=0_165ffe36b2-5847e4736d-78450701&mc_cid=5847e4736d&mc_eid=7afa3a94f3

One tiny additional point: FPOA President Kurz let out a bunch of gas in favor of Brand's proposed sales tax since some of the money would go to the police.

A smart man like Kurz would have at least one degree, maybe more. He's taken plenty of courses in Economics, as have I, with three degrees. He knows that a sales tax is a regressive tax. It falls most heavily on those least able to pay.

We could get this money by charging admission to the parks. That way, the users of the parks would pay for the parks. Re Brand's sales tax, we could bill people who make calls for service by the police. Some people make lots of those, some almost none. Or, we could get money from the state from the progressive income tax in California. "We have to raise the state income tax rate ever so slightly on incomes over \$300,000 per year, on people like Brand, to upgrade all of the local parks in California, a desperate need". So make the income tax a little more progressive and lay off the lower income groups with your stinking sales tax ideas.

I'm not sure whether Brand or Kurz or Powell have an M.S. in Taxation, as I have, or how many Economics courses they've taken, but a hike in our already high sales tax here is just a way to skin those least able to pay and to fight back and a way to enrich those so rich that they just laugh at a sales tax, people like Brand.

I think Fresno's sales tax is already outrageously high. I get my dental services, most of my entertainment, books, clothes, meals out, most of it, in Palo Alto and San Mateo, just to avoid enriching the City of Fresno with its sky-high sales tax. We pay plenty of sales tax now and that should be the upper limit on it. Brand, Kurz and Powell know nothing about the regressivity of a sales tax, we should believe from their statements. I know that they know all about it, they just somehow forgot to mention it in their proposals for yet another sales tax hike. The wealthy, Republican owners of Chs. 24, 26, 30 and 47 in Fresno know all about it too.

"This time around let's not put any big school bonds on the ballot, to be paid for by all homeowners through yet another hike in their residential property tax. Let's hit them this time with yet another sales tax hike, to benefit the heavy users of the parks". That's not me, on either count, and I oppose any further hike in our already gouging sales tax in Fresno.

A little point about parks. Logan Park is about 400 feet from my home, to the SE. Along its north side runs Wrenwood Ave. I've taken walks along there at night, less often now with all the shootings in Fresno. Two neighbors who own homes along the north side of Wrenwood, across from the park, have told me this: People

park along there at night and throw all sorts of interesting things from their cars during their visit. One of these residents has a family and a big German Shepard dog and at least one Doberman for these visitors to see. I'd be surprised if he does not own a firearm. Another resident told me that loud music from the park is a constant, and he complained too about trash in and around the park.

What is really interesting is this: About two years ago, some people, who probably do not live within 10 miles of Logan Park, held a soccer match there one weekend. One thing led to another and this happened: About a quarter of a mile east of the park on Barstow, a man, one of the players, I believe, was sitting in his car. Someone drove by this car, apparently, and shot into it, killing him. Out on my walk that night, I saw the police tape and the police cars. This made the local news. The homeowner who lived directly across Barstow from the killing has now sold him home and moved away.

So parks can be a mixed blessing.

Fresno cops just cannot notice people driving motorcycles, trucks and cars with almost no mufflers. They will not respond to dogs barking from 2 AM to 5 AM every night. They used to respond to that, until ~2008. The city is over-run with cockroaches and the City cannot respond to it. The streets and highways are not worthy of a third-world country. Where is all the money going in Fresno that used to maintain the streets? Some improvement in the streets is evident. I think we pay more than enough now in Fresno for uneven service.

Prop 13 put a halt to the extreme property tax gouging by local government in California, and it made local electeds mad as hell. Endless sales tax hikes are a regressive end-run around Prop 13. If this sales tax crap makes it onto the ballot, the decent, non-violent people of Fresno who maintain their homes, obey the law, control their dogs, have mufflers on their cars, pay their bills and are already taxed to death, should vote it down.

And then vote out the tax-gougers when they run for office. Ask Pres. George H.W. Bush how that works.

L. William Harding
Fresno

Carnahan, David

From: Keene, James
Sent: Friday, July 20, 2018 7:36 AM
To: Council, City
Cc: Eggleston, Brad; Shikada, Ed; Keith, Claudia
Subject: FYI Flood Insurance

In an informational report from May 14 we described that Palo Alto's Community Rating System (CRS) rating improved from "7" to "6".

We don't have national percentiles, but the link below is to a FEMA document that lists the CRS rating for every community participating in the program. PW counts only 10 California communities with a better (meaning 5 or lower) rating than Palo Alto. The "6" rating results in a 20% discount on flood insurance. (Thanks to Brad for this info)

https://www.fema.gov/media-library-data/1523648898907-09056f549d51efc72fe60bf4999e904a/20_crs_508_apr2018.pdf



James Keene | City Manager
250 Hamilton Avenue | Palo Alto, CA 94301
E: james.keene@cityofpaloalto.org

Sent from my Macbook

Please think of the environment before printing this email – Thank you

Carnahan, David

From: Jo Ann Mandinach <joann@needtoknow.com>
Sent: Monday, July 23, 2018 9:31 PM
To: Planning Commission; Council, City
Cc: Lait, Jonathan; Lee, Elena; Lydia Kou; Tom Dubois; Elaine Meyer; Filseth, Eric (external); Holman, Karen (external)
Subject: I totally oppose RAISING the office cap when there's a ballot initiative to lower it

Hello,

An alert council and commission watcher spotted your latest attempt to raise the office cap when public sentiment seems to favor lowering it so I'm writing to let you know my thoughts.

I am totally opposed to raising the office cap at a time when we're already over-run with commuters and have one of the highest jobs/housing imbalance in the state. The transportation, gridlock and parking problems are much worse than when previous "plans" were adopted and citizens finally started paying attention to the degradation of our quality of life.

I am even more opposed to your actions since they appear to be an end-run around the grassroots ballot initiative to CURB office growth that will come before the voters in November. If I'm wrong about that, please clarify.

More upsetting is the waste of city resources on this new tactic when you have a ballot initiative on the table. Did your silly push poll suggest that you'd lose in November and hence this new move?

It's upsetting at how much time we residents/ taxpayers have to spend trying to ensure that OUR appointed officials aren't subverting the will of the voters.

I hope you take resident sentiment to heart for a change. We're paying attention. And we vote.

Most sincerely,
Jo Ann Mandinach
1699 Middlefield Road
Palo Alto, CA 94301
650 329-8655

Jo Ann Mandinach
Need To Know Info Solutions
<http://www.needtoknow.com>
650 329-8655 or cell 650 269-0650
Palo Alto, CA 94301

Carnahan, David

From: Kathy Layendecker <klayendecker@castilleja.org>
Sent: Monday, July 23, 2018 4:41 PM
To: Council, City; Clerk, City
Cc: Carnahan, David
Subject: Letters to Council in Support of Castilleja School
Attachments: Castilleja supporter emails to City Council.pdf

Hon. Mayor Kniss and Hon. Palo Alto Councilmembers,

For the last several months members of the Castilleja community have been sending emails to the Palo Alto City Council to express support for Castilleja's proposed CUP and Master Plan, which will allow the school to fully achieve its mission of educating the next generation of women leaders.

At the beginning of our communication with the City, we were provided city.clerk@cityofpaloalto.org as the primary address to which we should send email. We have also been copying the following addresses:

greg.scharff@cityofpaloalto.org
liz.kniss@cityofpaloalto.org
tom.dubois@cityofpaloalto.org
eric.filseth@cityofpaloalto.org
adrian.fine@cityofpaloalto.org
karen.holman@cityofpaloalto.org
lydia.kou@cityofpaloalto.org
greg.tanaka@cityofpaloalto.org
cory.wolbach@cityofpaloalto.org

Unfortunately, we were recently informed many of our supporters' emails were not reaching Council members via their packets. We have updated your contact information, and new emails will now go to city.council@cityofpaloalto.org. In the interim, the attached document contains all emails that were sent to the incorrect address and we request this document be included in the next City Council packet.

Best Regards,

--
Kathy Layendecker
Associate Head of School
Finance and Operations
Castilleja School
CastillejaReimagined.org

o 650.470.7751
c 971.678.1715



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Ayesha Bajwa <wordpress@castillejamasterplan.com>

Tue, Jun 5, 2018 at 2:05 PM

Reply-To: abajwa@mit.edu

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Ayesha Bajwa and I live in Palo Alto, CA. I am writing to you as a 2014 graduate and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Ayesha Bajwa
abajwa@mit.edu



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Barbara Hazlett <wordpress@castillejamasterplan.com>

Mon, Feb 19, 2018 at 10:15 AM

Reply-To: bthazlett@aol.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Barbara Hazlett and I live in Palo Alto, CA. I am writing to you as a neighbor and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Barbara Hazlett
bthazlett@aol.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Jessica Hazlett <wordpress@castillejamasterplan.com>

Mon, Feb 19, 2018 at 2:43 PM

Reply-To: jessicaann.hazlett@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Jessica Hazlett and I live in Palo Alto, CA. I am writing to you as a alumna and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Jessica Hazlett
jessicaann.hazlett@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Beth O'Malley <wordpress@castillejamasterplan.com>

Fri, Mar 30, 2018 at 10:38 AM

Reply-To: bomal@sbcglobal.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Beth O'Malley and I live in Palo Alto, Ca. I am writing to you as a Parent of 3 alumnae and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Beth O'Malley
bomal@sbcglobal.net



Castilleja Reimagined <castillejareimagined@gmail.com>

Siew year IUa <wordpress@castillejamasterplan.com>

Fri, Mar 30, 2018 at 2:06 PM

Reply-To: lausiewyear@hotmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Siew year IUa and I live in San Jose, CA. I am writing to you as a advocate for women's education and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Siew year IUa



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Caitlin Field <wordpress@castillejamasterplan.com>

Wed, Nov 1, 2017 at 6:13 PM

Reply-To: caitlinfield@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Caitlin Field and I live in Palo Alto, Ca. I am writing to you as a Parent of Castilleja Alumna and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Caitlin Field
caitlinfield@yahoo.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Carol C Friedman <wordpress@castillejamasterplan.com>

Wed, Feb 7, 2018 at 9:49 PM

Reply-To: carolcfriedman465@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Carol C Friedman and I live in 465 Lowell Avenue, Palo Alto, CA. I am writing to you as a Past parent and former development officer and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Carol C Friedman
carolcfriedman465@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Kalpesh Kapadia <wordpress@castillejamasterplan.com>

Thu, Feb 8, 2018 at 7:57 AM

Reply-To: kkapadia3@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Kalpesh Kapadia and I live in Palo Alto, CA. I am writing to you as a local parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Kalpesh Kapadia
kkapadia3@gmail.com

Patricia McGuigan <wordpress@castillejamasterplan.com>

Thu, Feb 8, 2018 at 8:44 AM

Reply-To: pmcguigan@ccarey.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Patricia McGuigan and I live in Palo Alto, Calif. I am writing to you as a Neighbor to the school and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Patricia McGuigan
pmcguigan@ccarey.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Deborah Goldeen <wordpress@castillejamasterplan.com>

Fri, Jan 19, 2018 at 2:09 PM

Reply-To: palamino@pacbell.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Deborah Goldeen and I live in 2130 Birch St., 94306. I am writing to you as a concerned resident and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Deborah Goldeen
palamino@pacbell.net



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Donna Sheridan <wordpress@castillejamasterplan.com>

Tue, Dec 26, 2017 at 5:16 PM

Reply-To: d@dsheridan.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Donna Sheridan and I live in PaloAlto, Ca. I am writing to you as a Parent of two successful women, Castilleja alumnae and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Donna Sheridan
d@dsheridan.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Eduardo Llach <wordpress@castillejamasterplan.com>

Tue, Dec 12, 2017 at 10:49 AM

Reply-To: eduardo@llach.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Eduardo Llach and I live in Palo Alto, CA. I am writing to you as a neighbor and parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Eduardo Llach
eduardo@llach.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Erin Griffiths <wordpress@castillejamasterplan.com>

Fri, Nov 17, 2017 at 8:46 AM

Reply-To: emgriffi@hotmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Erin Griffiths and I live in San Francisco, CA. I am writing to you as a Parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Erin Griffiths
emgriffi@hotmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Stephanie Day <wordpress@castillejamasterplan.com>

Fri, Nov 17, 2017 at 3:13 PM

Reply-To: stephalain@mac.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Stephanie Day and I live in Menlo Park, CA. I am writing to you as a community member, parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Stephanie Day
stephalain@mac.com

Please Support Castilleja

Jackie Reses Reses <wordpress@castillejamasterplan.com>

Fri, Jun 8, 2018 at 9:58 PM

Reply-To: jackiereses@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Jackie Reses Reses and I live in Palo Alto, CA. I am writing to you as a member of the community and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Jackie Reses Reses

jackiereses@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Joe Hefner <wordpress@castillejamasterplan.com>

Wed, Nov 29, 2017 at 4:03 PM

Reply-To: wileyann@aol.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Joe Hefner and I live in Palo Alto, CA. I am writing to you as a Palo alto citizen and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Joe Hefner
wileyann@aol.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

john hanna hanna <wordpress@castillejamasterplan.com>

Mon, Apr 16, 2018 at 3:24 PM

Reply-To: jhanna@hanvan.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is john hanna hanna and I live in palo alto., CA, 94301. I am writing to you as a big fan and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

john hanna hanna
jhanna@hanvan.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

2 messages

Josee Band <wordpress@castillejamasterplan.com>

Wed, Jan 24, 2018 at 2:46 PM

Reply-To: jband@castilleja.org

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Josee Band and I live in Palo Alto, CA. I am writing to you as a Palo Alto resident and administrator at Castilleja, and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Josee Band
jband@castilleja.org



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Victoria Dean <wordpress@castillejamasterplan.com>

Wed, Jan 24, 2018 at 5:15 PM

Reply-To: victoria.dean@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Victoria Dean and I live in Palo Alto, California. I am writing to you as a member of the Castilleja class of 2013 and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Victoria Dean
victoria.dean@gmail.com

Please Support Castilleja

2 messages

JOULIETTE ERICKSON <wordpress@castillejamasterplan.com>

Sat, Mar 3, 2018 at 2:06 PM

Reply-To: jouliette123@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is JOULIETTE ERICKSON and I live in Palo Alto, CA. I am writing to you as a grandparent of a freshman and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

JOULIETTE ERICKSON
jouliette123@yahoo.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Kate Healy <wordpress@castillejamasterplan.com>

Tue, Jan 16, 2018 at 8:50 AM

Reply-To: kate@healy.cc

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Kate Healy and I live in Palo Alto, CA. I am writing to you as a Our Daughter is in 6th grade and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Kate Healy
kate@healy.cc



Castilleja Reimagined <castillejareimagined@gmail.com>

Heidi Hopper <wordpress@castillejamasterplan.com>

Tue, Jan 16, 2018 at 2:16 PM

Reply-To: hhopper@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Heidi Hopper and I live in Palo Alto, CA. I am writing to you as a Castilleja Board of Trustees member and former Castilleja parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Heidi Hopper
hhopper@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Kenneth Low <wordpress@castillejamasterplan.com>

Sun, Dec 24, 2017 at 12:01 PM

Reply-To: lowdown1@comcast.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Kenneth Low and I live in Palo Alto, CA. I am writing to you as a non supporter. Why are you even considering the proposal with an organization that lies. and has purposely broke and flaunted city regulations? This is not the example that she be taught their students!!!!!! and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Kenneth Low
lowdown1@comcast.net



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

2 messages

Kristin Goldman <wordpress@castillejamasterplan.com>

Mon, Dec 11, 2017 at 1:57 PM

Reply-To: kristin_goldman@hotmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Kristin Goldman and I live in Palo Alto, CA. I am writing to you as a parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Kristin Goldman

kristin_goldman@hotmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Preetha Basaviah <wordpress@castillejamasterplan.com>

Mon, Dec 11, 2017 at 9:27 PM

Reply-To: Preetha2016@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Preetha Basaviah and I live in Palo Alto, CA. I am writing to you as a parent of current students and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Preetha Basaviah
Preetha2016@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Lilyana Prasetya <wordpress@castillejamasterplan.com>

Wed, Jan 17, 2018 at 2:48 PM

Reply-To: lpgunadi@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Lilyana Prasetya and I live in Palo Alto, CA. I am writing to you as a parent of an alum and a current parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Lilyana Prasetya
lpgunadi@yahoo.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Lois Toback <wordpress@castillejamasterplan.com>

Tue, Nov 21, 2017 at 2:41 PM

Reply-To: ltoback@earthlink.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Lois Toback and I live in Palo Alto, CA. I am writing to you as a former employee of 23 years and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Lois Toback
ltoback@earthlink.net



Castilleja Reimagined <castillejareimagined@gmail.com>

Marilu Serrano <wordpress@castillejamasterplan.com>

Tue, Nov 21, 2017 at 6:19 PM

Reply-To: lupita423@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Marilu Serrano and I live in East Palo Alto, California. I am writing to you as a supporter of talented, young Latina girls in East Palo Alto and who I hope have a future at Castilleja, and in the recent revelations of powerful man abusing their power; and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Marilu Serrano
lupita423@yahoo.com

Jacquelyn Glidden <wordpress@castillejamasterplan.com>

Tue, Nov 21, 2017 at 7:54 PM

Reply-To: jacquelyn.t.glidden@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Jacquelyn Glidden and I live in Palo alto, California. I am writing to you as a Concerned resident, young woman, scientist, and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Jacquelyn Glidden
jacquelyn.t.glidden@gmail.com

Nathan Carrier <wordpress@castillejamasterplan.com>

Tue, Nov 21, 2017 at 9:10 PM

Reply-To: njcarrier@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Nathan Carrier and I live in Palo Alto, CA. I am writing to you as a neighbor, tutor of a low income child applying to Castilleja, and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Nathan Carrier
njcarrier@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Maddy Baum <maddy.baum@oracle.com>

Mon, Oct 30, 2017 at 12:52 PM

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org, castillejareimagined@gmail.com

Hello,

I graduated from Castilleja in 2013, having been there for both middle and high school. I am truly so grateful for my time at Castilleja and the way it shaped me into who I am today – more ways than I can discuss in a short email. I live in Palo Alto, and have my entire life. Castilleja allowed me to discover my passions for helping others, mold my world view, and create friendships that I am sure will last a lifetime.

It is clear to me that Castilleja has put tremendous effort into ensuring the least amount of inconvenience for neighbors as possible. I understand that this change might cause tension with the neighbors, but I am confident that changing the lives of women, many of whom would not be offered these experiences without Castilleja's scholarship programs, should be of the utmost importance when making the decision. Empowering women leaders will ultimately positively impact both our community and the entire world, and I trust that Palo Alto City Council will recognize this and allow for the school's expansion.

Best Regards,
Maddy Baum



Maddy Baum | Business Development Consultant | [HCM](#)

maddy.baum@oracle.com

Office: 650.633.5422

10 Twin Dolphin Parkway | Redwood Shores, CA 94065



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Megan Hutchin <wordpress@castillejamasterplan.com>

Mon, Mar 5, 2018 at 1:55 PM

Reply-To: mhutchin@castilleja.org

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Megan Hutchin and I live in Mountain View, California. I am writing to you as a teacher at Castilleja and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Megan Hutchin
mhutchin@castilleja.org



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Mike Anderson <wordpress@castillejamasterplan.com>

Thu, Mar 1, 2018 at 9:41 AM

Reply-To: andman817@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Mike Anderson and I live in Palo Alto, CA. I am writing to you as a parent of a Castilleja Student (one that will have graduated before this project begins) and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Mike Anderson
andman817@yahoo.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Nancy Ginsburg Stern <wordpress@castillejamasterplan.com>

Sat, Nov 4, 2017 at 12:16 PM

Reply-To: nancygins@comcast.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Nancy Ginsburg Stern and I live in Palo Alto, CA. I am writing to you as a Parent of a Castilleja graduate and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Nancy Ginsburg Stern
nancygins@comcast.net



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Nancy Hannibal <wordpress@castillejamasterplan.com>

Mon, Feb 12, 2018 at 10:09 AM

Reply-To: nancyhannibal@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Nancy Hannibal and I live in Palo Alto, CA. I am writing to you as a Parent of two former students and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Nancy Hannibal

nancyhannibal@yahoo.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Neeraja Kambham <wordpress@castillejamasterplan.com>

Wed, Feb 28, 2018 at 4:04 PM

Reply-To: neeraja_kambham@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Neeraja Kambham and I live in Stanford, CA. I am writing to you as a parent of a Castilleja student and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Neeraja Kambham
neeraja_kambham@yahoo.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Linda McGeever <wordpress@castillejamasterplan.com>

Wed, Feb 28, 2018 at 4:32 PM

Reply-To: lindamcgeever@yahoo.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Linda McGeever and I live in Portola Valley, CA. I am writing to you as a Parent of a current student and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Linda McGeever
lindamcgeever@yahoo.com

john hanna hanna <wordpress@castillejamasterplan.com>

Wed, Feb 28, 2018 at 4:58 PM

Reply-To: jhanna@hanvan.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is john hanna hanna and I live in palo alto, CA, 94301. I am writing to you as a past trustee, father of two graduates, grandfather of a current student and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

john hanna hanna
jhanna@hanvan.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Prince Shah <wordpress@castillejamasterplan.com>

Wed, Nov 22, 2017 at 4:17 PM

Reply-To: princeshah@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Prince Shah and I live in Palo Alto, California. I am writing to you as a neighbor, parent, supporter of women's rights and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Prince Shah
princeshah@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

2 messages

Usha Nesamoney <wordpress@castillejamasterplan.com>

Sat, Jan 27, 2018 at 9:09 PM

Reply-To: usha.nesamoney@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Usha Nesamoney and I live in Atherton, California. I am writing to you as a parent and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Usha Nesamoney
usha.nesamoney@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Phillip Yang <wordpress@castillejamasterplan.com>

Sat, Jan 27, 2018 at 11:15 PM

Reply-To: phillip@stanford.edu

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Phillip Yang and I live in Stanford, CA. I am writing to you as a parent of 2 girls (one alumnae and an 8th grader) and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Phillip Yang
phillip@stanford.edu



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

Wendy Carrel <wordpress@castillejamasterplan.com>

Sat, Jun 9, 2018 at 11:06 AM

Reply-To: nomadwjc@aol.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Wendy Carrel and I live in West Hollywood, CA. I am writing to you as a Palo Alto citizen childhood thru graduate school, and as an alumna and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Wendy Carrel
nomadwjc@aol.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Yefei Peng Peng <wordpress@castillejamasterplan.com>

Wed, Jun 6, 2018 at 3:21 PM

Reply-To: yefei.peng@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Yefei Peng Peng and I live in Palo Alto, California. I am writing to you as a parent of a Castilleja student and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Yefei Peng Peng
yefei.peng@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Colin Quinton <wordpress@castillejamasterplan.com>

Wed, Jun 6, 2018 at 4:34 PM

Reply-To: colin@quinton.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Colin Quinton and I live in Menlo Park, California. I am writing to you as a neighbor and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Colin Quinton
colin@quinton.net

Victoria Sullivan Sullivan <wordpress@castillejamasterplan.com>

Wed, Jun 6, 2018 at 11:26 PM

Reply-To: vickisullivan@comcast.net

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Victoria Sullivan Sullivan and I live in Palo Alto, CA. I am writing to you as a Rival varsity basketball coach and neighbor and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Victoria Sullivan Sullivan
vickisullivan@comcast.net



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Yinqing Zhao <wordpress@castillejamasterplan.com>

Sat, Nov 18, 2017 at 10:01 AM

Reply-To: carial2004@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Scharff and Members of the Palo Alto City Council,

My name is Yinqing Zhao and I live in Palo Alto, California. I am writing to you as a parent of a current Castilleja student and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Yinqing Zhao
carial2004@gmail.com



Castilleja Reimagined <castillejareimagined@gmail.com>

Please Support Castilleja

1 message

Yvette Bovee <wordpress@castillejamasterplan.com>

Tue, Mar 13, 2018 at 6:01 PM

Reply-To: bovee9@gmail.com

To: greg.scharff@cityofpaloalto.org, liz.kniss@cityofpaloalto.org, tom.dubois@cityofpaloalto.org, eric.filseth@cityofpaloalto.org, adrian.fine@cityofpaloalto.org, karen.holman@cityofpaloalto.org, lydia.kou@cityofpaloalto.org, greg.tanaka@cityofpaloalto.org, cory.wolbach@cityofpaloalto.org, city.clerk@cityofpaloalto.org

Dear Mayor Kniss and Members of the Palo Alto City Council,

My name is Yvette Bovee and I live in PALO ALTO, Ca. I am writing to you as a mother of a current Castilleja student and supporter of Castilleja School.

Castilleja was founded 110 years ago to equalize educational opportunities for women. Today, Castilleja seeks to close the female leadership gap by gradually adding students over four years. Making this opportunity available for more young women is central to furthering that mission.

As a Palo Alto resident, I am proud to have Castilleja in our city. The school has been an indispensable community partner and is committed to maintaining its neighbors' current quality of life. Castilleja has already implemented robust Traffic Demand Management initiatives, and has repeatedly pledged to neighbors not only to do more, but that the admittance of new students will be dependent on the continued success of the school's traffic programs.

Now more than ever, at a time when national politics has devolved into shouting matches and one-upmanship, Castilleja's mission of serving girls and young women from Palo Alto and other nearby cities is critically important.

Please do not let the loudest voices in the conversation obscure the robust support for Castilleja found throughout our wonderful city.

Sincerely,

Yvette Bovee
bovee9@gmail.com

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Tuesday, July 24, 2018 12:18 AM
To: paloaltofreepress@gmail.com; Jonsen, Robert; wilpf.peninsula.paloalto@gmail.com; Council, City; Keene, James; citycouncil@menlopark.org; HRC; stephanie@dsxextreme.com; stevendlee@alumni.duke.edu; gkirby@redwoodcity.org; swagstaffe@smcgov.org; myraw@smcba.org; mdiaz@redwoodcity.org; molly.o'neal@pdo.sccgov.org; jrosen@da.sccgov.org; Perron, Zachary; Binder, Andrew; dcbertini@menlopark.org; council@redwoodcity.org; ibain@redwoodcity.org; roberta.ahlquist@sjsu.edu; Kniss, Liz (internal); Bains, Paul; Stump, Molly
Subject: Long awaited defense of necessity in homeless cases
Attachments: In re Eichorn_ The Long Awaited Implementation of the Necessity D.pdf

http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1770&=&context=aulr&=&sei-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fq%253DIn%252Bre%252BEichorn%2526hl%253Den%2526as_sdt%253D0%2526as_vis%253D1%2526oi%253Dscholart#search=%22re%20Eichorn%22

Sent from my iPhone

American University Law Review

Volume 50 | Issue 1

Article 6

2000

In re Eichorn: The Long Awaited Implementation of the Necessity Defense in a Case of the Criminalization of Homelessness

Antonia K. Fasanelli

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/aur>



Part of the [Law Commons](#)

Recommended Citation

Fasanelli, Antonia K. "In re Eichorn: The Long Awaited Implementation of the Necessity Defense in a Case of the Criminalization of Homelessness." American University Law Review 50, no.1 (2000): 323-354.

This Notes & Casenotes is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in American University Law Review by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact fbrown@wcl.american.edu.

In re Eichorn: The Long Awaited Implementation of the Necessity Defense in a Case of the Criminalization of Homelessness

NOTE

IN RE EICHORN: THE LONG AWAITED IMPLEMENTATION OF THE NECESSITY DEFENSE IN A CASE OF THE CRIMINALIZATION OF HOMELESSNESS

ANTONIA K. FASANELLI*

Introduction.....	323
I. Homelessness in the United States.....	325
A. Housing, Income, and Shelter Statistics.....	328
II. Eighth Amendment Challenges to Ordinances Banning Sleeping in Public.....	331
III. The Necessity Defense.....	337
IV. <i>In re Eichorn</i> and Application of the Necessity Defense	345
A. Housing, Shelter, and Income.....	347
B. Application.....	348
C. Impact upon Other Cities	350
Conclusion	354

INTRODUCTION

On December 30, 1998, the Court of Appeal in California found that a trial court should have allowed a homeless man cited for violating the City of Santa Ana's anti-camping ordinance to assert the necessity defense.¹ In an earlier decision, the California Supreme

* Note and Comment Editor, *American University Law Review*; J.D. Candidate, 2001, *American University, Washington College of Law*, B.A., 1996, *Barnard College*. I would like to thank Professor Susan Bennett and my editor, Adrienne R. Turner, both of whom provided advice and comment throughout the preparation of this Note.

1. *In re Eichorn*, 81 Cal. Rptr. 2d 535, 540 (Ct. App. 1998) (permitting a homeless man, arrested for sleeping in a public location, to raise the necessity defense).

Court found the anti-camping ordinance constitutional.² The supreme court left open, however, the possibility for homeless defendants to assert the “necessity defense,”³ as a justification for violating the law.⁴ This defense provides a potentially valid reason for breaking the law—out of necessity.⁵ In response to the creation of this option, a number of legal scholars analyzed the application of the necessity defense.⁶ Their analyses included the consideration of many factors, including an individual defendant’s efforts to eliminate his or her homeless condition, and lack of available resources provided by the locality.⁷ *In re Eichorn* is the first case to apply the necessity defense to the violation of an anti-camping ordinance by a homeless person,⁸ and provides advocates and scholars with their first glimpse into the role that this defense may play in homeless advocacy.

This Note asserts that the necessity defense demonstrates the

2. See *Tobe v. City of Santa Ana*, 892 P.2d 1145, 1161-69 (Cal. 1995) (finding the ordinance facially constitutional as it does not violate the right to travel or punish status, and is not vague or overbroad).

3. See *id.* at 1155 (recognizing the possibility that defendants may raise “a due-process-based necessity defense”).

4. See 1 WAYNE R. LAFAVE & AUSTIN W. SCOTT, JR., *SUBSTANTIVE CRIMINAL LAW* § 5.4(a) (1986) [hereinafter *SUBSTANTIVE CRIMINAL LAW*] (explaining that “one who, under the pressure of circumstances, commits what would otherwise be a crime may be justified by ‘necessity’ in doing as he did and so not be guilty of the crime in question”).

5. See *Eichorn*, 81 Cal. Rptr. 2d at 539 (explaining that the necessity defense requires that the defendant be faced with a threatening situation such that no other legal courses of action exist).

6. See Michael M. Burns, *Fearing the Mirror: Responding to Beggars in a “Kinder and Gentler” America*, 19 HASTINGS CONST. L.Q. 783, 809 (1992) (discussing the application of five common law elements of the necessity defense to the crime of begging); Robert C. McConkey III, “Camping Ordinances” and the Homeless: *Constitutional and Moral Issues Raised by Ordinances Prohibiting Sleeping in Public Areas*, 26 CUMB. L. REV. 633, 658-59 (1995-1996) (discussing potential factors that courts could utilize in determining the application of the necessity defense); Donald E. Baker, Comment, “Anti-Homeless” Legislation: *Unconstitutional Efforts to Punish the Homeless*, 45 U. MIAMI L. REV. 417, 452-53 (1991) (applying a hypothetical example of a homeless woman arrested for sleeping on the street to the four traditional elements of the necessity defense). But see David M. Smith, Note, *A Theoretical and Legal Challenge to Homeless Criminalization as Public Policy*, 12 YALE L. & POL’Y REV. 487, 508 (1994) (advocating for the application of the defense of duress to anti-homeless ordinances over the defense of necessity).

7. See McConkey, *supra* note 6, at 658 (suggesting that a defendant asserting the defense of necessity needs to prove that he or she had nowhere else to sleep and that the defendant may not rely solely on evidence that the number of available shelter beds is insufficient compared to the homeless population).

8. See Burns, *supra* note 6, at 808-09 & n.139 (mentioning that Professor Alan Levine, Hofstra University School of Law, sought to assert the defense of necessity where police arrested a homeless man for trespassing in an abandoned apartment building, but the prosecution withdrew the charges); see also *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1554 (S.D. Fla. 1992) (noting that members of the class of plaintiffs could not raise the defenses of necessity or duress to contest an ordinance that criminalized sleeping and eating in public places because authorities released the arrested plaintiffs from custody without being charged).

2000]

IN RE EICHORN

325

inutility of anti-camping and sleeping ordinances in removing homeless people from public areas and in serving the broader social goal of eliminating homelessness altogether. The recent application of the necessity defense constitutes a shift toward focusing on available alternatives and the strict balancing of harms analysis,⁹ and away from the theory of voluntarism.¹⁰ Courts thereby place the burden on local governments to address the lack of resources available to homeless people.¹¹ This Note discusses potential policy implications resulting from the application of the necessity defense, including the potential for a large number of lawsuits. Both the far-reaching policy implications and the numerous possible lawsuits prove that in the interest of judicial efficiency, such ordinances should be abolished.

Part I of this Note provides national statistics on homeless people, and discusses causes of homelessness and the lack of affordable housing and other services. In addition, this section focuses on specific barriers to services and housing in cities implementing anti-camping ordinances and how a homeless plaintiff may use these barriers in asserting a necessity defense. Part II presents an overview of the case law on anti-camping and sleeping ordinances. Part III discusses the development of the necessity defense and its use today. Part IV presents *In re Eichorn* and discusses the court's analysis of the application of the necessity defense where police cited a homeless man for violating an anti-camping and sleeping ordinance.

I. HOMELESSNESS IN THE UNITED STATES

In an effort to address the presence of homeless people¹² living on

9. Balancing of harms, or comparing harms, is exemplified by the Model Penal Code § 3.02(1)(a), which states that "the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged." Model Penal Code § 3.02(1)(a) (1962); see also John T. Parry, *The Virtue of Necessity: Reshaping Culpability and the Rule of Law*, 36 Hous. L. Rev. 397, 417-19 (1999) (discussing the balance-of-harms approach in the context of justification).

10. "The theory of voluntarism holds that defendants are morally culpable and may be punished if they had the capacity and opportunity to conform to the law—that is, at a minimum, if they could have acted differently had they chosen to do so." Parry, *supra* note 9, at 421.

11. See Debra Livingston, *Police Discretion and the Quality of Life in Public Places: Courts, Communities, and the New Policing*, 97 COLUM. L. REV. 551, 560-61 (1997) (arguing that "police cannot perform substantial order maintenance tasks without legal authority" and in order to address the inappropriate emphasis on improved "quality of life" through police enforcement, "there is a need for renewed focus upon those political, administrative, and other 'subconstitutional' controls that might assist in constraining arbitrary police enforcement").

12. The Stewart B. McKinney Homeless Assistance Act defines a homeless person as:

(1) an individual who lacks a fixed, regular, and adequate nighttime

the street,¹³ many jurisdictions have enacted laws that ban activities primarily attributed to homeless people, such as sleeping and camping in public.¹⁴ Such laws affect a small portion of the 700,000 people who are homeless on any given night.¹⁵ For instance, conservative estimates indicate that in Washington, D.C., there are 7,500 homeless people,¹⁶ but only between 700 and 1,800 live on the

residence; and

- (2) an individual who has a primary nighttime residence that is—
 - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

42 U.S.C. § 11302 (1994). The Stewart B. McKinney Homeless Assistance Act is the only major federal legislation addressing homelessness. *See id.* § 11301 (designating that the purpose of the Act is to address, on a federal level, the "immediate and unprecedented crises" of homelessness in our nation).

In addition to the McKinney Act definition of a homeless person, localities such as Washington, D.C., also consider a family or individual who has lived for any period of time with another person who is the owner or controller of the residence to be homeless. Such a condition is called "doubling up." *See MARTHA BURT, OVER THE EDGE 8 (1992)* (noting that doubling up may occur when households want to share costs when housing becomes unaffordable); *see also* Maria Foscarinis, *Downward Spiral: Homelessness and its Criminalization*, 14 YALE L. & POL'Y REV. 1, 7 (1996) ("Many homeless individuals and families double up with relatives or friends before reaching the streets or shelters . . .").

13. *See Rob Teir, Restoring Order in Urban Public Spaces*, 2 TEX. REV. L. & POL. 255, 256 (1998) (discussing the "national trend to re-establish a semblance of order, comfort, and security in urban public spaces"); *see also* Elisabeth Bumiller, *In Wake of Attack, Giuliani Cracks Down on Homeless*, N.Y. TIMES, Nov. 20, 1999, at A1 (reporting on Mayor Rudolph Giuliani's decision that police will arrest homeless people if found on the street after a homeless man attacked a woman).

14. *See, e.g.*, Cal. Penal Code § 647(j) (West 1999) (mandating that "[e]very person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: . . . (j) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it").

15. *See James D. Wright & Joel A. Devine, Housing Dynamics of the Homeless: Implications for a Count*, 65 AM. J. ORTHOPSYCHIATRY 320, 323, 328-29 (1995) (analyzing the U.S. Bureau of Census' S-Night count of homeless people, which totaled 228,372 people, and concluding that it is more likely that there are between 734,000 and 1,300,000 homeless people in the United States on a given night); *see also* Martha R. Burt, *Critical Factors in Counting the Homeless: An Invited Commentary*, 65 AM. J. ORTHOPSYCHIATRY 334, 335 (1995) (supporting Wright and Devine's point-in-time figure of 700,000 homeless people and suggesting that the 1,300,000 figure falls short of the likely 2-3 million people who are homeless annually).

16. *See THE COMMUNITY PARTNERSHIP FOR THE PREVENTION OF HOMELESSNESS, 1997-1998 REPORT TO THE COMMUNITY* 9 & n.9 (1999) [hereinafter COMMUNITY PARTNERSHIP] (noting, however, that other estimates show that there are over 10,000 persons permanently housed with District and Federal "homeless" dollars each day). A recent article notes the increase of homelessness in the District of Columbia as reported by homeless service providers critical of the Community Partnership's conclusion that homelessness had declined since 1996. *See Serge F. Kovaleski & Sewell Chan, Indicators Show D.C. Homelessness Getting Worse*, WASH. POST, Feb. 14,

2000]

IN RE EICHORN

327

street.¹⁷

National and local statistics on homelessness and resources available to homeless people provide a background to the impact anti-sleeping and camping ordinances have on homeless people. The lack of shelter, affordable housing, and income resources in U.S. cities indicate that homeless people often have no place to go and have little opportunity to find housing in the near future. For homeless persons sleeping on the street, the lack of opportunity to find and maintain housing inevitably translates into continued violations of city anti-camping and sleeping ordinances.

Violations of these ordinances affect a wide cross section of individuals because the national homeless population is diverse. In 1999, the U.S. Conference of Mayors published *A Status Report on Hunger and Homelessness in America's Cities: 2000*, that analyzed surveys on hunger and homelessness in twenty-five U.S. cities.¹⁸ Of the cities surveyed, the report found that 36% of the homeless population were families with children;¹⁹ 22% were mentally ill; 37% were substance abusers; 26% were employed; and 15% were veterans.²⁰

The causes of homelessness are equally diverse. Martha Burt, in her book *Over the Edge*, argues that the two direct causes of homelessness are housing and income.²¹ The housing factor includes two variables—rental vacancy rate and the ratio of low-income renters

2001, at A1. *But see* Mary Otto, *Area Counts 12,850 Homeless in a Day*, WASH. POST, Apr. 12, 2001 at A1 (reporting that a recent study from the Metropolitan Washington Council of Governments found that 7,058 homeless people live in Washington, D.C. and 5,792 homeless people live in the surrounding suburbs in Maryland and Virginia).

17. *See id.* at 7 (discussing a National Institute for Drug Abuse study conducted in 1992, which found 1,800 homeless people living on the streets and the Community Partnership's study, which found 700 people who remain on the streets for a period of at least 90 days, which the organization considers only an "informed estimate").

18. THE U.S. CONFERENCE OF MAYORS, A STATUS REPORT ON HUNGER AND HOMELESSNESS IN AMERICA'S CITIES i (2000) [hereinafter U.S. CONFERENCE OF MAYORS] (assessing the status of hunger and homelessness in American cities by surveying 26 major cities where the mayors were members of the Task Force on Hunger & Homelessness).

19. *Id.* at ii; *see also* HOMES FOR THE HOMELESS, 1994-95 ANNUAL REPORT 1 (1995) (asserting that there are 600,000 homeless families each year).

20. *See* U.S. CONFERENCE OF MAYORS, *supra* note 18, at ii (providing statistics concerning the demographics of America's homeless population).

21. *See* BURT, *supra* note 12, at 162 (determining that a city's homelessness rate is most directly affected by housing and income variables); *see also* U.S. CONFERENCE OF MAYORS, *supra* note 18, at ii, 67 (finding that survey cities report that the lack of affordable housing is the most significant factor that causes homelessness). The U.S. Conference of Mayors notes that other causes of homelessness include "low paying jobs;" "substance abuse and the lack of needed services;" "mental illness and the lack of needed services;" "domestic violence;" "poverty;" "changes in cuts in public assistance programs;" and "the lack of access to affordable healthcare." *Id.* at 67.

to affordable units.²² The second factor, income, includes the particular geographic area's poverty rate and per capita income.²³ Burt also presents indirect factors, such as benefits affecting homelessness via income, the number of persons in a household who can work, the locality's unemployment rate, and the cost of living.²⁴

A. *Housing, Income, and Shelter Statistics*

The shortage of affordable housing is a significant barrier to housing for a homeless person or family.²⁵ In March 1999, the Department of Housing and Urban Development reported that, although there is "record growth in the economy," rental housing is too expensive for low-income persons²⁶ and there is a "dramatic loss" of affordable housing.²⁷ Those persons who do not receive housing

22. See BURT, *supra* note 12, at 162 (noting that a low vacancy rate results in more homelessness as does a high ratio of low-income renters).

23. See *id.* at 162, 164. The Census Bureau determines the poverty rate based upon "a set of money income thresholds that range by family size and composition to detect who is poor." See U.S. Census Bureau, *Current Population Survey (CPS)—Definitions and Explanations* (visited Sept. 14, 2000), at <http://www.census.gov/population/www/cps/cpsdef.html>.

24. See BURT, *supra* note 12, at 164-65. Burt shows that all indirect resources also affect homelessness directly. See *id.* at 164.

25. See U.S. DEP'T OF HEALTH & HUMAN SERVS. & U.S. DEP'T OF HOUS. & URBAN DEV., PRACTICAL LESSONS: THE 1998 NATIONAL SYMPOSIUM ON HOMELESSNESS RESEARCH vii (1999) ("Receipt of affordable housing is the single greatest predictor of formerly homeless persons' ability to remain in housing.").

26. See U.S. DEP'T OF HOUS. & URBAN DEV., WAITING IN VAIN: AN UPDATE ON AMERICA'S RENTAL HOUSING CRISIS 14 (1999) [hereinafter WAITING IN VAIN] (determining that, based on the Consumer Price Index for Residential Rent, rents rose at a rate almost double that of inflation between 1996 and 1998). HUD also finds that based upon Bureau of Labor Statistics figures between 1995-1997 "rents slightly outpaced income...for the 20% of U.S. households with the lowest incomes." *Id.* at 15; see also NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, OUT OF SIGHT—OUT OF MIND ii (1998) [hereinafter OUT OF SIGHT] (finding that a survey of 50 U.S. cities revealed that between 17 and 37% of individuals "are unable to afford the fair market rent for an efficiency apartment in their metropolitan area").

27. See WAITING IN VAIN, *supra* note 26, at 15 (finding that the number of housing units that rent for less than \$300 decreased by 13% between 1996 and 1998). HUD indicates that lack of access to housing for low-income persons is precipitated also by the lack of housing assistance provided by HUD as a result of a withdrawal of Government support. See *id.* at 16. A further hurdle to the provision of affordable housing is the failure of owners of project-based Section 8 housing to renew their contracts with HUD, where there is little financial incentive to do so because HUD cannot offer competitive market rents. See *id.* at 16-17.

The Center on Budget and Policy Priorities found that the number of low-income renters exceeded the number of low-income housing units by 4.4 million. See *Center on Budget and Policy Priorities, Press Release, In Search of Shelter: The Growing Shortage of Affordable Rental Housing* (visited Nov. 7, 1999), at <http://www.cbpp.org/615hous-pr.htm>. Although low-income households should pay only 30% of their income on housing, 82% of these families used more than 30% of their income for housing. See *id.* Where low-income people are required to maintain housing with more than one-third of their income, finding and retaining affordable housing while homeless is a significant challenge. See *id.*

assistance promptly due to this shortage are placed on waiting lists that may result in a wait anywhere between a few months to several years for housing.²⁸ Some of the longest wait times are in large urban areas, such as New York where the wait time for public and Section 8 housing²⁹ is eight years.³⁰ Other cities have refused to accept applications for at least one affordable housing program because of the length of the existing wait lists.³¹

Earnings from employment may assist homeless people in obtaining basic necessities and, in some cases, housing, but homelessness is not solved through work alone. The National Law Center on Homelessness & Poverty explains that a person working forty hours per week at minimum wage still cannot afford fair market rent³² for an efficiency apartment in any of the fifty cities analyzed.³³ Some homeless people work as day laborers or hold part-time or even full-time jobs.³⁴ As many as 44% of homeless people work,³⁵ but often

28. See WAITING IN VAIN, *supra* note 26, at 7-8 (finding that in 1998 the average waiting time nationwide for public housing was eleven months and for Section 8 housing was twenty-eight months).

29. HUD provides two types of Section 8 housing. The first, and most common form, is the Section 8 rental voucher program, where voucher recipients may lease privately owned housing and pay approximately 30% of their income for that housing. HUD then provides the difference between the tenant's share of rent and the total rent charged by the landlord. See U.S. Dep't of Hous. & Urban Dev., *Section 8 Program Fact Sheet* (visited Sept. 17, 2000), at <http://www.hud.gov/section8.html>. The second type of Section 8 housing, project-based Section 8, provides a subsidy to owners of buildings who reserve units for Section 8 holders. Forty percent of all units designated for recipients of Section 8 assistance are reserved for families at or below 30% of the local area median income. See U.S. DEP'T OF HOUS. & URBAN DEV., RENTAL HOUSING ASSISTANCE—THE WORSENING CRISIS 9 (2000) [hereinafter THE WORSENING CRISIS].

30. See WAITING IN VAIN, *supra* note 26, at 8 (finding that, in addition to the lengthy wait in New York, wait times for public housing in other cities include "6 years in Oakland, and up to 5 years in Washington, D.C. and Cleveland," and that Section 8 housing waiting times are 5 years in Memphis, up to 5 years in Chicago, 7 years in Houston, up to "10 years in Newark, and 10 years in Los Angeles"); see also COMMUNITY PARTNERSHIP, *supra* note 16, at 7-8 (finding that 267 homeless families remain on the wait list for family emergency shelter in the District of Columbia).

31. See U.S. CONFERENCE OF MAYORS, *supra* note 18, at 88 (noting that 44% of survey cities stopped accepting applications for assisted housing programs).

32. HUD determines the fair market rent (FMR) of housing by "estimat[ing] . . . rent plus the cost of utilities, except telephone. [FMRs] are housing market wide estimates of rents that provide opportunities to rent standard quality housing throughout the geographic area in which rental housing units are in competition FMRs are set at the 40th percentile rent—the dollar amount below which 40% of standard quality rental housing units rent." 24 C.F.R. § 888.113 (2000).

33. See OUT OF SIGHT, *supra* note 26, at i. The National Law Center also suggests that a person subsisting on Supplemental Security Income (a benefit for blind, elderly, or people with disabilities) will not be able to afford housing at the fair market rent in any of the cities surveyed. See *id.* at 2.

34. See NAT'L LAW CTR. ON HOMELESSNESS & POVERTY, DUE CREDIT 3 (1998) [hereinafter DUE CREDIT] (discussing six studies that show that homeless people work in both full-time and part-time jobs).

they only earn enough funds to last one day.³⁶ As a result, homeless people have little to no surplus income to set aside as savings.³⁷ Consequently, they cannot secure housing.

In addition, the unemployment rate has increased in many cities. In contrast to the national decreased rate of joblessness,³⁸ the Department of Housing and Urban Development found that one in six "central cities"³⁹ has an unemployment rate at 50% above the national average.⁴⁰ The report also found that one in twelve cities has an unemployment rate that is 75% or more above the national average and one in fifteen cities has an unemployment rate that is 100% above the national average.⁴¹

35. See THE URBAN INSTITUTE ET AL., THE FORGOTTEN AMERICANS—HOMELESSNESS: PROGRAMS AND THE PEOPLE THEY SERVE 29 (1999) (prepared for Interagency Council on the Homeless) (finding that based on a survey of 76 metropolitan and non-metropolitan areas, 44% of the homeless persons interviewed conducted paid work during the 30 day period before being interviewed). But see U.S. CONFERENCE OF MAYORS, *supra* note 18, at ii (finding that in a survey of 25 cities, 26% of homeless people are employed).

36. See DUE CREDIT, *supra* note 34, at 2 (discussing that homeless people cannot accumulate savings because they often must resort to day labor, panhandling, selling junk, and other forms of activity that provide inconsistent income in order to survive each day). Some homeless individuals and families may qualify for the federal Earned Income Tax Credit, which would enable them to use their tax refund to pay for housing, transportation, clothing, or medical needs. See *id.* at 6 (discussing the use of the Earned Income Tax Credit by homeless people).

37. See *id.* (explaining that homeless people are rarely able to save enough funds to pay for housing).

38. See Mary Williams Walsh, *Unemployment Falls to 4.1%, Best in 30 Years*, L.A. TIMES, Nov. 6, 1999, at A1 (discussing the recent decline in the unemployment rate to 4.1%, the lowest level since January 1970).

39. A central city is defined as:

- A. The city with the largest population in the [Metropolitan Statistical Area];
- B. Each additional city with a population of at least 250,000 or with at least 100,000 persons working within its limits;
- C. Each additional city with a population of at least 25,000, an employment/residence ratio of at least .75, and at least 40 percent of its employed residents working in the city;
- D. Each city of 15,000 to 24,999 population that is at least one-third as large as the largest central city, has an employment/residence ratio of at least .75, and has at least 40 percent of its employed residents working in the city;
- E. The largest city in a secondary noncontiguous urbanized area, provided it has at least 15,000 population, an employment/residence ratio of at least .75, and has at least 40 percent of its employed residence working in the city;
- F. Each additional city in a secondary noncontiguous urbanized area that is at least one-third as large as the largest central city of that urbanized area, that has at least 15,000 population and an employment/residence ratio of at least .75, and that has at least 40 percent of its employed residents working in the city.

U.S. DEP'T OF HOUS. & URBAN DEV., NOW IS THE TIME: PLACES LEFT BEHIND IN THE NEW ECONOMY 41 (1999).

40. See *id.* at 2.

41. See *id.*

Moreover, the number of shelter spaces woefully fails to meet demand. The U.S. Conference of Mayors found that although the number of shelter spaces for homeless people increased by 15%,⁴² the unmet need is great. The study found that 23% of shelter requests by homeless people went unmet during the last year⁴³ even though shelter requests increased by 15%.⁴⁴ The Law Center reports that none of the 50 cities surveyed have enough shelter spaces for the number of homeless people in that city on any given day.⁴⁵ In Washington, D.C., for example, a family must often wait over six months for shelter.⁴⁶

Therefore, in a great number of cities in the United States, homeless people often do not have any other choice but to live on the street.⁴⁷ Until the needs of homeless people are met through social services, arresting and citing homeless people will not relieve homelessness and certainly will not reduce the presence of homeless people in public places. If judicial responses to these ordinances identify these deficiencies, localities may consider alternative means to eliminating homelessness.

II. EIGHTH AMENDMENT CHALLENGES TO ORDINANCES BANNING SLEEPING IN PUBLIC

In an effort to remove homeless people from desirable locations,⁴⁸

42. See U.S. CONFERENCE OF MAYORS, *supra* note 18, at 51 (noting that 52% of the cities surveyed had an increase in shelter beds). Family shelter beds increased by 26%. *See id.*

43. *See id.* at 61 (identifying that 27% of requests by homeless families also went unmet).

44. *See id.* at ii.

45. See OUT OF SIGHT, *supra* note 26, at 1-2; see also Nina Bernstein, *Shelter Population Reaches Highest Level Since 1980's*, N.Y. TIMES, Feb. 8, 2001, at A27 (reporting that an increase in homeless people applying for shelter in New York City pushed the number of people in the shelter system to its highest point since the late 1980s with the system overflowing with about 500 families per night); U.S. CONFERENCE OF MAYORS, *supra* note 18, at 62, 64 (noting that 68% of survey cities "may have to turn away homeless families" and 56% of cities "may have to turn away homeless people other than families because of a lack of resources").

46. See COMMUNITY PARTNERSHIP, *supra* note 16, at 6-7 (discussing barriers to providing assistance to homeless people and noting that 267 homeless families remain on a wait list for shelter).

47. This assertion is not made with the intent to address statements, made by proponents of anti-camping and sleeping ordinances, suggesting that homeless advocates want to establish a right to live on the street. *See Teir, supra* note 13, at 257 ("[M]any 'homeless advocates' and civil libertarians have championed the 'right' to live on the street, sleep in the public place of one's choosing, beg in any place and in any manner one pleases, and to essentially be exempt from standards of conduct that apply to others.").

48. The motivation behind ordinances that ban camping, sleeping, begging and other activities in public locations ranges from creating more aesthetic urban areas to preventing crime. *See Teir, supra* note 13, at 291 (suggesting that ordinances

many city governments have enacted ordinances banning activities that constitute basic daily activities for homeless people.⁴⁹ Advocates for homeless people have brought constitutional claims against local governments⁵⁰ under the right to travel,⁵¹ vagueness,⁵² the Equal

which combat "street-level disorder," including panhandling and sleeping in public, are aimed at reducing crime and making public places more desirable for the general population); *see also* E. J. Dionne, Jr., *A Broken-Windows Approach to Crime*, WASH. POST, Dec. 29, 1996, at C7 (discussing Kelling and Coles' "Broken Windows" approach to "aggressive panhandling, and preventing public parks from being taken over by homeless people"). The "broken windows" approach to urban renewal derives its name from the following analogy:

If a factory or office window is broken, passersby observing it will conclude that no one cares or no one is in charge. In time, a few will begin throwing rocks to break more windows. Soon all the windows will be broken, and now passersby will think that, not only is no one in charge of the building, no one is in charge of the street on which it faces. Only the young, the criminal, or the foolhardy have any business on an unprotected avenue, and so more and more citizens will abandon the street to those they assume prowl it. Small disorders lead to larger and larger ones, and perhaps even to crime.

James Q. Wilson, *Foreword* to GEORGE L. KELLING & CATHERINE M. COLES, *FIXING BROKEN WINDOWS* xv (1996). Nevertheless, attempts to create order in urban areas by attacking homeless people through the use of anti-camping, sleeping and begging ordinances are misplaced. *See* Maria Foscarinis, *Wrong Approach to Homelessness*, WASH. POST, Jan. 13, 1997, at A16 (stating that the "broken windows" approach obscures the issue of homelessness). As Foscarinis asserts in her response to an editorial supporting the application of the "broken windows" theory on homeless people's presence in public places, "[p]eople must be somewhere, and as long as they have no private space, they will be in public. At most, criminalizing their use of public space will move them temporarily into jails and prisons—only to be released back onto the streets." *Id.* Therefore, the only approach to addressing the presence of homeless people in public places is to provide such basic services as shelter, housing, and income assistance that will prevent people from being forced to live on the streets. *See id.* (suggesting that a more effective way than the "broken windows" approach is for communities to guarantee that all its members have a place to go).

49. *See OUT OF SIGHT*, *supra* note 26, at ii (finding that between 1996 and 1998, 12% of the 49 cities surveyed enacted ordinances banning begging and 18% of the cities enacted ordinances prohibiting certain conduct in public places, including begging). As of December 1998, 86% of the cities participating in the Law Center survey banned begging and 73% banned certain behaviors in public places. *See id.* at i-ii. The survey cities included Denver, CO; Fort Worth, TX; Oklahoma, OK; Portland, OR; Long Beach, CA; Kansas City, MO; Virginia Beach, VA; Charlotte, NC; Tucson, AZ; Albuquerque, NM; Atlanta, GA; St. Louis, MO; Sacramento, CA; Fresno, CA; Tulsa, OK; Oakland, CA; Honolulu, HI; Miami, FL; Pittsburgh, PA; Cincinnati, OH; Minneapolis, MN; Omaha, NE; Toledo, OH; Buffalo, NY; New York, NY; Los Angeles, CA; Chicago, IL; Houston, TX; Philadelphia, PA; San Diego, CA; Dallas, TX; Phoenix, AZ; Detroit, MI; San Antonio, TX; San Jose, CA; Indianapolis, IN; San Francisco, CA; Baltimore, MD; Jacksonville, FL; Columbus, OH; Milwaukee, WI; Memphis, TN; Washington, DC; Boston, MA; El Paso, TX; Seattle, WA; Cleveland, OH; Nashville, TN; Austin, TX; and New Orleans, LA. *See id.* at 3-4.

50. *See generally* Maria Foscarinis & Richard Herz, *The Criminalization of Homelessness: An Overview of Litigation Theories and Strategies*, 29 CLEARINGHOUSE REV. 719, 719-24 (1996) (providing a guide to challenges of anti-homeless ordinances); Foscarinis, *supra* note 12, at 36-38 (discussing constitutional challenges to local ordinances and policies that criminalize homelessness and public policy implications for such laws and policies).

51. *See* Pottinger v. Miami, 810 F. Supp. 1551, 1580-81 (S.D. Fla. 1992) (finding that arresting homeless people violates the fundamental right to travel); *see also*

Protection Clause,⁵³ and overbreadthness.⁵⁴ Although these legal theories proved somewhat successful in challenging anti-camping ordinances, the most successful argument relies on the Eighth Amendment⁵⁵ prohibition against punishment for status.⁵⁶

The notion of a status crime originated in the Supreme Court case of *Robinson v. California*⁵⁷ where the Court examined a California statute that made it a crime to "be addicted to the use of narcotics."⁵⁸ The Court found that where a statute could make "the 'status' narcotic addiction a criminal offense, for which the offender may be prosecuted 'at any time before he reforms,'"⁵⁹ such a statute is "an infliction of cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments."⁶⁰

Six years later, the Supreme Court considered the application of *Robinson* to *Powell v. Texas*,⁶¹ where the petitioner was convicted of

Davidson v. Tucson, 924 F. Supp. 989, 993 (D. Ariz. 1996) (discussing the plaintiffs' claim that the anti-camping ordinance violated their right to travel, a fundamental constitutional right).

52. See *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972) (invalidating a vagrancy ordinance on the basis of vagueness because the rule fails to give notice and encourages arbitrary convictions and arrests); see also *Tobe v. City of Santa Ana*, 892 P.2d 1145, 1167 (Cal. 1995) (finding that the lower court erred in finding that an ordinance was unconstitutionally vague); cf. Nina Bernstein, *A Homeless Man Challenges New York City Crackdowns*, N.Y. TIMES, Nov. 22, 1999, at A1 (discussing *Betancourt v. Giuliani*, a federal class-action lawsuit brought by a homeless man against Mayor Rudolph Giuliani for arresting him and twenty-five other homeless people under an ordinance they argue is impermissibly vague); David Rohde, *Judge Upholds Policy on Arresting the Homeless Who Sleep in Boxes*, N.Y. TIMES, Dec. 29, 2000, at B1 (stating that the court dismissed all of Augustine Betancourt's claims except a claim that he had been improperly searched).

53. See *Pottinger*, 810 F. Supp. at 1577-78 (responding to, but not deciding, the assertion raised by homeless plaintiffs that homelessness is a suspect class and therefore an ordinance would be subject to strict scrutiny).

54. See *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 494 (1982) (determining that a challenge to a statute based on overbreadthness is limited to those statutes that covered "a substantial amount of constitutionally protected conduct"); see also *Tobe*, 892 P.2d at 1168-69 (determining that a lower court's determination that an "ordinance was broader than necessary since it banned camping on all public property" was incorrect because the ban would be unconstitutional only if it violated equal protection or impinged a fundamental right).

55. The Eighth Amendment states that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. CONST. amend. VIII.

56. See Juliette Smith, Comment, *Arresting the Homeless for Sleeping in Public: A Paradigm for Expanding the Robinson Doctrine*, 29 COLUM. J.L. & SOC. PROBS. 293, 319-20 (1996) (noting that courts have upheld the proposition that anti-sleeping ordinances unconstitutionally criminalize status).

57. 370 U.S. 661 (1962).

58. See *id.* at 661.

59. *Id.* at 666.

60. *Id.*

61. 392 U.S. 514 (1968).

public drunkenness.⁶² Petitioner claimed that his conviction constituted a violation of the Eighth Amendment as cruel and unusual punishment.⁶³ The Court distinguished Powell's claim from the holding in *Robinson* by finding that Powell was arrested and convicted for being drunk in public and not for being an alcoholic.⁶⁴ Thus, the Court found that the Texas public drunkenness statute was constitutional, as it did not punish status,⁶⁵ but acts and behaviors that require "the moral accountability of an individual for his antisocial deeds."⁶⁶

In 1992, the United States District Court for the Southern District of Florida decided the seminal case in the field of homeless rights—*Pottinger v. City of Miami*.⁶⁷ The court found that the City of Miami's practice of arresting homeless persons for engaging in basic activities of daily life—including sleeping and eating—constituted cruel and unusual punishment under the Eighth Amendment as punishment for status.⁶⁸ The court distinguished the life situations of homeless class members from the petitioner in *Powell*, suggesting that homelessness rarely, if ever, is a choice.⁶⁹ In addition, the court found that the *Powell* plurality did not consider homeless people in its analysis, specifically those people who cannot find shelter.⁷⁰ Justice White, however, addressed this issue in his concurrence in *Powell*:

Although many chronics have homes, many others do not. For all practical purposes the public streets may be home for these unfortunates, not because their disease compels them to be there, but because, drunk or sober, they have *no place else to go and no place else to be when they are drinking*. This is more a function of economic station than of disease, although the disease may lead to destitution

62. See *Powell*, 392 U.S. at 517 (stating that the appellant Powell was arrested and charged for being intoxicated).

63. See *id.* at 532 (asserting that his condition of chronic alcoholism paralleled that of the drug-addicted defendant in *Robinson*, where a California state law was deemed unconstitutional because it made the "status" of being a drug addict a crime, rather than the actual possession or use of an illegal drug).

64. See *id.*

65. See *id.* (stating that Texas has not sought to punish a status, but rather has imposed a criminal sanction for certain types of public behavior).

66. *Id.* at 535-36 (noting that the court is unwilling to ignore common law tradition of imposing criminal punishments for acts deemed to be antisocial or immoral).

67. 810 F. Supp. 1551 (S.D. Fla. 1992).

68. See *id.* at 1565 (holding that the ordinances cannot be used to punish the homeless plaintiffs for sleeping, eating, and other innocent conduct).

69. See *id.* at 1563 ("Rather, homelessness is due to various economic, physical or psychological factors that are beyond the homeless individual's control.").

70. See *id.* (stating that the plurality in *Powell* did not have to factor homeless people into its analysis).

and perpetuate that condition.⁷¹

Despite the court's findings in *Pottinger*, other courts have declined to extend the *Robinson* protection to similar ordinances.⁷² *Tobe v. City of Santa Ana* is one of the most recent decisions rejecting Eighth Amendment protection to homeless people arrested under such ordinances.⁷³

The ordinance at issue in *Tobe*⁷⁴ barred camping and storing personal belongings in public places.⁷⁵ Plaintiffs launched a multi-prong attack on the ordinance, arguing that it: was unconstitutional as an impermissible restriction on the right to travel; punished

71. *Powell*, 392 U.S. at 551 (emphasis added).

72. See *Joyce v. San Francisco*, 846 F. Supp. 843, 857 (N.D. Cal. 1994) (finding that the "Matrix" program of enforcing anti-homeless ordinances did not violate the Eighth Amendment, as homelessness is not a status); cf. *Johnson v. Dallas*, 61 F.3d 442, 443-44 (5th Cir. 1995) (finding that the plaintiffs lacked standing to appeal an anti-sleeping ordinance because they had not been arrested under the statute); *Davison v. Tucson*, 924 F. Supp. 989, 992 (D. Ariz. 1996) (denying a preliminary injunction to homeless plaintiffs because they did not meet their burden of proving probable success on the merits of their Eighth Amendment and Equal Protection claims).

73. 892 P.2d 1145, 1150 (Cal. 1995) (finding that the ordinance "does not impermissibly restrict the right to travel, does not permit punishment for status, and is not constitutionally vague or overbroad . . .").

74. The *Tobe* ordinance was not the city of Santa Ana's first attempt to remove homeless people from the city. See *id.* at 1151. The plaintiffs in *Tobe* argued "that the ordinance was the culmination of a four-year effort by Santa Ana to expel homeless persons." *Id.* A 1988 policy of removing homeless people from certain locations, disposing of sleeping bags and other belongings, and confiscating shopping carts resulted in a lawsuit that the city settled in 1990. See *id.* In a memorandum, a Santa Ana city official wrote "[t]he City Council has developed a policy that the vagrants are no longer welcome in the City of Santa Ana." *Id.* at 1177 (Mosk, J., dissenting). For an in-depth discussion of the city's actions that led to the *Tobe* case, see Harry Simon, *The Criminalization of Homelessness in Santa Ana, California: A Case Study*, 29 CLEARINGHOUSE REV. 725, 725-28 (1996).

75. Santa Ana Municipal Code § 10-402 on Unlawful Camping states: "It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided: (a) any street; (b) any public parking lot or public areas, improved or unimproved." SANTA ANA, CAL., CODE § 10-402 (1992), reprinted in *Tobe*, 892 P.2d 1150. Section 10-403 on Storage of Personal Property in Public Places states: "It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by resolution of the City Council: (a) any park; (b) any street; (c) any public parking lot or public area, improved or unimproved." SANTA ANA, CAL., CODE § 10-403 (1992), reprinted in *Tobe*, 392 P.2d at 1150-51. The ordinance defines camp, camp facilities, and camp paraphernalia under § 10-401 as,

- (a) Camp means to pitch or occupy camp facilities; to use camp paraphernalia;
- (b) Camp facilities include, but are not limited to, tents, huts, or temporary shelters;
- (c) Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

SANTA ANA, CAL., CODE § 10-401(a)-(c) (1992), reprinted in *Tobe*, 392 P.2d at 1151 n.2.

homeless people for their status; and was vague and overbroad.⁷⁶ The court rejected all of plaintiff's claims.⁷⁷ The court distinguished the case from *Robinson* and concluded that the Santa Ana municipal ordinance was punishing conduct, not status.⁷⁸ The *Tobe* court, however, suggested that the defense of necessity might be available for "persons whose violation of the ordinance is involuntary."⁷⁹ The court seemingly provided this "exception" in response to an assertion made at oral argument by the senior deputy district attorney that "truly homeless" persons may be able to assert the defense of necessity.⁸⁰ The court suggested that the statute should not be enforced against "persons who have no alternative to 'camping' or placing 'camp paraphernalia' on public property."⁸¹ It is this window

76. See *Tobe*, 892 P.2d at 1150 (detailing the plaintiffs' constitutional claims that the ordinance restricted the right to travel, was vague, punished status, and was overbroad).

77. See *id.* at 1166-69 (finding that the ordinance punished conduct, not status; clearly specified the conduct it prohibited; and was a constitutional imposition of police power).

78. See *id.* at 1167 ("Assuming arguendo that the accuracy of the declarants' descriptions of the circumstances in which they were cited under the ordinance, it is far from clear that none had alternatives to either the condition of being homeless or the conduct that led to homelessness and to the citations.").

79. *Id.* at 1155.

80. See *id.* at 1155 n.8 (stating that a senior deputy district attorney conceded that a necessity defense might be available to persons who have no alternative to "camping" on public property).

81. See *id.* (listing the senior deputy district attorney's comments at oral argument). Professor Fred Bosselman suggests that the *Tobe* court may have been influenced by the Northern District of Texas' decision in *Johnson v. Dallas*, 860 F. Supp. 344 (N.D. Tex. 1994), *rev'd on other grounds*, 61 F.3d 442 (5th Cir. 1995). See Fred P. Bosselman, *Camping By the Homeless as a Use of Land*, 34 A.L.I.-A.B.A. 1119, 1123 (1995) (stating that an issue left unresolved in *Tobe* was the subject of the *Johnson* case). In *Johnson*, the court found that the ordinance violated the Eighth Amendment and that "at any given time there are persons in Dallas who have no place to go, who could not find shelter even if they wanted to—and many of them do want to—and who would be turned away from shelter for a variety of reasons." See *id.* (citing *Johnson*, 860 F. Supp. at 350).

The California Supreme Court's use of the necessity defense to avoid unconstitutional applications of this ordinance is similar to the same court's creation of a constitutional defense for chronic alcoholics to an ordinance that prohibited public drunkenness. See *Sundance v. Municipal Ct.*, 729 P.2d 80, 89 (Cal. 1986). The court upheld a trial court's ruling that the defense would be available:

[I]f he proves by a preponderance of the evidence that he is "(1) unable to refrain from drinking alcohol to the point where he is unable to care for himself and others, and (2) unable (a) by reason of the disease, or (b) indigency, to refrain from being in public while intoxicated."

Id. To the extent that homelessness becomes a chronic condition when a city, such as Santa Ana, does not provide sufficient resources to assist homeless people in moving into housing, the two defenses are analogous. Compare *Tobe v. City of Santa Ana*, 892 P.2d 1145, 1155 (Cal. 1995) (suggesting that an involuntary violation of the anti-camping ordinance may create a due-process-based necessity defense), with *Sundance*, 729 P.2d at 89 (upholding a trial court's criteria for a constitutional defense that may be used by a chronic alcoholic).

of relief that allows the use of the necessity defense for homeless people. Building on this idea from *Tobe*, the *In re Eichorn* court further addressed the necessity defense where police arrested a homeless man under the same ordinance contested in *Tobe*.⁸²

III. THE NECESSITY DEFENSE

Although not codified in some jurisdictions,⁸³ the necessity defense, justification, or choice of evils doctrine can be traced to 19th Century England.⁸⁴ The defense promotes the notion that although the harm caused should be avoided, the "harm is outweighed by the need to avoid an even greater harm and to further a greater societal interest."⁸⁵ Although the number and content of the elements to the necessity defense differ among jurisdictions,⁸⁶ California requires the

82. See *In re Eichorn*, 81 Cal. Rptr. 2d 535, 539 (Ct. App. 1998) (noting that the prosecution in *Tobe* assured the court that a necessity defense might be available and that prosecutorial discretion would be used in cases involving "truly homeless" persons).

83. "California appellate courts have recognized the necessity defense 'despite the absence of any statutory articulation of this defense and rulings from the California Supreme Court that the common law is not part of the criminal law in California.'" *Id.* at 538 (quoting *People v. Garziano*, 281 Cal. Rptr. 307, 308 (Ct. App. 1991)).

84. See, e.g., *The Queen v. Dudley & Stephens*, 14 Q.B.D. 273, 288 (1884) (finding that the necessity defense was not available to an incident of cannibalism upon a ship lost at sea where there was no threat to life except imminent starvation).

85. 1 PAUL H. ROBINSON, CRIMINAL LAW DEFENSES § 24(a) (1984).

86. See ALA. CODE § 13A-3-21(a) (1994 & Supp. 1999) ("Except as otherwise expressly provided, justification or excuse under this article is a defense."); ALASKA STAT. § 11.81.320(a) (Michie 1998 & Supp. 1999) ("Conduct which would otherwise be an offense is justified by reason of necessity to the extent permitted by common law"); ARK. CODE ANN. § 5-2-604(a) (Michie 1997 & Supp. 1999) ("Conduct which would otherwise constitute an offense is justifiable when: (1) The conduct is necessary as an emergency measure to avoid an imminent public or private injury; and (2) The desirability and urgency of avoiding the injury outweigh, according to ordinary standards of reasonableness, the injury sought to be prevented by the law proscribing the conduct."); COLO. REV. STAT. § 18-1-702(1) (2000) ("[C]onduct which would otherwise constitute an offense is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of the actor, and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh a desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue."); CONN. GEN. STAT. ANN. § 53a-16 (West 1994 & Supp. 2000) ("In any prosecution for an offense, justification . . . shall be a defense."); DEL. CODE ANN. tit. 11, § 463 (1999) ("[C]onduct which would otherwise constitute an offense is justifiable when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the defendant, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding such injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue. The necessity and justifiability of such conduct may not rest upon considerations pertaining only to the morality and advisability of the statute, either in

its general application or with respect to its application to a particular class of cases arising thereunder."); GA. CODE ANN. § 16-3-20 (1999 & Supp. 2000) ("The fact that a person's conduct is justified is a defense to prosecution for any crime based on that conduct. The defense of justification can be claimed: . . . (6) In all other instances which stand upon the same footing of reason and justice as those enumerated in this article."); HAW. REV. STAT. § 703-302(1) (1999) ("Conduct which the actor believes to be necessary to avoid an imminent harm or evil to the actor or to another is justifiable provided that: (a) The harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged . . ."); 720 ILL. COMP. STAT. ANN. 5/7-13 (West 1993 & Supp. 2000) ("Conduct which would otherwise be an offense is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation and reasonably believed such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from his own conduct."); KY. REV. STAT. ANN. § 503.030(1) (Banks-Baldwin 1995) ("[C]onduct which would otherwise constitute an offense is justifiable when the defendant believes it to be necessary to avoid an imminent public or private injury greater than the injury which is sought to be prevented by the statute defining the offense charged . . ."); ME. REV. STAT. ANN. tit. 17-A, § 103(1) (West 1983 & Supp. 1999) ("Conduct which the actor believes to be necessary to avoid imminent physical harm to himself or another is justifiable if the desirability and urgency of avoiding such harm outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the statute defining the crime charged. The desirability and urgency of such conduct may not rest upon considerations pertaining to the morality and advisability of such statute."); MO. ANN. STAT. § 563.026 (West 1999) ("Unless inconsistent with other provisions of this chapter defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute any crime other than a class A felony or murder is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury sought to be prevented by the statute defining the crime charged."); N.H. REV. STAT. ANN. § 627:3 (1996 & Supp. 1999) ("Conduct which the actor believes to be necessary to avoid harm to himself or another is justifiable if the desirability and urgency of avoiding such harm outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the statute defining the offense charged. The desirability and urgency of such conduct may not rest upon considerations pertaining to the morality and advisability of such statute, either in its general or particular application."); N.J. STAT. ANN. § 2C:3-2(a) (West 1995 & Supp. 2000) ("Conduct which would otherwise be an offense is justifiable by reason of necessity to the extent permitted by law and as to which neither the code nor other statutory law defining the offense provides exceptions or defenses dealing with the specific situation involved and a legislative purpose to exclude the justification claimed does not otherwise plainly appear."); N.Y. PENAL LAW § 35.05 (McKinney 1997) ("Unless otherwise limited by the ensuing provisions of this article defining justifiable use of physical force, conduct which would otherwise constitute an offense is justifiable and not criminal when . . . [s]uch conduct is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding such injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue. The necessity and justifiability of such conduct may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder. Whenever evidence relating to the defense of justification under this subdivision is offered by the defendant, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a

defendant to meet six elements: (1) the defendant must have acted to prevent a significant evil; (2) there were no adequate alternatives to performing the act; (3) the harm caused by the act was not disproportionate to the harm avoided; (4) the defendant had a good faith belief that the act was necessary; (5) the defendant's "objective belief was reasonable under all the circumstances; and (6) he did not substantially contribute to creating the emergency."⁸⁷ The defense is codified in the Model Penal Code, which does not discuss specific

defense."); N.D. CENT. CODE § 12.1-05-01 (1997) ("Except as otherwise expressly provided, justification or excuse under this chapter is a defense."); OR. REV. STAT. § 161.200 (1999) ("Unless inconsistent with other . . . defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when: (a) That conduct is necessary as an emergency measure to avoid an imminent public or private injury; and (b) The threatened injury is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue. (2) The necessity and justifiability of conduct under subsection (1) of this section shall not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder."); 18 PA. CONS. STAT. § 503(a) (1998) ("Conduct which the actor believes to be necessary to avoid a harm or evil to himself or to another is justifiable if: (1) the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged . . ."); TENN. CODE ANN. § 39-11-609 (1999) ("[C]onduct is justified if: (1) The person reasonably believes the conduct is immediately necessary to avoid imminent harm; and (2) The desirability and urgency of avoiding the harm clearly outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the law proscribing the conduct."); TEX. PENAL CODE ANN. § 9.22 (West 1994) ("Conduct is justified if: (1) the actor reasonably believes the conduct is imminently necessary to avoid imminent harm; (2) the desirability and urgency of avoiding the harm clearly outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the law proscribing the conduct; and (3) a legislative purpose to exclude the justification claimed for the conduct does not otherwise plainly appear."); Wis. STAT. § 939.47 (1996) ("Pressure of natural physical forces which causes the actor reasonably to believe that his or her act is the only means of preventing imminent public disaster, or imminent death or great bodily harm to the actor or another and which causes him or her so to act, is a defense to a prosecution for any crime based on that act, except that if the prosecution is for first-degree intentional homicide, the degree of the crime is reduced to 2nd-degree intentional homicide."); *see also* SUBSTANTIVE CRIMINAL LAW, *supra* note 4, § 5.4(d), at 634 (finding that the six general elements of the necessity defense are: (1) a harm avoided, which may be harm to the defendant or to others; (2) a harm done; (3) an intention to avoid harm; (4) the resulting harm must be less than the harm avoided; (5) pending disaster must be immediate; and (6) the defendant must not be responsible for creating the danger); *see also* Burns, *supra* note 6, at 806 (citing WAYNE R. LAFAVE & AUSTIN W. SCOTT, JR., CRIMINAL LAW § 5.4(d) (1986) (stating that there are five elements to the necessity defense)); Laura J. Schulkind, Note, *Applying the Necessity Defense to Civil Disobedience Cases*, 64 N.Y.U. L. REV. 79, 82 (1989) (suggesting that almost all common law requirements for the necessity defense contain the same 3 elements: "(1) the actor has acted to avoid a significant evil; (2) there are no adequate legal means to escape the harm; and (3) the remedy is not disproportionate to the evil sought to be avoided").

87. People v. Slack, 258 Cal. Rptr. 702, 704 (Ct. App. 1989).

elements of the defense.⁸⁸

Historically, the defense of necessity was distinguishable from that of duress,⁸⁹ but this distinction no longer exists in modern case law.⁹⁰ The pre-eminent federal authority on the use of the necessity defense is *United States v. Bailey*,⁹¹ where the Supreme Court analyzed the use of the necessity defense in a prison escape case.⁹² The Court recognized that whether under the defense of necessity or duress, if a reasonable legal alternative exists such that the defendant could have avoided violating the law, both defenses will fail.⁹³

88. See MODEL PENAL CODE § 3.02 (1962). The rule, titled "Justification Generally: Choice of Evils," states:

- 1) Conduct which the *actor believes* to be necessary to avoid a harm or evil to himself or to another is justifiable, provided that:
 - a) the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged; and
 - b) neither the Code nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and
 - c) a legislative purpose to exclude the justification claimed does not otherwise plainly appear.
- 2) When the actor was reckless or negligent in bringing about the situation requiring a choice of harms or evils or in appraising the necessity for his conduct, the justification afforded by this Section is unavailable in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

Id. (emphasis added).

89. The defense of duress is defined as:

A person's unlawful threat (1) which causes the defendant reasonably to believe that the only way to avoid imminent death or serious bodily injury to himself or to another is to engage in conduct which violates the literal terms of the criminal law, and (2) which causes the defendant to engage in that conduct, gives the defendant the defense of duress . . . to the crime in question unless that crime consists of intentionally killing an innocent third person.

SUBSTANTIVE CRIMINAL LAW, *supra* note 4, § 5.3, at 614. The Model Penal Code § 2.09 defines duress as:

An affirmative defense that the actor engaged in the conduct charged to constitute an offense because he was coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, that a person of reasonable firmness in his situation would have been unable to resist.

MODEL PENAL CODE § 2.09 (1962).

90. See, e.g., *United States v. Bailey*, 444 U.S. 394, 410 (1980) (maintaining that modern cases tend to blur the distinction between the defenses of duress and necessity such that courts may decide to disregard the distinctions and instead examine the underlying policies of the defenses).

91. 444 U.S. 394 (1980).

92. See *id.* at 409-14 (analyzing the elements for the defenses of duress and necessity in regard to the evidence of the respondent's jail conditions and the respondent's reasons for not returning to custody after escaping the allegedly coercive conditions).

93. See *id.* at 410, 410-11 n.8 (maintaining that courts have consistently denied the defenses of duress and necessity when there exists a reasonable alternative to breaking the law, such as refusing to do the criminal act or avoiding the harm); see, e.g., *R.I. Recreation Ctr., Inc. v. Aetna Cas. & Sur. Co.*, 177 F.2d 603, 605 (1st Cir.

When raising the defense of necessity in the context of homelessness, attorneys may be concerned with whether to characterize a homeless client's situation as "involuntary."⁹⁴ Voluntariness is, of course, a relative term. A homeless person may have made some type of choice months or years prior to living on the street that in some way resulted in a loss of housing. It is, however, hard to say that living on the street is "voluntary" because of its relationship to a previous choice.⁹⁵ Although some commentators suggest that volition is an unnecessary element in determining the constitutional application of anti-homeless ordinances,⁹⁶ the concept continues to appear in case law.⁹⁷

1949) (denying the defense of duress where a man committed a crime under a death threat to his relative because he had the opportunity to contact the police, but did not).

94. See Wes Daniels, "Derelicts," *Recurring Misfortune, Economic Hard Times and Lifestyle Choices: Judicial Images of Homeless Litigants and Implications for Legal Advocates*, 45 BUFF. L. REV. 687, 708-15 (1997) (explaining that although lawyers won some important cases by portraying their homeless clients as "unfortunate victims of forces beyond their control," this approach may cause significant risks of defeat, especially when judges believe that homelessness is a lifestyle choice).

95. See Petition for Writ of Habeas Corpus; Memorandum of Points and Authorities at 28, 31; *In re Eichorn*, 81 Cal. Rptr. 2d 535 (Ct. App. 1998) (No. G022777) [hereinafter Petition for Writ] (arguing that the trial court was in error in finding that defendant's homelessness "was the result of personal choice" because the defendant had been homeless since 1982). "It may be that for many, homelessness is at some level 'voluntary.' But the range of choices available to homeless individuals may be so narrow and so unsatisfying that a condition many of us cannot imagine being freely chosen is indeed the least of all possible evils." Daniels, *supra* note 94, at 716.

An illustration of choices that could confuse the issue of voluntariness is found in the story of a woman and her boyfriend who have lived in a van in San Francisco for approximately two years. See Evelyn Nieves, *Living in a Balky Van, Trying to Move Ahead*, N.Y. TIMES, Dec. 19, 1999, at NE25. The couple became homeless when the boyfriend's relatives evicted them to sell the property. See *id.* At the time, the woman was enrolled in travel school and her boyfriend had just quit his job. See *id.* Because of her debt, the woman moved into her van because she could not afford housing and invited her boyfriend to join her. See *id.* She dropped out of school and now works two jobs, while her boyfriend receives income through a city program that helps steer unemployed persons into jobs. See *id.* Their funds are used to pay outstanding debt and to buy bare necessities. See *id.* Because living in a vehicle is illegal in San Francisco, police have called the couple habitual offenders. See *id.* The couple's alternatives are limited, however, given that the number of homeless people in San Francisco has been estimated at 11,000 to 16,000 persons and there are generally only 1,359 emergency shelter spaces with 250-280 additional spaces in the winter. See OUT OF SIGHT, *supra* note 26, at 4.

The point at which one choice can be said to have caused the couple's current situation is unclear. Excessive debt that accrued over time is too gradual to constitute a choice. Although the couple chose to live in the van, the story suggests that the lack of shelter space may have made that choice their only adequate option.

96. See Tier, *supra* note 13, at 267 (maintaining that states and cities do not need to limit their criminal laws to voluntary conduct, but rather, states and cities may include involuntary acts as causes for convictions).

97. See Tobe v. City of Santa Ana, 892 P.2d 1145, 1155 (Cal. 1995) (arguing that an involuntary violation of an ordinance may result in a due-process-based necessity

Voluntariness is inherent to the necessity defense.⁹⁸ To raise the defense, a defendant must have chosen between two acts and, in doing so, must have chosen the “lesser evil.”⁹⁹ The *Tobe* court’s use of the term involuntary indicates that the necessity defense would be available only to persons whose “violation of the ordinance is involuntary.”¹⁰⁰ This statement sets up an interesting contradiction in which a defendant who “voluntarily” chooses the lesser of two harms renders his or her decision involuntary.¹⁰¹ In addition, the *Tobe* court emphasized that a trial court first must determine that a person is “involuntarily homeless” before deciding whether the defendant “involuntarily” violated the ordinance.¹⁰²

Professor John Parry¹⁰³ asserts that the theory of voluntarism “is an inadequate explanation of criminal responsibility”¹⁰⁴ and that determining whether the defendant acted with volition requires the fact finder to evaluate the defendant’s conduct.¹⁰⁵ Professor Parry argues that this evaluation is paramount to consequentialism, or the

defense).

98. See Schukkind, *supra* note 86, at 85 (maintaining that the purpose of the necessity defense is to promote results that are socially desirable, and as a result this defense evaluates the quality and wisdom of a defendant’s voluntary choices); Lawrence P. Tiffany & Carl A. Anderson, *Legislating the Necessity Defense in Criminal Law*, 52 DENV. U. L. REV. 839, 841 (1975) (“The necessity defense always involves a voluntary choice on the part of the actor.”).

99. See Robinson, *supra* note 85, at 83 (suggesting that burning a field to fire block a raging forest fire would satisfy all the elements of arson, but the fire starter would likely have a complete defense if his actions saved 10,000 lives, as his action is the “lesser evil”).

100. See *Tobe*, 892 P.2d at 1155 (holding that a due-process-based necessity defense may occur when violation of the ordinance is involuntary); *id.* at 1155-56 n.8 (“A senior deputy district attorney expressed his opinion at oral argument before this court that a necessity defense might be available to ‘truly homeless’ persons and said that prosecutorial discretion would be exercised.”).

101. Such a distinction is not without foundation, as the following passage indicates:

[T]he word “necessity” is only used by the defence [sic] to a charge of crime in what is the vain hope of making the criminal deed appear to have been the result either of involuntary conduct, or of some irresistible external compulsion, instead of what it really was, the result of a voluntary choice of that alternative which the accused felt to be the less disagreeable to himself.

1 SIR WILLIAM OLDFIELD RUSSELL, RUSSELL ON CRIME 93 (J.W. Cecil Turner ed., 12th ed. 1964), formerly titled A TREATISE ON CRIMES AND MISDEMEANORS (1819), cited in Tiffany & Anderson, *supra* note 98, at 841 n.2.

102. See *Tobe*, 892 P.2d at 1157 (determining that, because none of the petitioners in the second action addressed in *Tobe* alleged that they were involuntarily homeless and that their violation of the ordinance was involuntary, the claim would not succeed).

103. John T. Parry, Assistant Professor of Law, University of Pittsburgh School of Law.

104. See Parry, *supra* note 9, at 421.

105. See *id.* at 422 (explaining that the fact finder should weigh the defendant’s conduct in comparison to the alternatives to determine whether the defendant’s conduct was justified).

balancing of social harms,¹⁰⁶ and thus voluntarism becomes less significant.¹⁰⁷ The balancing of harms is, however, an imperfect test because there is no guide as to what harms should be balanced or how to balance them.¹⁰⁸ Where a conflict in values exists, the weight given to each harm is unclear.¹⁰⁹

Nevertheless, the theoretical move to consequentialism is crucial for attorneys representing homeless people. Professor Wes Daniels¹¹⁰ argues that advocates must escape the realm of proving that their clients are involuntarily homeless.¹¹¹ He notes that cases have been lost because "judges are convinced that homelessness is a 'lifestyle choice.'"¹¹² Although the balancing of harms test is somewhat ambiguous, it allows the defense attorney to present alternatives to the violation.¹¹³ The alternatives, or harms avoided, might include sleep deprivation¹¹⁴ or the risk of personal harm in going from shelter

106. The Model Penal Code requires a balancing of social harms. *See id.* at 415 (stating that the Model Penal Code requires weighing and balancing "to determine whether the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged"); Frank Menetrez, *Consequentialism, Promissory Obligation, and the Theory of Efficient Breach*, 47 UCLA L. REV. 859, 863 (2000) ("Consequentialism is not easy to define concisely, but its central tenet is that acting morally is simply a matter of acting so as to maximize the production of a certain kind of outcome or consequence. The idea is that some states or affairs are objectively better than others, and that one morally ought always to act so as to bring about the best possible state of affairs."); *see also supra* note 88 (delineating the justifications for choosing between evils, as stated in § 3.02 of the Model Penal Code).

107. *See Parry, supra* note 9, at 422 (explaining that voluntarism engages in the same act of interpretative construction as does consequentialism and thus, once someone must make normative evaluations of the good or reasonable, voluntarism is left behind).

108. *See id.* at 415 (arguing, for example, that the Model Penal Code ignores that selecting "what harms to weigh, and how to weigh them," is essential to the defense of necessity).

109. *See id.* at 417 (suggesting, for example, in a case of assisted suicide, that the competing values of the decedent's choice and protecting terminally ill people or refusing to allow a human to determine whether another lives or dies, attempts to reconcile values that may appear to be irreconcilable).

110. Wes Daniels, Professor, *University of Miami School of Law*.

111. *See Daniels, supra* note 94, at 715 (claiming that recent cases were lost because judges believe homelessness is a lifestyle choice); *see also Joyce v. City of San Francisco*, 846 F. Supp. 843, 856-58 (N.D. Cal. 1994) (explaining that previous courts have declined to conclude that homeless people have no realistic choice but to live in public places).

112. Daniels, *supra* note 94, at 715.

113. *See In re Eichorn*, 81 Cal. Rptr. 2d 535, 539 (Ct. App. 1998) (noting that the defense of necessity can be applied in situations where "the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged").

114. *See id.* (asserting that sleep deprivation is an inadequate alternative to sleeping in public because sleep deprivation can result in a host of physical and mental problems, such as mood irritability, energy drain and low motivation, slow reaction time, and the inability to concentrate and process information).

to shelter in search of a bed.¹¹⁵ These harms can be used to prove the elements of the necessity defense.¹¹⁶

At trial, evaluation of the necessity defense is a jury question.¹¹⁷ Although proffered testimony supporting each of the elements of the necessity defense only need meet a minimum standard,¹¹⁸ many courts do not allow the defense to reach the jury where the court finds that the defendant has failed to meet one or more of the elements.¹¹⁹ The tension between a judge's role in determining whether the necessity defense should be allowed and the jury's role in determining the applicability of the defense was the foundation for the appeal in *In re Eichorn*.¹²⁰

115. See Return to the Petition for Writ of Habeas Corpus; Memorandum of Points and Authorities at 16-17, *In re Eichorn*, 81 Cal. Rptr. 2d 535 (Ct. App. 1998) (No. G022777) [hereinafter Return to the Petition for Writ] (discussing, for example, the testimony of James Wendel Meeker, Ph.D., who stated that there was gang presence between the Armory, one of the City's shelters, and the Civic Center where the defendant was arrested).

116. See *People v. Pepper*, 48 Cal. Rptr. 2d 877 (Ct. App. 1996); *People v. Pena*, 197 Cal. Rptr. 264 (Ct. App. 1983), cited in *Eichorn*, 81 Cal. Rptr. 2d at 539 (requiring the defense of necessity to contain evidence that the "defendant violated the law (1) to prevent a significant evil, (2) with no adequate alternative, (3) without creating a greater danger than the one avoided, (4) with a good faith belief in the necessity, (5) with such belief being objectively reasonable, and (6) under circumstances in which he did not substantially contribute to the emergency").

117. See 75A AM. JUR. 2D *Trial* § 833 (1991) (submitting that "[t]he danger and necessity under which the accused acted are for the jury to determine"); see also *People v. Lovercamp*, 118 Cal. Rptr. 110, 116 (1974) ("Whether any of the conditions requisite to this defense exist is a question of fact to be decided by the trier of fact after taking into consideration all the surrounding circumstances.").

118. See *United States v. Bailey*, 444 U.S. 394, 415 (1980) (stating that the minimum standard is such that "if a jury finds it to be true, it would support an affirmative defense"); cf. *Schulkind*, *supra* note 86, at 86 (discussing the difficulty in determining how much evidence is needed to support the low burden of meeting the elements of the necessity defense).

119. See *United States v. Dorrell*, 758 F.2d 427, 430 (9th Cir. 1985) (explaining that when the evidence does not establish all the elements of the defense, a judge does not have to submit the defense to the jury and may exclude the evidence offered in support of the defense). A court's failure to allow the necessity defense, where a defendant met all the elements of the defense, may constitute a violation of the Sixth Amendment of the United States Constitution. The Sixth Amendment states that

[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. CONST. amend. VI.

120. See *In re Eichorn*, 81 Cal. Rptr. 2d 535, 536, 538 (Ct. App. 1998) (noting that the petitioner appealed his conviction on several grounds including the trial judge's rejection of his offer of proof on the first element of the necessity defense).

IV. *IN RE EICHORN* AND APPLICATION OF THE NECESSITY DEFENSE

James Eichorn was convicted of a misdemeanor violation of the Santa Ana Municipal Code Article VIII, § 10-402,¹²¹ which bans "Unlawful Camping."¹²² Mr. Eichorn was one of fifteen homeless people police cited on January 25, 1994, for sleeping in the Santa Ana Civic Center.¹²³ All of the homeless individuals cited demurred to the complaints against them except for Mr. Eichorn.¹²⁴ Through various appeals, the same group of homeless individuals became the plaintiffs in *Tobe*¹²⁵ and the City of Santa Ana stayed their prosecution.¹²⁶ In 1995, the city reinstated these cases, but the cases were dismissed on grounds of lack of speedy trial or other arrangements because the city failed to enter a formal stay.¹²⁷ Mr. Eichorn's case was the only one of 15 cases to go to trial.¹²⁸

The trial court ruled that Mr. Eichorn could not utilize the necessity defense because he failed to prove that he avoided a "significant, imminent evil,"¹²⁹ the first element of the necessity defense, by sleeping in the Santa Ana Civic Center on January 25, 1993.¹³⁰ The court found that Mr. Eichorn was "not involuntarily homeless on the night in question"¹³¹ because he chose not to go to

121. See SANTA ANA, CAL., CODE § 10-402 (1992) (pertaining to unlawful camping).

122. *In re Eichorn*, 69 Cal. Rptr. 2d at 536 n.1.

123. See Petition for Writ, *supra* note 95, at 32, *Eichorn* (No. G022777) (detailing the history of the case).

124. See *id.*

125. See *id.* (explaining that the homeless defendants police cited with Mr. Eichorn filed a petition for writ of mandate to determine the constitutionality of the Unlawful Camping Ordinance in *Tobe v. City of Santa Ana*, 892 P.2d 1145 (Cal. 1995)).

126. See *id.* at 5 n.10.

127. See *id.*

128. See *id.* at 5 (explaining that due to the dismissal of the other defendants' cases, the City of Santa Ana only brought Mr. Eichorn's to trial for unlawful camping).

129. *In re Eichorn*, 81 Cal. Rptr. 2d 535, 536 (Ct. App. 1998). In attempting to prove avoidance of a "significant, imminent evil," the defendant requested funds for an expert witness to testify on the adverse effects of sleep deprivation. In denying the request the judge held:

I'm inclined to deny the request for the physician because I think that the area the physician will testify to as you proposed in the motion is something that jurors are well aware of. I mean, it doesn't take an expert to tell us that, to convince a person, that there are ill effects that arise from sleep deprivation. I don't need the doctor to tell me that the defendant had to sleep somewhere.

Petition for Writ, *supra* note 95, at 35, *Eichorn* (No. G022777) (citing Petitioner's Appendix 217).

130. See *Eichorn*, 81 Cal. Rptr. 2d at 536-37 (explaining that the offer of proof did not support the necessity defense because the first element of this defense was not satisfied by the claim of harm caused by sleep deprivation).

131. *Id.* at 538.

the city's shelter.¹³² The court also found that the defendant should have attempted to obtain housing from relatives and applied for public benefits.¹³³

The Court of Appeal for the Fourth District of California rejected the trial court's determination that the defendant did not avoid a significant evil by sleeping at the Civic Center, and as a result, found that the defendant should have been allowed to assert the necessity defense at trial.¹³⁴ Although the court delineated six elements to the necessity defense,¹³⁵ the court focused only briefly on the first element in response to the trial court's ruling.¹³⁶ The court found that by sleeping in the civic center, the defendant may have been avoiding the "significant evil" of sleep deprivation.¹³⁷

The importance of the opinion, however, derives from the court's recognition of housing barriers faced by Eichorn and other homeless persons due to a lack of resources in Santa Ana,¹³⁸ and how such barriers permitted the invocation of a necessity defense for violation of the ordinance. The court examined the trial testimony presented by several advocates for homeless people and local agency officials, each of whom explained what few resources Eichorn had available both prior to and on the night he was cited.¹³⁹ The testimony

132. *See id.* (noting Mr. Eichorn's failure to see if there was room at the Armory, a homeless shelter open on cold winter nights).

133. *See id.* at 538 (noting the trial court's belief that Mr. Eichorn should have sought assistance from his family and he should have applied for general relief (e.g., through the food stamp or work program), as these options were available and may have helped to get him off the streets).

134. *See id.* at 538-40 (explaining that reasonable minds would differ on whether Mr. Eichorn acted to prevent a significant evil; and, therefore, the issue of the necessity defense should have been heard by a jury).

135. *See supra* note 87 and accompanying text (listing the elements of the necessity defense). The court notes that the defense of necessity is not statutory in California, but that courts continue to apply the defense regardless of "rulings from the California Supreme Court that the common law is not a part of the criminal law in California." *Eichorn*, 81 Cal. Rptr. 2d at 538 (quoting *People v. Garziano*, 281 Cal. Rptr. 307, 308 (Ct. App. 1991)).

136. *See id.* at 536 n.2 (explaining the trial court's decisions and suggesting that the trial court's questions and comments such as "what do you mean 'bodily harm?' Like tired eyelids or blood?; [I]f he didn't sleep here, he'd lose sleep and this would be a horrible physical thing to impose on him?" show that the trial court did not understand the seriousness of the defendant's situation).

137. *See id.* at 539 (explaining that definitions of what prevents "significant evil" differ, but that "[s]leep is a physiological need, not an option for humans . . . [because] loss of sleep produces a host of physical and mental problems.").

138. *See id.* at 540 n.4 (noting that the city's "economic forces were primarily to blame for [Eichorn's] predicament," which could not be resolved by requiring him to sleep in nearby churches, covered stairwells, buildings or other private and public property).

139. *See id.* at 537-38 (listing the specific names and testimony of these witnesses); *infra* notes 141-148 and accompanying text (describing the substance of testimony by these witnesses relating to the lack resources available to Eichorn on the night of his

addresses two of the factors that directly cause homelessness—lack of housing (including the lack of shelter) and income.¹⁴⁰

A. *Housing, Shelter, and Income*

At trial, various witnesses addressed homelessness in Santa Ana and Orange County and discussed the limited resources available to homeless individuals. First, Professor James Meeker from the University of California at Irvine, in citing his 1993 study on homelessness, stated that for the 3,000 homeless people in Orange County during January and February, the supply of affordable housing had continually decreased.¹⁴¹ Moreover, he explained that most of the homeless individuals in the county could not secure accommodations because they had "lost jobs and could not afford housing."¹⁴² Second, Timothy Shaw, Executive Director of the Orange County Homeless Issues Task Force, testified that, in 1993, 1,500 homeless people lived within Santa Ana, yet the county only supplied 118 shelter beds year-round and an additional 125 beds when the armory opened during the winter.¹⁴³ Finally, Maria Mendoza, the county's homeless coordinator, explained that on the night of Eichorn's arrest, the armory was full beyond its capacity.¹⁴⁴ She further testified that Eichorn had spent twenty nights at the armory in December and January.¹⁴⁵

June Marcott, the program manager for the Orange County food stamps and general relief program, testified about the monetary resources available to Eichorn.¹⁴⁶ She found that when Eichorn was not employed, he could receive \$307 per month as part of a work

arrest).

140. See BURT, *supra* note 12, at 162 (analyzing how a city's homelessness rate is immediately affected by housing, which includes vacancy rates and the ratio of affordable units to low income individuals, and income variables, which includes the poverty rate and income per capita).

141. See Eichorn, 81 Cal. Rptr. 2d at 537; see also Petition for Writ, *supra* note 95, at 32 n.74, Eichorn (No. GO22777) (stating that "in 1993, over 200,000 County residents in the very low income bracket were competing with one another for the 7,825 rental units available at under \$300 a month.").

142. See Eichorn, 81 Cal. Rptr. 2d at 537 (noting that the problem particularly affected men as "they were less likely to receive the support of family, friends or governmental agencies").

143. See *id.* Moreover, Shaw noted that these shelters were routinely full, thereby resulting in the lack of accommodations for over 1200 individuals. See *id.*

144. See *id.* (noting that the Armory exceed its capacity by thirteen individuals).

145. See *id.* at 537; see also Return to the Petition for Writ, *supra* note 115, at 18-19, Eichorn (No. G022777) (stating that the Armory was closed from December 12 to 16 and January 27 and 28, and exceeded its capacity on eighteen of the twenty-nine days it was open in January).

146. See Eichorn, 81 Cal. Rptr. 2d at 538 (discussing aspects of a work program for which Eichorn was eligible).

program if he worked nine days a month and submitted four job applications daily.¹⁴⁷ Eichorn, however, last received general relief in November 1990, but was terminated for failure to submit a job search report and his subsequent applications in March and June, 1992 were denied.¹⁴⁸

B. Application

In focusing its opinion on an element of the necessity defense, the California court changed the focus of the analysis from volition, as prescribed by *Tobe*,¹⁴⁹ to consequentialism. The court found that “[t]here was substantial if not uncontradicted evidence that [Eichorn] slept in the civic center because his alternatives were inadequate¹⁵⁰ and economic forces¹⁵¹ were primarily to blame for his

147. See *id.* at 538 (describing the requirements of the work program).

148. See *id.* At trial, Ms. Marcott testified she could not determine why the petitioner's application for general relief was denied in June 1992. See Petition for Writ, *supra* note 95, at 17 n.28, *Eichorn* (No. G022777). Because there was no evidence that the petitioner received explanation of the reinstatement process, petitioner argued that “[g]iven that the county's own expert could not determine the reasons for her office denying relief, Eichorn should hardly be penalized for failing to navigate properly the intricacies of this highly-regulated government program.” *Id.*

149. See *supra* notes 79-81 and accompanying text (discussing the *Tobe* court's suggestion that the necessity defense could be used by homeless people who involuntarily violated the ordinance).

150. The trial court found that Eichorn had adequate alternatives because he could have slept in “other buildings, nearby churches,” “rear stairs, rear doors.” *Eichorn*, 81 Cal. Rptr. 2d at 540 n.4. The court also suggested that Eichorn travel to another city. See *id.* (“Is [it] a reasonable alternative . . . walking a mile or so [to a nearby city without a camping ordinance]? Stroll on a nice sunny day, find a cushy spot in Tustin, in a city park and make his home there.”).

The Court of Appeals responded that “neither trespassing on private property nor walking to a different city was an adequate alternative . . . an individual who has no reasonable alternative to sleeping in a public place in Santa Ana need not travel in search of streets and other public places where he can catch his 40 winks.” *Id.*

151. The acknowledgement of economic factors that led to Eichorn's condition does not indicate necessarily that courts will begin to recognize the defense of economic necessity. In *State v. Moe*, the Supreme Court of Washington held that “[e]conomic necessity has never been accepted as a defense to a criminal charge.” 24 P.2d 638, 640 (Wash. 1933) (refusing to adopt the defense to charges of larceny and rioting). In *Moe*, the defendants, during a demonstration for a greater allowance of flour, raided a local grocery store after the Red Cross commissary chairman denied their request. See *id.* at 639. The court reasoned that “were [the economic necessity defense] ever countenanced, it would leave to the individual the right to take the law into his own hands.” See *id.* at 640. Although deciding to rest in a private or public place in order to avoid sleep deprivation could be analogized to stealing groceries from a store in an effort to avoid starvation, the *Eichorn* court does not appear to be making new law in this area. Eichorn's economic situation constituted only one factor that led to his homelessness, and the court acknowledged this fact in determining that the defense of necessity should be allowed. See *Eichorn*, 81 Cal. Rptr. 2d at 540. The court did not state that it should be an element or basis for a defense. See *id.* (lacking language that an economic factor must be present to invoke the necessity defense).

predicament.”¹⁵² This statement by the court, the focus of which is the adequacy of alternatives, involved a balancing of harms. The trial court’s finding that Eichorn “was not involuntarily homeless on the night in question,”¹⁵³ is irrelevant to whether Eichorn could raise the necessity defense.¹⁵⁴ The court did not analyze why Eichorn was denied public assistance, why he was not working at the time he was cited, or why he did not contact relatives or travel to another location,¹⁵⁵ each of which may have been used to determine whether he was involuntarily homeless.¹⁵⁶ The court made clear that once Eichorn proved the basic elements of the necessity defense,¹⁵⁷ he could evoke such defense without inquiry into the causes of his homelessness.¹⁵⁸ Thus, if a defendant shows that: (1) the shelter was full, (2) there were more homeless people in the area than shelter space, and (3) he or she did not have funds to afford housing or a motel room, then any alternative to sleeping in public, such as staying awake and moving around, will be inadequate to rebut application of

152. *Eichorn*, 81 Cal. Rptr. 2d at 540.

153. *Id.* at 538.

154. The defense team argued that the causes of Eichorn’s homelessness were irrelevant in considering whether he could invoke the necessity defense at trial. *See Petition for Writ*, *supra* note 95, at 31, *Eichorn* (G022777) (asserting that in *Robinson*, the question did not involve whether a drug addict voluntarily chose to become addicted, but “whether the defendant’s present conduct is a proper object of the criminal laws”). In addition, Eichorn contended that when he (i) had required food stamps, (ii) was denied general assistance, (iii) had regularly sought employment, and (iv) could not stay with relatives, the obligation imposed on him to find housing became impossible to fulfill. *See id.* at 32-33 (arguing that these factors demonstrated Eichorn had no reasonable alternative but to sleep in public).

155. Eichorn, a veteran of the Vietnam War, testified that after losing a job he moved to Santa Ana and drove an ice cream truck. *See Eichorn*, 81 Cal. Rptr. at 537 (narrating how he had no place to live before he moved to Santa Ana). He lived in a motel room while driving the truck, but lost his job. *See id.* He then worked in the county’s casual labor office until that office closed. *See id.* He lived in the streets, usually near the civic center where other homeless people slept, when he did not have enough funds to stay in a motel. *See id.* (testifying that he lived in a motel only when he had saved enough money, but most inexpensive motels had raised prices). He could not recall whether he actually had attempted to sleep at a shelter the night of January 25, 1993, or whether he had believed it was full. *See id.* at 538. Nevertheless, he had been “turned away from the Armory in the past and had a ‘nervous walk’ back to the civic center.” *Id.* at 538. A “nervous walk” may refer to the presence of gangs in the area between the Armory and the civic center. *See Return to the Petition for Writ*, *supra* note 115, at 16-17, *Eichorn* (G022777) (discussing the testimony of James Wendel Meeker, Ph.D.).

156. *See Parry*, *supra* note 9, at 421 (determining that punishment for voluntary action will be imposed where a defendant “had the capacity and opportunity to conform to the law”).

157. *See People v. Slack*, 258 Cal. Rptr. 702, 704 (Ct. App. 1989) (outlining the six elements of the defense under California law).

158. *See Eichorn*, 81 Cal. Rptr. 2d at 540 (“The court must instruct if the evidence could result in a finding [that] defendant’s criminal act was justified by necessity.”).

the defense.¹⁵⁹ Less clear now is, if shelter space was available, but a defendant feared traveling to the shelter or thought the shelter was unsafe, whether the shelter space would be considered a viable alternative?¹⁶⁰ Regardless, the court's shift from volition to a balancing of harms and alternatives analysis through the application of the necessity defense provides a new opportunity for homeless advocates to defend their clients.

C. Impact upon Other Cities

Proponents of the Santa Ana ordinance now face the possibility that all persons cited under the ordinance will contest the violation by invoking the necessity defense. In other cities, where courts have upheld anti-camping and sleeping ordinances as constitutional, the necessity defense will be available to homeless people under the *Tobe/In re Eichorn* theory if the violator shows that more homeless people than shelter spaces exist and there is a lack of adequate income to pay for housing.¹⁶¹ According to a National Law Center on Homelessness & Poverty survey of fifty cities, each city examined had fewer shelter spaces than homeless people as well as inadequate income opportunities to assist homeless people in acquiring housing.¹⁶²

If other courts follow, and permit the necessity defense, legislatures will be forced to reconsider anti-camping and sleeping ordinances for

159. *See id.* at 536 (finding that Eichorn, in presenting these facts, presented sufficient evidence for a jury determination of whether his criminal violation was to prevent a significant evil). The court does not require the defendant to prove that he did not have friends or relatives in the area with whom he could not stay. *See id.* at 538. Although the defendant testified at trial that his mother and step-father lived in a nearby area, he would not stay with them because "he was 'an adult responsible for' himself," the Court of Appeal did not analyze this portion of Eichorn's testimony and did not mention the possibility that he had other relatives or friends in the area. *See id.* at 538 (lacking such discussion).

160. *See Daniels, supra* note 94, at 716-17 n.168 (citing *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1580 n.34 (S.D. Fl. 1992), for the proposition that shelter space may not be a viable alternative when "the shelter is dangerous, drug infested, crime-ridden or especially unsanitary" because a homeless person should not have to choose between his health and possession, a place to sleep and possible arrest); *see also Eichorn*, 81 Cal. Rptr. 2d at 540 (discussing only that Eichorn acted to prevent a significant evil). The court did not mention Eichorn's fear of harm as a possible prevention of locating a reasonable alternative place to sleep.

161. *See Tobe v. City of Santa Ana*, 892 P.2d 1145, 1155 n.8 (Cal. 1995) (relying upon a district attorney's belief that while the ordinance will still be applied against campers, the "truly homeless" will not be targeted due to prosecutorial discretion and that homeless people will likely invoke the defense); *see also Eichorn*, 81 Cal. Rptr. 2d at 539 (citing *Tobe* as declining to decide how an anti-camping ordinance may be unconstitutionally applied).

162. *See OUT OF SIGHT, supra* note 26, at i; *see also supra* note 49 (listing cities surveyed).

two main reasons. First, if a homeless defendant utilizes the necessity defense and succeeds, the utility of the ordinance in deterring homeless people from public areas¹⁶³ or from the city in general,¹⁶⁴ will be undermined.¹⁶⁵ The necessity defense defeats the goal of anti-camping and sleeping ordinances—to eliminate the presence of homeless people in public areas¹⁶⁶—by acknowledging that violating the ordinance presents the only reasonable choice for homeless people. A homeless person who asserts the necessity defense and is acquitted of the charge, will only continue to violate the ordinance until a reasonable alternative to sleeping outside materializes.¹⁶⁷ Therefore, the ordinance's intended deterrent effect fails to exist when a homeless defendant asserts the necessity defense.¹⁶⁸ When an ordinance ceases to have a deterrent value it constitutes bad public policy.¹⁶⁹ Thus, legislators will need to consider alternatives to the

163. Some reports find that anti-camping and sleeping ordinances have little deterrent effect regardless of the presence of the necessity defense. A recent article in the *New York Times*, profiling a homeless man's lawsuit against Mayor Giuliani for police "crackdowns on the homeless," states that "internal reports by the Department of Homeless Services reflect that homeless people routed from one place showed up somewhere else, or ebbed back to the old spot over time." Nina Bernstein, *Homeless Man Presses Legal Battle Against Backdrop of New Crackdown*, N.Y. TIMES, Nov. 22, 1999, at B5; see also Jonathan P. Hicks, *Hillary Clinton Attacks Arrests of the Homeless*, N.Y. TIMES, Dec. 1, 1999, at A1 (reporting that the First Lady criticized Mayor Giuliani for his campaign to arrest homeless people by stating "[l]ocking people up for a day will not take a single person off the streets").

164. See Foscarinis, *supra* note 50, at 22-25 (discussing the purposes of criminalizing acts by homeless people including "to drive homeless residents out of the city").

165. See Sundance v. Municipal Ct., 729 P.2d 80, 94-95 (Cal. 1986) (finding that when an ordinance has no rehabilitative or deterrent effect upon chronic alcoholics, a constitutional attack under the Eighth Amendment may be available).

166. See Maria Foscarinis, *Out of Sight-Out of Mind? The Continuing Trend Toward the Criminalization of Homelessness*, 6 GEO. J. ON POVERTY L. & POL'Y 145, 147 n.6 (1999) (emphasizing that many cities, in enacting camping prohibitions, have expanded the definition of camping beyond traditional activities to encompass homeless sleepers). In fact, "73% of the 49 cities [from which information was available, *see supra* text accompanying note 49 (listing the cities)] currently have ordinances prohibiting or restricting sleeping or camping." *Id.* at 150. See also Tier, *supra* note 13, at 266 (describing how certain urban anti-camping ordinances prohibit erecting tents or other structures, cooking or storing personal items in public parks).

167. See Bernstein, *supra* note 163, at B5 (citing a New York Department of Homeless Services report that found when police or city officials move homeless people from one area they often travel back to the original location over time).

168. Invocation of the necessity defense eliminates the deterrent effect of an anti-camping ordinance if one assumes that full prosecution will be sought under the ordinance instead of the ordinance being used for mere citation purposes. See Smith, *supra* note 56, at 328 n.168 (claiming that the necessity defense may not frequently be employed because most "arrests of homeless people under anti-sleeping laws usually fall short of final adjudication").

169. See Foscarinis, *supra* note 50, at 59-60 ("Criminalizing homelessness is poor public policy for several reasons Perhaps the most fundamental, criminalization responses do not and cannot work. Like all human beings, homeless people must eat, sleep and occupy space.").

ordinance.¹⁷⁰

Second, this cycle of continued violations leads to another consideration: the broader social purpose of eliminating homelessness. The availability of the necessity defense originates from a locality's lack of shelter space, income, and affordable housing.¹⁷¹ Proponents of quality of life programs that seek to improve urban landscapes must understand that when cities lack affordable housing, income, and shelter, anti-camping ordinances will cease to have any effect on the number of homeless people in a locality.¹⁷² Only an increase in affordable housing, income, and shelter, rather than enforcement of anti-camping or sleeping ordinances, will reduce homelessness.¹⁷³

Arrests and citations pursuant to anti-camping and sleeping ordinances, together with the use of the necessity defense, also serve to hinder judicial efficiency. The dissent in *Tobe* predicted that the requirement that a defendant prove, on a case-by-case basis, he or she was "truly homeless . . . would needlessly subject large numbers of homeless persons to the criminal justice system for wholly innocuous conduct and overwhelm our already strained judicial resources."¹⁷⁴

170. See OUT OF SIGHT, *supra* note 26, at 53-61 (describing programs used as alternatives to anti-camping and sleeping ordinances in Portland, OR; Omaha, NE; San Francisco, CA; Dallas, TX; Washington, DC; New York, NY; West Hollywood, CA; Seattle, WA; Glendale, CA; and Miami, FL.).

171. See *supra* text accompanying note 160.

172. For example, Rob Tier argues that because judges and advocates misperceive the lack of affordable housing to be the overarching cause of homelessness, their efforts to ensure the "right to live on the street, sleep in the public place of one's choosing, beg in any place and in any manner one pleases, and to essentially be exempt from standard of conduct that apply to all others" jeopardizes the quality of life in urban areas. Tier, *supra* note 13, at 261 (asserting that such efforts harm communities, deteriorate neighborhoods and force people to abandon urban centers due to the more aggressive behavior of homeless people). This argument ignores the other factors, such as lack of shelter space and income maintenance, which also cause homelessness. Furthermore, it assumes that homeless people, when subject to laws that restrict behavior, will become "good citizens . . . capable of obeying these new laws." *Id.* at 263 (arguing that addicts, rather than homeless people, engage in aggressive, anti-social behavior).

173. Enforcement of these ordinances substantially decreases public support for economic support for the homeless, thereby reducing the opportunity for homeless people to receive increased funding for housing and shelters. One advocate notes that "[t]hese regulations have a two-fold negative effect in that they both endanger the ability of homeless people to survive and they reduce the incentive and the opportunity for the public to respond to the needs of these people." See Nancy Wright, *Not in Anyone's Backyard: Ending the "Contest of Nonresponsibility" and Implementing Long-Term Solutions to Homelessness*, 2 GEO. J. ON FIGHTING POVERTY 163, 174 (1995) (describing how the diminution of economic funding for general assistance support, emergency shelters and low-income housing closely relates to the increasing use of anti-camping ordinances and panhandling statutes).

174. *Tobe v. City of Santa Anna*, 892 P.2d 1145, 1175 (Cal. 1995) (Mosk, J., dissenting) (suggesting that the majority's "case-by-case showing by each individual who is convicted under the ordinance that he or she was 'truly homeless'" defies the

For example, if police cited or arrested each homeless person in Washington, D.C.¹⁷⁵ for a violation of an anti-camping or sleeping ordinance and if those arrested were able to raise the necessity defense at trial, each trial would lead to a fourteen to thirty-six percent increase in the number of misdemeanor cases filed in D.C. Superior Court.¹⁷⁶ Thus, legislatures must reevaluate the ordinances to relieve the judiciary of the potential case load burdens.

Finally, the legislature must consider the effect that a citation under the ordinance has on a homeless person. The trial court ordered Eichorn to perform forty hours of community service.¹⁷⁷ Not only does such punishment prevent him from working,¹⁷⁸ but also it

notion of judicial efficiency); *cf. Tier, supra* note 13, at 268 (arguing that inquiry into the housing and shelter availability compels an inappropriate judicial involvement into “public housing and shelter spending in the jurisdiction”).

The notion that the ordinance will become insulated from meaningful review has proven to be an accurate prediction. Eichorn argued in his petition that the ordinance violated equal protection when it prevented him from engaging in life-sustaining acts. *See Petition for Writ, supra* note 95, at 37, *Eichorn* (No. G022777) (stating that “[t]he Ordinance does not pass constitutional muster” because the right to partake in life-sustaining activities is fundamental). He again argued the point lost in *Tobe*, that the underlying purpose of the ordinance is to remove homeless people from Santa Ana. *See id.* (“Despite the Ordinance’s facial neutrality, the Ordinance’s true and principle purpose is to drive the homeless out of Santa Ana and to prevent new homeless from entering the City.”); *see also Tobe*, 892 P.2d at 1159-60 (“We cannot assume . . . that the sole purpose of the ordinance is simply to drive the homeless out of Santa Ana.”).

The city, however, ignores these arguments in its Return to the Petition, as did the court. *See Traverse to the People’s Return; Memorandum of Points and Authorities* at 1, *In re Eichorn*, 81 Cal. Rptr. 2d 535 (Ct. App. 1998) (No. G022777) (“The People are . . . mysteriously quiet on the constitutional issue.”); *see also In re Eichorn*, 81 Cal. Rptr. 2d 535, 540 (Ct. App. 1998) (“[B]ecause Eichorn is entitled to raise a necessity defense to charges he violated the camping ordinance, we find no other constitutional violations under the circumstances of this case.”). In addition, Eichorn argued that the Santa Ana ordinance was distinguishable from the law in *Powell*, where Justice Black concurred in finding a statute punishing public drunkenness constitutional because it was consistent with the notions of deterrence, isolation, and treatment. *See Petition for Writ, supra* note 95, at 19, *Eichorn* (No. G022777) (citing *Powell v. Texas*, 392 U.S. 514, 540-41 (1968)). In this case, Eichorn could not be deterred because he had no choice but to sleep outside. He was not isolated by the citation because authorities released him on his own recognizance. Finally, he received 40 hours of community service, which seems misplaced given that community service does not relieve the cause of his homelessness—namely lack of housing, shelter, and income. *See id.* (justifying the punishment received by an alcoholic for public drunkenness).

175. Statistics cited in Part I of this Note show that between 700 and 1,800 homeless people live on the street in Washington, D.C. *See supra* text accompanying note 17.

176. *See JOINT COMMITTEE ON JUDICIAL ADMINISTRATION, DISTRICT OF COLUMBIA COURTS, 1998 ANNUAL REPORT* 70 (1999) (reporting that authorities filed 4,985 misdemeanor cases under District of Columbia law in 1998).

177. *See Eichorn*, 81 Cal. Rptr. 2d at 538.

178. *See Petition for Writ, supra* note 95, at 6, *Eichorn* (No. G022777) (“The ‘treatment’ that Eichorn received was 40 hours of community service, which obviously interferes with his ability to work at a paying job and become not

fails to deter or rehabilitate him from violating the ordinance again because the punishment does not relieve the cause of the violation—his homelessness. Legislators, in their attempt to sweep the streets of homeless people, fail to realize the exacerbating effect these ordinances have on the general causes of homelessness.

CONCLUSION

Ordinances that prohibit sleeping and camping in public are imperfect responses to addressing the presence of homeless people in public places. Prior to *In re Eichorn*, social service providers and legislators primarily adopted and addressed the issue. Judicial responsibility was limited to construction and constitutional application of the ordinance. After *Eichorn*, courts will have to make room for individual trials on the justification for each homeless person's violation of an ordinance. If courts begin hearing a large number of cases that contest anti-camping citations using the necessity defense, the utility of these ordinances will be limited. Furthermore, the *In re Eichorn* court's recognition of the lack of shelter space and other resources that assist homeless and other low-income people may create more support for social service programs and assist other localities in opposing the use of the ordinances. Localities must begin to consider alternatives to such ordinances before burdening the judicial system.

homeless.").

Carnahan, David

From: Daniel Tuerk <dtuerk@gmail.com>
Sent: Wednesday, July 25, 2018 11:05 AM
To: Council, City
Subject: Message from the City Council Home Page

Can you give me a date as to when the PACC will follow up on the May 7, 2018, vote regarding airplane noise. The planes appear to be coming in more frequently, day and night, at a lower altitude and with an increased number using the speed brakes. What progress is being made on a plan for a litigation strategy?

Daniel Tuerk MD

Carnahan, David

From: Karen Chakmakian <karen@chakmakian.com>
Sent: Tuesday, July 24, 2018 5:11 AM
To: Planning Commission; Council, City
Subject: NOT in support of ending Downtown Development Cap

Dear City Council and Planning Commission,

I understand there has been an attempt to end the Downtown Development Cap, a 32-year old law limiting new hotels, offices, and other nonresidential growth downtown.

Now, more than ever, this cap needs to stay in place. Growth is expected and understood, but our city has grown in an incredibly irresponsible way. I could list 100 reasons why this is destructive to our community and the environment, but most of you already know all of these reasons so I'll just leave it at that.

Kind regards,
Karen Chakmakian
850 Center Drive

Carnahan, David

From: Jeremy Robinson <jeremy.robinson67@gmail.com>
Sent: Tuesday, July 24, 2018 7:59 AM
To: Council, City
Subject: Partnership Between Palo Alto and Pets In Need

Dear Mayor and City Council:

We are writing to urge you to save our shelter at your August 13th meeting by formalizing the agreement for Pets In Need to provide animal care services for the City of Palo Alto.

When the city released an audit of its animal care operation in 2015, we learned that the shelter faced challenges that were unlikely to be resolved if it continued operating as a city-managed function without a significant increase in general fund subsidy, and/or revenue generating contracts.

The audit also showed that having local animal services is important to Palo Alto, Los Altos and Los Altos Hills residents, and that the majority of people are excited by the prospect of a public-private partnership to minimize the burden on taxpayers.

The proposed partnership is projected to save Palo Alto an estimated \$200,000 in annual operating costs and ensures residents have access to humane animal services locally. The partnership would also be a national model for the humane treatment of animals in public shelters and would advance the no-kill movement.

At Pets In Need, no animal is euthanized unless it is determined by the staff veterinarian to be dangerous to people or animals or medically irredeemable. According to a recent report that tracks the average length of time animals remain in the organization's care, the vast majority spend three weeks or less in the shelter before being placed in a home.

The decision to have Pets In Need provide animal care services should be a no-brainer for the city.

With contributions from the city and community, Pets In Need has agreed to oversee a campaign for a new shelter, which would ensure that residents have humane, state-of-the-art local animal services well into the future.

We are disappointed that after three years of negotiations the city still does not have agreement with Pets In Need. If this drags on any longer, we fear the organization will be forced to go in a different direction.

It is time to make the partnership between Palo Alto and Pets In Need official.

We respectfully request that you get this over the finish line on Aug. 13.

Save our shelter!

Sincerely,

Friends of the Palo Alto Animal Shelter
Jeremy Lindston Robinson, President

Terri Valenti, Vice President
Margot Goldberg, Treasurer
Deborah Buck, Secretary
Scottie Zimmerman, Director
Alexandra McFarland, Director
Cheryl Woodward, Director
Ann Pianetta, Director
Marge Shapiro, Director

CC: Mayor Liz Kniss; Councilmembers Tom DuBois, Eric Filseth, Adrian Fine, Karen Holman, Lydia Kou, Gregory Scharff, Greg Tanaka, Cory Wolbach.

Carnahan, David

From: k jm <kjm1445@yahoo.com>
Sent: Monday, July 23, 2018 5:47 PM
To: Planning Commission; Council, City
Subject: Please restrain office growth. Enough is enough and it is past that point!!!!

I am unable to attend the meeting. This email shall serve as my opposition to raising the downtown cap. Let the election, and the citizens voice govern.

Regards,
Kathleen Jason-Moreau

It would appear that the development cabal on the PTC and Council is concerned that the citizens' initiative to restrain office growth will pass. So the Planning Commission has scheduled Wed. July 25 a discussion of an Ordinance to raise the Downtown Cap to preempt the election and the expression of the citizens' voice.

Carnahan, David

From: Justin Chew <jstinchw@gmail.com>
Sent: Saturday, July 21, 2018 9:04 AM
To: Fire; OES; City Mgr; Council, City; City Attorney
Subject: ProTransport-1
Attachments: cotatiYelp.docx; paloAltoYelp.docx; PTGlassdoorII.docx

Dear Members of the Palo Alto Fire Department, Office of Emergency Services, City Council, Mr. Keene, and Ms. Stump,

I am bringing forth information attached to this email today in accordance with my duties as a mandated reporter pursuant of California Welfare and Divisions Code Article 3: Mandatory and Nonmandatory Reports of Abuse. If I were not to have come forward with the information provided today, I could be tried, convicted, and face charges for aiding and abetting pursuant of California Penal Code 31, or Conspiracy pursuant of California Penal Code 182. I have reason to believe, and ask for further opinion, investigation and/or assistance in addressing this matter, due to the testimonies of others and both my ride- alongs and employment with ProTransport-1, that ProTransport-1 may be involved in willful and persistent violations of California law including but not limited to, Insurance Fraud (California Penal Code 550), Harassment (California Penal Code 653 and others), and numerous labor laws.

ProTransport-1 purports to serve our community's most vulnerable populations: ill children, adults, individuals with disabilities, and seniors with health issues ranging from kidney failure to dementia. The allegations against ProTransport-1 suggest a deliberate and regular form of intimidation and harassment in efforts to receive far more than they are owed from patients and guardians who are at their most vulnerable, and at a time they are likely least equipped to weather these predatory assaults.

ProTransports-1 also seems to employ in high volume, a population who may not be aware of their legal rights, options, and/or the boundaries of acceptable workplace behavior and practices. The forms of abuse that I begin to outline on the basis of attached Yelp! and Glassdoor reviews, not yet sharing the abuses I've experienced myself, or others who for whatever reason have not yet come forward, are accentuated by allegations that ProTransport-1 leadership views and treats patients merely as a means to extract profit ("cash cows" as one review reports), and their employees as dispensable vehicles to push a shamelessly self- interested agenda while willfully neglecting employee well-being, interests, and rights.

What I've attached are my bear, shorthand notes and I've omitted narrative details, so I encourage you to read the full Yelp! and Glassdoor reviews for yourself. With the exception of my own Glassdoor piece, which for suspect reasons is still undergoing administrative review, all of them should still be posted as of July 12, 2018.

Please email me with advice and potential action items. I thank you for your time and consideration.

Sincerely,

Justin Chew

EMT
Substitute Teacher
Student

ProTransport-1 Yelp! Cotati

Why are these reviews not recommended? Why are we not able contact these individuals?

Janet R. of Santa Rosa 2/9/2012 ("Not Recommended Review"): She writes that a transport time for 10:00am. This time was pushed back to 12:05pm, with the crew arriving at 1:08pm.

Disney M. of Orange 9/20/2012 ("Not Recommended Review"): Writes that the company cuts corners in the area of proper patient care, fails to train employees properly, delays bills to keep cash looking good.

Jeff W. of Rohnert Park 2/11/2013 ("Not Recommended Review"): Writes that the company is "hard nosed, cruel, and unforgiving." They overcharge.

Frank B. of San Francisco 7/25/2013 ("Not Recommended Review"): Writes that the company repeatedly sends bills even when he has already paid.

Max A. of Concord 9/9/2013 ("Not Recommended Review"): Writes that a family member was referred to as a "Cash Cow."

Michael B. of Trenton 9/19/2013 ("Not Recommended Review"): Writes that their insurance company incorrectly billed them and that they failed to take responsibility for their errors. This process was dragged on for 20 months, in which ProTransport-1 claimed that the he was not identified by the insurance provider while using an incorrect ID number for 10 months. Interestingly, his insurance applied an allowed amount to his deductible at 10 months.

Scott H. of Sacramento 10/29/2013 ("Not Recommended Review"): Writes that ProTransport-1 would not send copayment to his insurance, so in order to avoid going to collections, he paid out of pocket. Even after he paid, Collections contacted him demanding payment.

Sharon P. of Gilroy 8/24/2015 ("Not Recommended Review"): Spent countless hours trying to deal with ProTransport-1 and their billing. Threatened to be sent to collections. Claim that billing is up to the patient as they don't bill Medicare. Over 9 months, ProTransport-1 did nothing but continually send billing statements to his parents demanding payment. 10 days to pay or sent to collections. Mother suffered [REDACTED] from dealing with it.

Anony P. of Bellevue 9/28/2015 ("Not Recommended Review"): 9 miles \$9000 requiring payment in ten days.

Meg D. of Mi- Wuk Village 9/28/2016 ("Not Recommended Review"): Medicare did not receive appropriate paperwork, indicating that the transport was medically necessary. Failed to provide an "Advance Beneficiary Notice of Noncoverage" or "Notice of Exclusion from Medicare Benefits Form." These forms are to be provided by the ambulance company when Medicare may not pay for particular ambulance service and what charges they may be responsible to pay (for non-medically necessary transports). Threatened to send them to collections.

David M. of San Leandro 8/24/2016 ("Not Recommended Review"): 30 minute, 4 mile non- emergency ride costs \$1788.19, turning out to be \$447.05 per mile.

Les M. of San Francisco 1/4/2018 ("Not Recommended Review"): The negative reviews are true.

Stacy R. of San Anselmo 7/18/2013 (20 voted for the review): Did not communicate needs to ER doctor which led to [REDACTED]. Sent to collections.

Stacey R. of Seattle 1/4/2017 (3 voted for the review): Writes that even after payment, they were sent to collections six months later. Voicemail full and not accepting messages. \$2000 for a 7 mile ride. Legal steps, Stat of CA Attorney General, and Medicare Fraud line.

Dietra S. of Castro Valley 8/20/2015 (2 voted for the review): Writes of mishandling billings with Medicare and secondary insurance. They have received payment from Medicare and secondary insurance, and from personal funds. Sent to collections.

Kathy S. of Oakland 4/12/2016 (5 voted for the review): Less than 4 miles, \$2400 even after insurance company paid more than half the bill.

Janet P. of San Jose 4/9/2015 (11 voted for the review): "Extortionists." Threaten to increase amount due. Abuse of Medicare System.

Catherine T. of Salem 1/21/2017 (4 voted for this review): Attempted to charge twice for same amount.

Pavel K. of Sunnyvale 9/12/2015 (17 voted for this review): \$9150 for a 9 mile trip. Insurance pays 6k and they pay 3k. "Considering that interfacility transport is mandatory by ambulance, we had absolutely no choice over which ambulance Stanford ER would contract for us."

Amanda S. of Rocklin 1/12/2018 (3 voted for this review): 10 miles over \$5000. Insurance paid in full. Still receiving invoices for the balance of the invoice of \$4100. Sent to collections. Report to DMHC and DOI.

ProTransport-1 Yelp! Palo Alto

K J. of Belmont 9/18/2017 ("Not Recommended Review"): Bait and switch for pricing.

Shelley G. of Santa Clara 11/3/2013 (15 voted for this review): Nine- mile trip from hospital to hospital. Received a + \$4300 bill after insurance covered \$2200. That comes out to + \$6500 bill. Committed to the ambulance at the advice of the doctor without any knowledge up front of costs.

Dana A. of Boulder Creek 8/25/2015 (4 voted for this review): Company used Stanford Hospital, dead relative, mailed copy of death certificate, dead person sent to collections and billed every month for 7-8 months.

Chris C. of El Sobrante 10/13/2017 (4 voted for this review): Even though you make monthly payments on what you owe after insurance, they will send you to collections without notifying you.

Victor C. of San Mateo 9/2/2017 (10 voted for this review): ProTransport takes advantage of the fact that insurance companies reimburse ambulance transportation not based on what's actually billed, but on 'customary and reasonable costs' for a similar service in a given area. \$3000 for a 20 minute ride in between 2 Stanford Children's Hospitals. 33% over market price. Insurance picks up 2k, he picks up 1k. They have a deal with Kaiser offering their clients a discount to entice Kaiser facilities to use ProTransport. Sent to collection agency before the deadline passed while trying to negotiate.

M N. of Cupertino 6/18/2018 (1 voted for this review): They wanted to collect money twice. After paying, they got a call from collections saying they did not receive any money.

Ryan D. of San Jose 5/21/2018 (1 voted for this review): Santa Clara Regional to Good Samaritan in SJ. 6.3 miles at \$2723.26. My insurance company deemed that they eligible amount was \$1887. The insurance company paid them 80% of the eligible amount (\$1,887, not \$2723.26). ProTransport sends bill of \$1213.66 for what they claimed to be remaining amount after insurance. Under fair market policy Should only be responsible for the 20% of the eligible amount deemed by my insurance, which is \$377.4 (NOT \$1,213.66).

Pros:

Unlike me, you'll be able to take seriously the information I list below when considering employment with ProTransport-1. As a current employee, the information below may also be helpful.

Cons:

I have a few recommendations for those employed and considering employment with the company. First, locate the rating tab and read what others have already written about the company on Glassdoor. Second, closely read ProTransport-1 Cotati and Palo Alto location reviews on Yelp! Third, pay careful attention to a few noteworthy experiences here on Glassdoor:

A September 6, 2017, two-star review entitled "Just Don't," states that there is rampant, ignored, and encouraged sexual harassment. A February 15, 2016, one-star review entitled "Minimum wage job with plenty liability," states that staffing issues have subjected workers to unsafe situations. A December 18, 2015, one-star review entitled "Disgusting owners and management," states that they couldn't work for a company that was unethical and doesn't care about legalities. A September 11, 2015, one-star review entitled "Are they trying to get people to quit?", states that ProTransport-1 refuses to provide up-to-date equipment which is hazardous for employees. An October 12, 2014, one-star review entitled "No Job security," states that ProTransport-1 fires people for talking about unions. A June 26, 2018, two-star review entitled "Avoid this Company Unless You're a Union Employee," states that ProTransport-1 will lower your hourly rate and pay less overtime when you work more than eight hours. A June 16, 2016, two-star review entitled "Money-driven company; no respect for employees," states that ProTransport-1 overworks the staff, does not respect worker's schedules, does not honor vacation time, and requires overtime for every shift. A January 25, 2016, four-star review entitled "Just starting out," states that there is gossip circulating among workers that management goes after individuals. A July 19, 2015 review entitled "Welcome to the EMS stepping stone!" states that payroll has calculated pay stubs inaccurately.

I am of the opinion, that alarm bells should be ringing for both current employees and prospective employees. I don't know if the claims posted here on Glassdoor or Yelp! are true. I don't claim to have experienced these things with this group personally. Depending on the legitimacy of the stories and evidence of some anecdotes posted above, on Yelp!, and on those who may have not yet come forward on the named platforms, however, there may be grounds for legal action and compensation, federal investigation (ie check out the FBI website), and/or a story in a major newspaper(s).

Is this sort of thing you want to possibly endure and/or be associated with? There are other companies, and there may be better and more satisfying routes to achieve your career goals. If you are currently employed, you can probably leave. If you are considering employment with this company, you can probably consider other options. Current employees need to be informed about the potential consequences of allegations like the ones above and their potential options. Prospective employees need to be warned as to what they may be getting themselves into.

Carnahan, David

From: Stephanie Munoz <stephanie@dslextreme.com>
Sent: Tuesday, July 24, 2018 4:22 AM
Cc: Jonsen, Robert; Keene, James; Stump, Molly; molly o'neal; jrosen; Council, City; WILPF Peninsula Palo Alto; chuck jagoda; paloaltofreepress; Bains, Paul; stevendlee; HRC; allison@padailypost.com; citycouncil; council; mdiaz; roberta ahlquist; swagstaffe; myraw; ibain@redwoodcity.org; fred124c41@gmail.com; dcbertini; gkirby; Kniss, Liz (internal)
Subject: Re: In re Eichorn (1998) :: :: California Court of Appeal Decisions :: California Case Law :: California Law :: US Law :: Justia

Glad to see legal establishment recognition of the obvious. How can we help? Stephanie

From: "Aram James" <abjpd1@gmail.com>
To: "Robert Jonsen" <Robert.Jonsen@cityofpaloalto.org>, "james keene" <james.keene@cityofpaloalto.org>, "molly stump" <molly.stump@cityofpaloalto.org>, "molly o'neal" <molly.o'neal@pdo.sccgov.org>, "jrosen" <jrosen@da.sccgov.org>, "Council, City" <city.council@cityofpaloalto.org>, "WILPF Peninsula Palo Alto" <wilpf.peninsula.paloalto@gmail.com>, "chuck jagoda" <chuckjagoda1@gmail.com>, "paloaltofreepress" <paloaltofreepress@gmail.com>, "Paul Bains" <pbains7@projectwehope.com>, "stevendlee" <stevendlee@alumni.duke.edu>, "hrc" <hrc@cityofpaloalto.org>, allison@padailypost.com, "citycouncil" <citycouncil@menlopark.org>, "council" <council@redwoodcity.org>, "mdiaz" <mdiaz@redwoodcity.org>, "roberta ahlquist" <roberta.ahlquist@sjsu.edu>, "stephanie" <stephanie@dslextreme.com>, "swagstaffe" <swagstaffe@smcgov.org>, "myraw" <myraw@smcba.org>, ibain@redwoodcity.org, fred124c41@gmail.com
Cc: "dcbertini" <dcbertini@menlopark.org>, "gkirby" <gkirby@redwoodcity.org>, "liz kniss" <liz.kniss@cityofpaloalto.org>
Sent: Monday, July 23, 2018 11:19:45 PM
Subject: In re Eichorn (1998) :: :: California Court of Appeal Decisions :: California Case Law :: California Law :: US Law :: Justia

Dear Chief Jonsen:

Please consider the below case (In re Eichorn) before allowing your officers to issue tickets to RV dwellers who have no reasonably alternative to their current living situation. Thanks for your consideration.

Sincerely,

Aram James

<https://law.justia.com/cases/california/court-of-appeal/4th/69/382.html>

In re Eichorn (1998)

In re JAMES WARNER EICHORN on Habeas Corpus.

(Municipal Court of Orange County, No. 93CM02515, James M. Brooks, Judge.)

(Opinion by Crosby, J., with Sills, P. J., and Wallin, J., concurring.)

COUNSEL

O'Melveny & Myers, Phillip R. Kaplan, Brett J. Williamson, Todd A. Green and Robert G. Loewy for Petitioner.

Michael R. Capizzi, District Attorney, and Scott G. Scoville, Deputy District Attorney, for Respondent.

OPINION

CROSBY, J.-

James Warner Eichorn was convicted of a misdemeanor violation of a City of Santa Ana ordinance banning sleeping in designated public areas. The appellate department affirmed his conviction and denied his request to transfer the cause. Eichorn thereafter petitioned for writ of habeas corpus in this court. We conclude his conviction must be set aside.

I

James Eichorn was cited for violation of the city's anticamping ordinance (Santa Ana Mun. Code, ch. 10, art. VIII, § 10-402) on the evening of [69 Cal. App. 4th 385] January 25, 1993. fn. 1 Following a detour to the Supreme Court that established the ordinance was facially constitutional (Tobe v. City of Santa Ana (1995) 9 Cal. 4th 1069 [40 Cal. Rptr. 2d 402, 892 P.2d 1145]), Eichorn's case eventually went to trial.

In a significant pretrial ruling, the court (Judge James M. Brooks) determined Eichorn could not present a necessity defense (see CALJIC No. 4.43) to a jury. Eichorn had offered to prove that on the night of the violation every shelter bed within the city that was available to a homeless single man with no children was occupied, and that he was involuntarily homeless, i.e., he had done everything he could to alleviate his condition. Due to circumstances beyond his control, defendant, a 14-year resident of Santa Ana, had been unable to find work as a manual laborer that paid enough to allow him to find an alternative place to sleep.

The court determined defendant had not made a sufficient showing to allow a jury to consider his necessity defense: "It appears that the defense of necessity is not supported by the offer of proof. The first element wasn't satisfied, in the court's view, no significant, imminent evil for this defendant or any other person." fn. 2 Defendant objected that the court's ruling "not only goes against what we understand to have been the statements and admissions by the People and by [Judge Margines, who had previously handled the case] but undermines the whole reason why we were going forward at trial ... it's clearly eviscerated our entire defense."

In light of Judge Brooks's ruling on the necessity defense, and noting there was no dispute Eichorn was in a sleeping bag in the civic center on the night in question, Eichorn's lawyer agreed to go forward without a jury on the constitutional issue whether the ordinance was unconstitutional as applied to him based on his alleged involuntary homelessness.

Trial commenced without a jury in May 1996. Officer Carol Craig testified defendant was in a sleeping bag on the ground about 10:30 p.m. outside a county office building in the civic center. He was using his clothes as a pillow. Craig asked (as she always did) why Eichorn wasn't at the National Guard Armory (a homeless shelter several miles away). A bus from the civic [**69 Cal. App. 4th 386**] center to the armory usually picked up people between 5:00 and 6:00 p.m. According to Craig's police report, defendant replied he had tried "a while back." It was full, so he never returned. The court judicially noticed that the walk between the civic center and the armory was "through very dangerous areas of town." Police photographed and cited Eichorn, then asked him to move on. He complied.

James Meeker, a professor at the University of California, Irvine in the department of criminology, law and society, testified he had conducted a study on homelessness in January and February 1993. There were more than 3,000 homeless individuals in Orange County during this period. Most homeless were longtime residents of Orange County (average 14 years) who had lost jobs and could not afford housing. The county had relatively little affordable housing, and it had been decreasing. Single men had a particularly difficult time because they were less likely to receive the support from family, friends, or governmental agencies. Most were sleeping outdoors because they had no other choice. Homeless individuals were 10 times as likely to be victimized by crime than the average population. Many homeless stayed in urban areas because of proximity to assistance providers (food, clothing and shelter), day jobs (just 8 percent were unemployed and not looking for jobs), public facilities (restrooms, etc.) and the lack of transportation.

Timothy Shaw was the executive director of the Orange County Homeless Issues Task Force. He pegged the number of homeless in Santa Ana at about 1,500 persons in 1993.

There were about 118 shelter beds available for single men like Eichorn, most available on a first-come, first-served basis. In addition, the armory could accommodate 125 persons during the winter (although it frequently exceeded its capacity). As was routine, these shelters were full on the night Eichorn was cited.

Maria Mendoza was the county's homeless coordinator and oversaw use of the armory as a shelter. The armory was available only on cold winter nights. She explained how the bus to the armory would leave from the civic center in the late afternoon. Those on the bus had priority at the armory. Eichorn had spent some 20 nights there in December and January. On January 25, the armory was 13 persons over capacity, which was not uncommon. That the armory would accept excess capacity was not a given. Usually, only those "at risk" (e.g., women and children) would be admitted after the maximum was reached, and generally only when it was raining.

Eichorn, 49 years old, testified he had moved to Costa Mesa in 1972, a few years after his discharge from the Marine Corps. The Vietnam veteran [**69 Cal. App. 4th 387**] lost his job in a machine shop in 1980, and subsequently ended up without a place to live. He moved to Santa Ana because a friend told him about a job driving an ice cream truck. He sold ice cream for about a year and was able to afford a motel room. When he lost that job, he frequented the casual labor office in Santa Ana until it closed. When he worked and could save enough, he would live in a motel. He also relied on general relief and food stamps. However, general relief was no longer enough to secure affordable housing because most of the less expensive motels had been torn down. If he could not get into a shelter, Eichorn would sleep in the civic center, where he was close to services (including restrooms) and where there was "safety in numbers" (i.e., where it was less likely someone would steal or attack him while he slept). He loved to work and did so every chance he got. He did not like living outside. He had been turned away from the armory in the past and had a "nervous walk" back to the civic center. On January 25, he did not recall whether he had tried to find a spot at a shelter or whether he heard that the shelters were full. He recalled eating around 7:00 p.m. He was in his sleeping bag listening to his radio when Craig arrived around 10:30 p.m. Eichorn's mother and stepfather lived in Long Beach, but staying with them was not an option because he was "an adult responsible for" himself. Defendant denied a problem with alcohol or drugs.

June Marcott, program manager for food stamps and general relief of the County of Orange, testified Eichorn received food stamps on a regular basis from 1989 through 1993, except when he was employed in parts of 1991 and 1992. He was eligible for \$307 monthly in general relief if he participated in a work program (working nine days a month) and looked for work (four job applications per day). He last received general relief in November 1990

and was terminated because he did not submit a job search report. He applied for relief in March and June 1992, but was denied.

The court found Eichorn had violated the camping ordinance and was not involuntarily homeless on the night in question, finding he chose not to go to the armory. He also suggested defendant should have sought out familial assistance and should have applied for general relief. The court ordered him to perform 40 hours of community service. By a two-to-one margin, the appellate department of the superior court affirmed the conviction without opinion and declined to certify the case to this court for direct review. (Cal. Rules of Court, rule 63.) [1] (See fn. 3.) Eichorn filed this petition for habeas corpus and seeks to set aside his conviction. fn. 3 [**69 Cal. App. 4th 388**]

II

[2a] Eichorn makes a multipronged attack on his conviction. One of his contentions is that he was induced to waive his right to a jury trial by the court's pretrial ruling that he could not present a necessity defense. As noted above, the court ruled the defense's offer of proof was inadequate, i.e., defendant had not presented enough evidence to get to a jury on the issue of whether he violated the law to prevent a significant evil. This ruling was error, and we vacate the judgment accordingly.

[3a] California appellate courts have recognized the necessity defense "despite the absence of any statutory articulation of this defense and rulings from the California Supreme Court that the common law is not a part of the criminal law in California." (People v. Garziano (1991) [230 Cal. App. 3d 241](#), 242 [[281 Cal. Rptr. 307](#)].)

[2b] In Tobe v. City of Santa Ana, *supra*, 9 Cal.4th at page 1088, the Supreme Court, while holding the camping ordinance was facially valid, declined to decide whether and how it might be unconstitutionally applied. The court refused to assume that the ordinance would be enforced "against persons who have no alternative to 'camping' or placing 'camp paraphernalia' on public property." (Id. at p. 1088, fn. 8.) Indeed, the Tobe court was given assurances by the People "that a necessity defense might be available to 'truly homeless' persons and that prosecutorial discretion would be exercised." (*Ibid.*)

As the prosecutor recognized at one of the hearings held before trial, "because [defendant has] that necessity defense at trial, [the law] is never applied unconstitutionally. Because of the nature of that defense that we're incorporating into our definition, there will never be an unconstitutional application." The court (Judge Margines) reasoned similarly: "I think ... [**69 Cal. App. 4th 389**] the statute will not be applied unconstitutionally to these people;

because if they are truly in the class that [defense counsel says] renders the application unconstitutional, then they will be found not guilty by virtue of the necessity defense. [The defense has] the burden of demonstrating that they fall within the class. It's the same burden you have at trial if you present a necessity defense."

[4] An instruction on the defense of necessity is required where there is evidence "sufficient to establish that defendant violated the law (1) to prevent a significant evil, (2) with no adequate alternative, (3) without creating a greater danger than the one avoided, (4) with a good faith belief in the necessity, (5) with such belief being objectively reasonable, and (6) under circumstances in which he did not substantially contribute to the emergency.

[Citations.]" (People v. Pepper (1996) [41 Cal. App. 4th 1029](#), 1035 [[48 Cal. Rptr. 2d 877](#)]; People v. Pena (1983) [149 Cal. App. 3d Supp. 14](#) [[197 Cal. Rptr. 264](#)].)

[3b] The defense of necessity is "founded upon public policy and provides a justification distinct from the elements required to prove the crime. [Citation.] The situation presented to the defendant must be of an emergency nature, threatening physical harm, and lacking an alternative, legal course of action. [Citation.] The defense involves a determination that the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged. [Citation.] Necessity does not negate any element of the crime, but represents a public policy decision not to punish such an individual despite proof of the crime. [Citations.] [¶] An important factor of the necessity defense involves the balancing of the harm to be avoided as opposed to the costs of the criminal conduct.

[Citation.] Unlike duress, the threatened harm is in the immediate future, which contemplates the defendant having time to balance alternative courses of conduct. [Citation.] The defendant has the time, however limited, to form the general intent required for the crime, although under some outside pressure. [Citation.] Thus, the defense does not negate the intent element, and the defendant has the burden of proving the defense by a preponderance of the evidence." (People v. Heath (1989) [207 Cal. App. 3d 892](#), 901 [[255 Cal. Rptr. 120](#)].) Whether necessity exists is generally a question of fact. (See People v. Lovercamp (1974) [43 Cal. App. 3d 823](#), 832 [[118 Cal. Rptr. 110, 69 A.L.R.3d 668](#)].)

[2c] At a minimum, reasonable minds could differ whether defendant acted to prevent a "significant evil." Sleep is a physiological need, not an option for humans. It is common knowledge that loss of sleep produces a host of physical and mental problems (mood irritability, energy drain and [**69 Cal. App. 4th 390**] low motivation, slow reaction time, inability to concentrate and process information). Certainly, no one would suggest that a groggy truck driver who stops his rig on the side of a road rather than risk falling asleep at the wheel does not act to prevent a significant evil, i.e., harm to himself and others. Indeed, Judge Margines had denied Eichorn's request for funds to hire an expert to testify about the

harmful effects of sleep loss: "I mean it doesn't take an expert to tell us that, to convince a person, that there are ill effects that arise from sleep [deprivation]."

The court must instruct if the evidence could result in a finding defendant's criminal act was justified by necessity. (People v. Slack (1989) [210 Cal. App. 3d 937](#), 941 [[258 Cal. Rptr. 702](#)].) Eichorn's offer of proof was sufficient. There was substantial if not uncontradicted evidence that defendant slept in the civic center because his alternatives were inadequate fn. 4 and economic forces were primarily to blame for his predicament.[5] (See fn. 5.), [2d] Thus, whether denominated a denial of his right to jury trial fn. 5 or of his due process right to present a defense (see People v. Schroeder (1991) [227 Cal. App. 3d 784](#), 787 [[278 Cal. Rptr. 237](#)] [noting the "right of a **[69 Cal. App. 4th 391]** criminal defendant to present a defense and witnesses on his or her behalf is a fundamental element of due process guaranteed under the Fourteenth Amendment to the United States Constitution"]), the court's error was clear, fundamental, and struck at the heart of the trial process.

Finally, because Eichorn is entitled to raise a necessity defense to charges he violated the camping ordinance, we find no other constitutional violations under the circumstances of this case. (See Robinson v. California (1962) [370 U.S. 660](#) [82 S. Ct. 1417, 8 L. Ed. 2d 758] [state law making status of narcotic addiction a criminal offense inflicted cruel and unusual punishment in violation of the Fourteenth Amendment].)

The writ is granted and the cause remanded to the former municipal court with directions to set aside the judgment of conviction and to proceed in conformity with this opinion.

Sills, P. J., and Wallin, J., concurred.

FN 1. Section 10-402 reads as follows: "Unlawful Camping. [¶] It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided: [¶] (a) Any street; [¶] (b) Any public parking lot or public area, improved or unimproved." Camp paraphernalia included a sleeping bag.

FN 2. The court's questions and comments suggested it was not impressed with defendant's claim lack of sleep was a significant evil ("what do you mean 'bodily harm?' Like tired eyelids or blood?"; "[I]f he didn't sleep here, he'd lose sleep and this would be a horrible physical thing to impose on him?").

FN 3. The district attorney raises a preliminary procedural bar to the petition because Eichorn (unsuccessfully) raised the same issues in the appellate department in his direct appeal. (In re Harris (1993) [5 Cal. 4th 813](#), 825 [[21 Cal. Rptr. 2d 373, 855 P.2d 391](#)] ["[h]abeas corpus will not serve as a second appeal"].) Harris noted "that in the absence of

strong justification, any issue that was actually raised and rejected on appeal cannot be renewed in a petition for a writ of habeas corpus." (Id. at p. 829.)

Eichorn fits within an exception because, as we discuss below, the trial court misapplied the law and no material facts are in dispute. (See *In re Wallace* (1970) [3 Cal. 3d 289](#), 293 [90 Cal. Rptr. 176, 475 P.2d 208] [court entertained habeas corpus petition after denial of certification where petition involved issues already litigated and it appeared " ' "the statute under which [the defendant] was convicted did not prohibit his conduct" ' "]; *In re Catalano* (1981) [29 Cal. 3d 1](#), 7, fn. 7 [171 Cal. Rptr. 667, 623 P.2d 228] [even untimely request for decertification does not bar relief].) There is no meaningful dispute about the underlying facts; only their legal significance is at issue. We also agree with Eichorn that his petition raises several issues that implicate clear and fundamental rights bearing on the issue of his guilt. (*In re Harris*, supra, 5 Cal.4th at p. 830 [" ' "If the violation of a petitioner's constitutional rights ... had any bearing on the issue of his guilt, there should be no doubt that habeas corpus would be available." ' "].)

FN 4. In connection with its pretrial ruling that defendant could not present a necessity defense, the court suggested defendant had adequate alternatives to sleeping in a public place in Santa Ana ("The court is aware, firsthand [that] other buildings, nearby churches [etc.] ... have rear stairs, rear doors ; Couldn't your client have found a nice little warm, covered stairwell, on private property, to sleep?"; "[H]ow about [other] private property, backyards, trees, under a tree in a condemned home?"; "[I]s [it] a reasonable alternative ... walking a mile or so [to a nearby city without a camping ordinance?] Stroll on a nice sunny day, find a cushy spot in Tustin, in a city park and make his home there.") For guidance of the court at any retrial, neither trespassing on private property nor walking to a different city was an adequate alternative. Simply put, Santa Ana may not "solve" its social problems by foisting them onto nearby localities; an individual who has no reasonable alternative to sleeping in a public place in Santa Ana need not travel in search of streets and other public places where he can catch his 40 winks.

FN 5. Of course, the right to trial by jury embodied in the California Constitution extends to so-called "petty" as well as to "serious" criminal offenses, i.e., to misdemeanors as well as felonies. (*Mitchell v. Superior Court* (1989) [49 Cal. 3d 1230](#), 1242 [[265 Cal. Rptr. 144, 783 P.2d 731](#)].) Defendant cites *People v. Sandoval* (1987) [188 Cal. App. 3d 1428](#), 1435 [234 Cal. Rptr. 97], where the court addressed a claim that a jury trial waiver was constitutionally flawed because it was based on the court's evidentiary error. In Sandoval the trial court erred when it failed to exercise discretion under Evidence Code section 352 concerning impeaching defendant with prior convictions. As a result of this erroneous pretrial ruling, defendant waived a jury, believing he could not get a fair trial if the jury learned of his

priors. The court observed that "One's choice to forgo a jury trial should not be forced by a concern that to do so provides the only fundamentally 'fair' trial opportunity. Certainly, there is no incentive for the People or the court to exercise discretion in evaluating admission of prior conviction evidence, if a blanket admission policy would ease their procedural burden by coercing waivers of jury trials constituted so as to deny fundamental constitutional rights." (188 Cal.App.3d at p. 1434.) However, Sandoval held the error was subject to the Watson (People v. Watson (1956) [46 Cal. 2d 818](#) [299 P.2d 243]) test for reversible error: "To apply a reversal per se rule in a case where a fully informed defendant waives a jury trial merely to avoid adverse pretrial evidentiary rulings which later prove erroneous would permit litigants to abuse the judicial process. Defendants caught red-handed, facing insurmountable proof, would be encouraged to inundate the courts with in limine evidentiary motions, hoping to obtain one which is erroneous, regardless of its significance to establishment of guilt. To require reversal of a fundamentally fair court trial merely because a defendant couples his jury waiver with a statement that it was to avoid the impact of evidence later held inadmissible, without regard to its effect on the judgment, does not promote respect for the judicial system." (188 Cal.App.3d at p. 1436.) To the extent Sandoval is on point, it is distinguishable in that Eichorn's court trial was not "fundamentally fair" because he was deprived of his only defense to the charge.

Sent from my iPhone

Carnahan, David

From: Clerk, City
Sent: Wednesday, July 25, 2018 11:52 AM
To: Kathy Layendecker; Council, City; Clerk, City
Cc: Carnahan, David
Subject: RE: Letters to Council in Support of Castilleja School

Hi Kathy,

Council does receive your emails in their Palo Alto City email account, which are not published. By sending them to City.council account we will print them and include them as public documents. If anyone wishes their personal information or their email address not be included as a public document they can send their email to the individual email accounts.

Thanks,

B-

Beth D. Minor | City Clerk | City of Palo Alto
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650- 329-2379 E: beth.minor@cityofpaloalto.org



City Clerks Rock and Rule

From: Kathy Layendecker [mailto:klayendecker@castilleja.org]
Sent: Monday, July 23, 2018 4:41 PM
To: Council, City <city.council@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Cc: Carnahan, David <David.Carnahan@CityofPaloAlto.org>
Subject: Letters to Council in Support of Castilleja School

Hon. Mayor Kniss and Hon. Palo Alto Councilmembers,

For the last several months members of the Castilleja community have been sending emails to the Palo Alto City Council to express support for Castilleja's proposed CUP and Master Plan, which will allow the school to fully achieve its mission of educating the next generation of women leaders.

At the beginning of our communication with the City, we were provided city.clerk@cityofpaloalto.org as the primary address to which we should send email. We have also been copying the following addresses:

greg.scharff@cityofpaloalto.org
liz.kniss@cityofpaloalto.org
tom.dubois@cityofpaloalto.org
eric.filseth@cityofpaloalto.org
adrian.fine@cityofpaloalto.org
karen.holman@cityofpaloalto.org

lydia.kou@cityofpaloalto.org
greg.tanaka@cityofpaloalto.org
cory.wolbach@cityofpaloalto.org

Unfortunately, we were recently informed many of our supporters' emails were not reaching Council members via their packets. We have updated your contact information, and new emails will now go to city.council@cityofpaloalto.org. In the interim, the attached document contains all emails that were sent to the incorrect address and we request this document be included in the next City Council packet.

Best Regards,

--
Kathy Layendecker
Associate Head of School
Finance and Operations
Castilleja School
CastillejaReimagined.org

o 650.470.7751
c 971.678.1715

Carnahan, David

From: JAH <jah.home@gmail.com>
Sent: Friday, July 20, 2018 1:21 PM
To: Sarah.Ratliff@gcinc.com; Mello, Joshuah
Cc: Keene, James; Council, City
Subject: Re: Neighborhood Traffic Safety & Bicycle Boulevard Project

Hi, Sara and Josh. I am following up on my emails from last week. Could you please confirm that the stop signs will be reinstalled for both westbound and eastbound traffic on Louis at Amarillo? Alternatively, please would you schedule a time for the three of us and a representative from Hexagon to talk.

Thanks.

John

On Thu, Jul 12, 2018 at 4:50 PM JAH <jah.home@gmail.com> wrote:

Hi, Sarah and Josh.

As I drove through the intersection of Amarillo and Louis this afternoon, I was disappointed to see that the stop sign at Amarillo for eastbound traffic on Louis has been removed.

For the reasons I outlined in my email this morning, I ask that the City please replace the stop sign immediately for the safety of pedestrians and bicyclists.

- First, the approved plans for the intersection show a stop sign for eastbound traffic on Louis at Amarillo, as I've highlighted on the attached plan sheet. That is what the public expected when the project was approved, and the City should keep its word.
- Second, if eastbound traffic on Louis does not stop at Amarillo, then it will be harder for bikes and cars to turn left onto Louis, particularly during the busy morning and evening peak hours. The numerous changes that the City has made to the intersection will already pose a challenge for parents who drive their kids to Ohlone Elementary in the morning (which unlike most other elementary schools in Palo Alto draws its students from throughout the district, not just those within walking or biking distance), and if it is difficult for cars to turn left from Amarillo onto eastbound Louis, then that intersection will be jammed every morning.
- Third, for pedestrians, part-way stop signs are not intuitive. Kids, for example, will reasonably assume that since there is a stop sign for westbound traffic at the intersection, then eastbound traffic must have a stop sign as well, and they'll risk stepping out into the crosswalk with the assumption that cars are about to stop. And as we all know, even though drivers are required to yield to pedestrians in crosswalks (marked or unmarked), many drivers don't.
- Fourth, many drivers do not know how to handle intersections like the one that the City has constructed at the Louis, Amarillo and Fielding. Sarah told me this morning that this is a combined intersection, which means that traffic at the two stop signs at Fielding and Louis is supposed to take turns with the traffic at the two stop signs at Amarillo and Louis. But Fielding and Amarillo are separated by more than 100 feet, and most drivers will assume that the intersections are separate and that drivers at Louis and Fielding do not need to watch or yield to drivers at Louis and Amarillo.

While I appreciate the City's effort to make the streets safer for bicyclists and pedestrians, the changes to the intersection of Louis and Amarillo will only make it worse. Again, I ask that the City please replace the stop sign for eastbound traffic on Louis at Amarillo.

Thanks.

John Hickey
650-303-0992
jah.home@gmail.com

On Thu, Jul 12, 2018 at 11:32 AM JAH <jah.home@gmail.com> wrote:

Hi, Sarah and Josh. I wanted to follow up on the quick conversation I had with Sarah this morning regarding the changes to the intersection of Amarillo and Louis. As I explained to Sarah, Granite has posted a "Cross Traffic Does Not Stop" sign for traffic entering the intersection southbound on Amarillo. However, the approved plans for the project (see, e.g., sheet CD-3) show that stop signs will continue to be in place for both eastbound and westbound traffic on Louis as traffic crosses Amarillo, which means that the "Cross Traffic" sign should not be necessary.

It is essential for bike and vehicle safety that both eastbound and westbound traffic on Louis stop immediately before crossing Amarillo. The distance between the Fielding and Amarillo is too far for traffic turning left from southbound Amarillo onto eastbound Louis to be able to see whether traffic is approaching eastbound on Louis, particularly for bicyclists. Similarly, if the stop sign at Amarillo for eastbound traffic on Louis is eliminated, eastbound traffic on Louis that is stopped at Fielding will not be able to see southbound traffic on Amarillo and will not recognize or respect the right-of-way of the southbound Amarillo traffic. Again, this will be particularly dangerous for bicyclists turning left from southbound Amarillo onto eastbound Louis.

I understand the desire to minimize the number of stop signs along this section of Louis, but the stop sign at Amarillo for eastbound traffic on Louis must remain, as shown on the approved plans. If the City would like to minimize the number of stop signs in this area, please consider eliminating the new stop sign at Fielding which provides minimal benefit, since few cars turn left onto southbound Fielding, and the stop sign provides no benefit for pedestrians crossing Louis at Fielding, since there is no traffic control for westbound Louis traffic at that location.

I asked the City to provide copies of plans for the Neighborhood Traffic Safety & Bicycle Boulevard Project that are signed by a licensed traffic engineer and a copy of any report or memo from a showing that the plans have been reviewed and approved by a licensed traffic engineer, but the response I received from the City indicates that the plans were not prepared by or approved by a licensed traffic engineer. I have worked with Hexagon Transportation Consultants, one of Alta Planning + Design's subcontractors for the project, on a number of occasions and have generally been pleased with their work, but it appears that they might not have been sufficiently involved in this project.

I'm hoping that you can confirm that the stop signs will remain in place for both westbound and eastbound traffic on Louis at Amarillo, as shown on the approved plans. If not, please would you schedule a time for the three of us and a representative from Hexagon to talk.

Thanks very much.

John Hickey
650-303-0992
jah.home@gmail.com

Carnahan, David

From: Liz Kniss <lizkniss@earthlink.net>
Sent: Friday, July 20, 2018 2:34 PM
To: Jim Lewis
Cc: Council, City
Subject: Re: Shoreline Amphitheatre

I could be wrong Jim, but I think this will fall on deaf ears. The issue with airplane noises is so big that it will drown out a conversation that you might have abt Shoreline noise.

I think I spent two years on this in the 90s so perhaps Cory or Adrian will take it on this time!

On Jul 20, 2018, at 10:02 AM, Jim Lewis <jimlewis@aol.com> wrote:

Honorable Mayor and Council Members,

One would think after all these years, a solution to the long standing issue of excessive and unwanted NOISE from Shoreline Amphitheatre would be solved.

Far too many residents are being adversely affected by this nuisance.

Can't anything further be done? Please advise.

Respectfully,

Jim Lewis
Crescent Park Neighborhood
Palo Alto, California

Carnahan, David

From: Emily Renzel <marshmama2@att.net>
Sent: Monday, July 23, 2018 6:44 AM
To: Planning Commission
Cc: Council, City
Subject: Retain the Downtown Development Cap

Dear Members of the Planning Commission: I was serving on the City Council that passed the Downtown Development Cap. There were studies and documentation supporting that Development Cap then and their conclusions were valid then and continue to be valid now. Palo Alto is like the frog in the pot of cold water. The temperature slowly rises and the frog never jumps out of the pot but eventually overheats and dies. Those of us who have lived in Palo Alto for a while, are well aware that past predictions of traffic congestion and parking shortages were on the mark. As has been pointed out by others, downtown development has been receiving a huge parking subsidy in the form of local residential neighborhood parking that gives downtown employees (and their employers/property owners) valuable city real estate. The fees paid for that parking simply pay the costs of enforcement - probably not even street maintenance.

With all the hullabaloo about housing shortages, abandoning the Downtown Development Cap is clearly impacting housing that exists in the downtown. The President Apartments is the current most visible victim, but many smaller apartments have already fallen victim as well.

The whole concept of Comprehensive Planning is to make sure that ALL of the Planning Elements are in balance with each other and that the City's Land Use and Transportation actually function efficiently. Palo Alto has been reaching toward a point of no return for some time, but you, the Planners, need to affirmatively take charge to make a difference.

Please retain and enforce the Downtown Development Cap.

Sincerely,

Emily M. Renzel
Councilmember 1979-91
1056 Forest Avenue (now providing parking for downtown) Palo Alto, CA 94301

Carnahan, David

From: Paul Karol <pk03@andrew.cmu.edu>
Sent: Monday, July 23, 2018 9:52 AM
To: Council, City
Subject: RPP

Dear City Council

Regarding changes to the Downtown Office Cap, please(!)

Take no action until all residents in the Downtown RPP are fully notified and informed about parking impact including the unkown funding of the programs to manage the RPP. Staffing and budgets to manage permit parking are on the shakiest grounds in the past two years.

Take no action until neighborhood traffic solutions are fully discussed with neighbors currently challenging safety and traffic issues on Middlefield, Hamilton, Lincoln and Addison.

Paul J. Karol
Bryant St

Carnahan, David

From: fred smith <fred124c41@gmail.com>
Sent: Tuesday, July 24, 2018 7:39 PM
To: Jonsen, Robert
Cc: aram james; Council, City; Allison@padailypost.com; paloaltofreepress@gmail.com; Kniss, Liz (internal)
Subject: Selective law enforcement and harrasment

Dear Chief Jonsen,

I'm a rv dweller in palo alto. I have [REDACTED] and am getting treated at Stanford hospital. I used to be a software engineer and have lived in Palo Alto over 40 years. I'm not mentally ill or an alcoholic or a druggy. I now work a minimum wage job. I'm old, 74 years old.

Here's my complaint. I park my rv in the area around portage, lambert, and ash. Monday I was parked on ash and got a ticket rather than a tow notice. There are numerous vehicles parked on lambert illegally and they don't get ticketed but when I park on lambert I get a ticket. After I got the ticket on ash on Monday I moved to a legal parking place on portage. Today when I got off work I find a tow notice on my rv. I haven't even been there 1 day. In the same block of portage there are 2 trailers and one rv that have been parked there for over a month. They don't get either tickets or tow notices. There are many other rv's parked in palo alto that don't get tickets.

This is very selective enforcement and it seems like harrasment.

I really can't leave the area as I'm getting treated for my [REDACTED] I work at my minimum wage job, save money so i can hopefully someday get some low income housing but getting tickets slows down the process as does being singled out for two notices. I need to stay in the area to live. Stanford medicine gives me a chance against my [REDACTED]

There is law and there is justice.

I harm no one, I'm the victim.

Best,

Fred Smith

Carnahan, David

From: Kevin Haney <kevin7haney@gmail.com>
Sent: Wednesday, July 25, 2018 8:51 AM
To: Council, City
Subject: Stop Hotel President Conversion

Dear Palo Alto City Council:

I live at the Hotel President at 488 University and I am a registered voter.

I strongly urge the council to look very carefully at the proposed conversion of the Hotel President from housing for dozens of Palo Alto citizens to a high-end hotel that will primarily benefit out-of-town folks.

This sale and proposed conversion deserve more scrutiny and consideration for its potential impact upon Palo Alto citizens.

If there is anything amiss with the conversion, please strike it down or demand that AJ Capital (current owners of Hotel President) enter into a good-faith mediation session with the residents.

As you are well aware, it is difficult to find affordable housing in Palo Alto for those of us that have moderate incomes. All of us at the Hotel President work and live here in the community and would like to continue to do so. Many folks have lived here for decades and contributed greatly to the community.

I have personally spent the last month since the sale was announced looking to find replacement housing that meets my needs and income level. It is difficult and so far I have not successfully found any replacement housing. It will be a stretch to identify new housing and get moved by the 12 November deadline that AJ Capital has imposed.

AJ Capital has offered \$3000 'moving expenses' and the help of an 'expert' relocation service. This gesture, although likely well-intentioned, falls short. I have met with the relocation 'expert' and described my needs over a month ago and have yet to receive any relocation assistance. Additionally, it is not at all clear if the offered \$3000 will truly cover my moving expenses and the expenses associated with setting up a new apartment.

Your focused and sensitive consideration of this situation is much appreciated.

Kind Regards,

Kevin Haney
488 University Avenue, Apt 617
Palo Alto, CA 94301

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Saturday, July 21, 2018 5:53 PM
To: chuckjagoda1@gmail.com; wilpf.peninsula.paloalto@gmail.com; roberta.ahlquist@sjsu.edu; Council, City; paloaltofreepress@gmail.com; Keene, James; Jonsen, Robert; Perron, Zachary; Kilpatrick, Brad; Kan, Michael; Lee, Craig; mdiaz@redwoodcity.org; council@redwoodcity.org; stevendlee@alumni.duke.edu; HRC; jrosen@da.sccgov.org; molly.o'neal@pdo.sccgov.org; gkirby@redwoodcity.org; dcbertini@menlopark.org; Tony Dixon; myraw@smcba.org; swagstaffe@smcgov.org; Binder, Andrew; timothygray@sbcglobal.net; stephanie@dsxextreme.com; Kniss, Liz (internal); griffinam@sbcglobal.net; michael.gennaco@oirgroup.com; cindy.chavez@bos.sccgov.org; Van Der Zwaag, Minka; Zelkha, Mila; Bains, Paul; Rick Toker; cbolanos@smcgov.org; joe.simitian@bos.sccgov.org; apierce@pierceshearer.com; bhushans@aol.com; Constantino, Mary; Cullen, Charles; Stump, Molly; jborgens@redwoodcity.org; ibain@redwoodcity.org; jseybert@redwoodcity.org
Subject: The New York Times: Year After White Nationalist Rally, Charlottesville Is in Tug of War Over Its Soul— dismantling white supremacy.....

Dismantling white supremacy????

Year After White Nationalist Rally, Charlottesville Is in Tug of War Over Its Soul

The New York Times

Nearly a year after the rally, the city's first black female mayor has vowed to address centuries of racial and economic disparities. [Read the full story](#)

Shared from [Apple News](#)

Sent from my iPhone

Carnahan, David

From: atkinsonkim@pacbell.net
Sent: Thursday, July 19, 2018 6:54 PM
To: Gaines, Chantal
Cc: Council, City; Kniss, Liz (internal)
Subject: Update of hillside damage at Arastradero July 10 2018

Chantal, I am copying this to the city council and mayor.

Thank you again for your time,

Kim

Thank you Chantal for this comprehensive reply to my questions and concerns.

Having seen the lines and flags that were established on top of the hill last year, to delineate to the public what I thought indicated a house to be built on TOP of the hill, I never did understand that the house was to be built INTO the slope facing the public open space park. Thank you for your clarification of this.

I was in Egypt at the time of the public hearing and did not get a chance to look at the plans. My husband spoke at the meeting on my behalf, after I had spoken at a previous council meeting. He noted that the city allowed the property owner and his team of architects a lot of time to speak and present their case.

Honestly, this is most discouraging and disappointing. The project is much more intrusive to the park than I ever imagined it to be. It definitely impacts the hiking up there, visually. A lot of people have commented on it who have seen it. A friend of mine has stopped hiking up there altogether, due to this project. She says it is no longer a happy, natural-feeling place for her. She too, spoke at the hearing.

You have satisfied me that the project is proceeding according to plans that the city, amazingly and disappointingly, has approved.

I wonder if this project truly reflects the spirit of our city's intentions to preserve open space views.

I wonder if this project serves the interest of the taxpayers and residents of this city.

I wonder what the City Council of the 1960's would have thought of this, who had the foresight and stewardship to create, at some cost, Foothills Park for generations to enjoy.

Kim Atkinson

From: Gaines, Chantal <Chantal.Gaines@CityofPaloAlto.org>
Sent: Thursday, July 19, 2018 6:27 PM
To: atkinsonkim@pacbell.net
Cc: Owen, Graham <Graham.Owen@CityofPaloAlto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Subject: RE: Update of hillside damage at Arastradero July 10 2018

Hello Ms. Atkinson,

The City Manager asked that I provide a response to your email. I've spoken with our staff in the Planning and Community Environment Department and they provided me with the following information related to your inquiry:

While the grading is unsightly at the present, the house has been planned to be tucked into the hillside in order to reduce its profile relative to the ridgeline. This requires cutting of the hillside during construction, although it is important to know that the finished grade will largely mirror the existing grade at the end of construction. The design intent was described in the applicant's project plans, which included grading plans, section drawings describing the house in relation to the existing and proposed grade, and earthwork balances. The project plans and design intent were discussed in two public hearings of the Planning and Transportation Commission (PTC) and City Council, and summarized in staff reports and staff and applicant presentations for those hearings. Concerns related to the grading were brought up at the Council hearing during the public comment period and in written correspondence prior to the Council's decision on the project. The project was approved by the Council after they made the findings that the project is consistent with the Site and Design Review objectives and Open Space Review Criteria, which actually encourage cutting when doing so would help homes blend in with the surrounding environment.

This house is in the beginning stages of construction and it will take a while for the results to show, but the conditions of approval require at least 90% of the site area to either remain undisturbed or, as is the case of areas currently being graded, be fully restored with native vegetation. The conditions of approval require the recordation of a restrictive covenant to ensure the efficacy of this restoration plan will run with the land in perpetuity to ensure compliance in the long-term.

We appreciate your involvement in the planning process for this house and desire to protect the Preserve, which we certainly share.

If you have any questions about this approval let us know. I've copied Graham Owen, from our Planning and Community Environment staff on this email.

Best,
Chantal C. G.



Chantal C. Gaines | Assistant to the City Manager
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2572 | E: Chantal.Gaines@cityofpaloalto.org

From: atkinsonkim@pacbell.net [mailto:atkinsonkim@pacbell.net]

Sent: Tuesday, July 10, 2018 4:20 PM

To: Council, City <city.council@cityofpaloalto.org>; Kniss, Liz (internal) <Liz.Kniss@CityofPaloAlto.org>

Subject: Update of hillside damage at Arastradero July 10 2018

To the Palo Alto City Council and Mayor Liz Kniss,

Last week you were sent photos of the construction taking place above Arastradero Open Space Preserve as seen from the trails, expressing concern about the decision to allow this project, and accompanied by a quote about the importance of

preserving nature by Lyndon B. Johnson.

I thought I would not write to you again about this topic.

Today, July 10, hiking at Arastradero it became even more clear to this writer the extent to which the hilltop and park-facing slope are being altered and damaged by this private construction project that does not benefit the public.

I ask if the city council, or the city attorney, could please kindly – whenever convenient— assure me in writing, in email here, that what is taking place on this construction site is legal.

I ask if you could please kindly tell me in writing that you knew this slope alteration would take place, when you voted to approve this project.

In my opinion it was not made clear to the public at council meetings in 2017, nor at the public hearing about this construction site (in March 2017) that this once-pristine hill would be scraped out and denuded the way it was seen today (see photos attached, taken today).

The public was told that plantings would be installed to screen the 9000+ square foot mansion being built on **top** of the hill,
but no mention was made at city meetings, that I recall, of allowing extensive removal or damage to the hill itself.

Today, it looks destroyed.

This construction site, I was told by joggers who were up there today, apparently does have many tree and plant seedlings in place as were promised, to screen the mansion to be installed at the top.

But these seedlings are not visible from any park trails down below.
What is visible from the park today are only the deep scars being dug in the hillside, as well as the complete scraped-out/removal of the north end of the slope, visible from the park. See photos.

Regarding the planted seedlings:

Trees, and most particularly oak trees, can take a very long time to grow and mature.

This hill is going to look bad for a very long time. And it may never look natural again.

Ironically, today around 10:45 am at the top of Meadowlark Trail, I heard a buzz-saw at the site.
It was apparently cutting trees, or some kind of wood, but I did not see what was actually being cut.

In late fall 2016 / winter 2017 posted lines and flags demarcated the proposed construction site at the top of this hill, alerting the public to the location of the planned mansion.

Nowhere was any indication made visually of the denuding of the slope to take place, below the house-site.
Nowhere was any indication made of a road to be carved into the slope to support construction equipment.
(see photos)

This significant hillside alteration was not made clear to the public during city council meetings.
This has made the project so much worse than we thought it would be.

It is my understanding that city code prevents new construction that would negatively affect views from our open space parks.

Would this not include denudation of a highly visible grassy slope facing the park ?

The construction equipment appears to be driving on a road or pathway newly dug into the slope.

If possible, I would be grateful for an inspection of the site by a council member, when convenient, including taking a look at this project as seen from down below the site, on the popular Meadowlark Trail in our park.

I would like to know if the damage taking place to this hill today is legal, and if this is what our city codes intend, and if this is what you—our city council, intended with your vote.

Thank you,
Kim Atkinson





Carnahan, David

From: Roberta Ahlquist <roberta.ahlquist@sjsu.edu>
Sent: Monday, July 23, 2018 10:07 PM
To: Stephanie Munoz; Ruth Chippendale; chuck jagoda; WILPF Peninsula Palo Alto; Cherrill Spencer; Gloria Burd; Judy Adams; Wendy Peikes
Subject: WED 6pm Planning & Transportation: New challenges re. countering PA office development

This coming Wednesday the PA CITY PLANNING & Transportation Commission may try to undermine PASZ's initiative(which will restrict and put a cap on office development) by attempting to raise the office cap for the downtown zones....It would be good for folks to come and speak against this at this important meeting. If you cannot attend, send an email to them telling them you are against an increase in ANY OFFICE DEVELOPMENT..until more low income housing is built. Come speak to this concern.

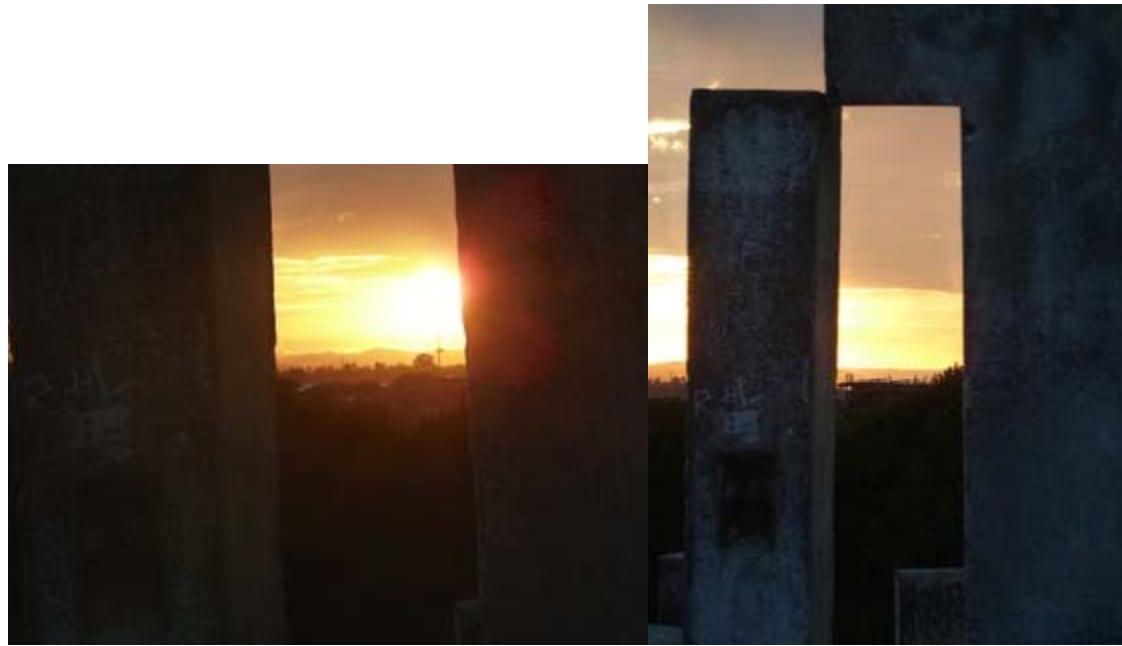
A brief email message is important for them to receive!

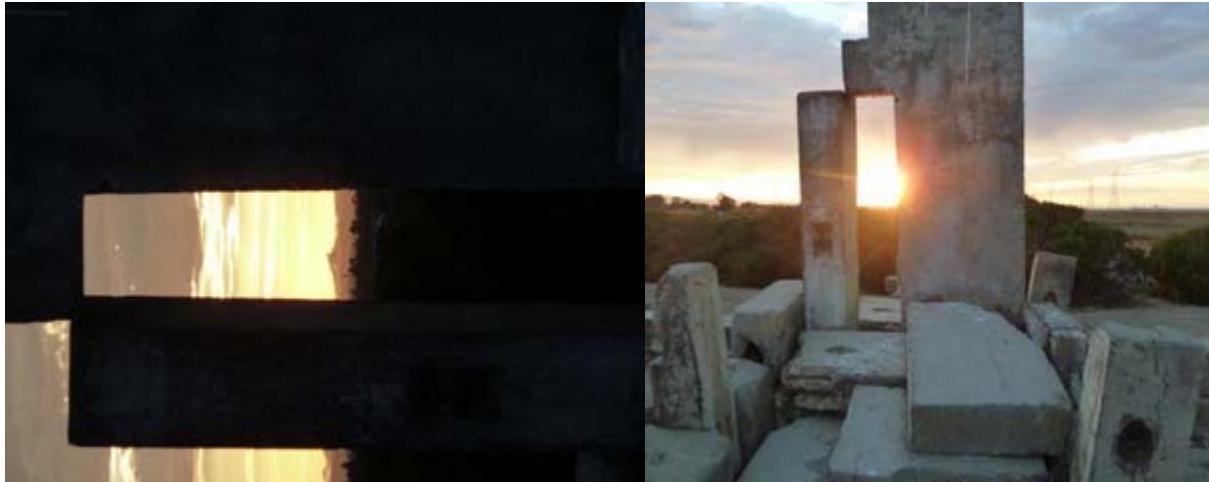
Planning.Commission@CityofPaloAlto.org

city.council@cityofpaloalto.org

Carnahan, David

From: Lenore Cymes <lenraven1@gmail.com>
Sent: Wednesday, July 18, 2018 4:27 PM
To: Council, City; City Mgr
Subject: WHY





The cement sculpture at the Baylands was one of the first environmental projects that the City paid for.

The artist, John Kennedy aka:Boris and his crew dredged and moved the cement blocks strewn around the area into a cohesive sculpture. For over 30 (approx) years the cement sculpture has been in the same place, providing a quiet moment to view the sunrise or sunset - a place for a child to climb and explore, under the watchful eye of an adult, or they might join in. I have suggested to many a visitor to go out to the baylands and seek out the sculpture - they come back with a smile. There was a poem written and cast in bronze - which was adhered to one block of cement. As art in in the eye of the beholder - there is a sense of art (i.e. balance/harmony) to the sculpture. All of it just ripped out. Why?

It didn't block traffic, increase rents, create a hazard - it just "WAS" and we could visit = take a moment, take a deep breath and leave refreshed. Who or what was this sculpture offending or hurting?

Will the world go on, of course. Are there bigger problems in the city or country - absolutely. BUT for an absurd reason known only to those that ripped it out, you approved the removal of a place that made Palo Alto special. At one time, a city that gave value to sustainable art, respect and caring for more than Tesla's or property value, development, over development, and removed a very very special place to go to, a place of quiet renewal.

| Sadly, I think you killed another piece of the Palo Alto spirit

Tailwinds/Peace
Lenore Cymes

CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE

18 JUL 19 PM 3:21

FREDRIC D. WOOCHE
MICHAEL J. STRUMWASSER
GREGORY G. LUKE†
BRYCE A. GEE
BEVERLY GROSSMAN PALMER
DALE K. LARSON

† Also admitted to practice in New York and Massachusetts

Initiative 18-004
18-004

STRUMWASSER & WOOCHE LLP

ATTORNEYS AT LAW

10940 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90024

TELEPHONE: (310) 576-1233
FACSIMILE: (310) 319-0156
WWW.STRUMWOOCHE.COM

ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

July 2, 2018

RECEIVED

JUL 02 2018

VIA MESSENGER

Ashley Johansson, Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Preparation of Title and Summary
The California Sugar-Sweetened Beverages Tax Act of 2020

Dear Ms. Johansson:

This firm is counsel for the proponents of the proposed statewide initiative, "The California Sugar-Sweetened Beverages Tax Act of 2020." The proponents of the proposed initiative are Dustin Corcoran and Carrie Gordon. On their behalf, I am enclosing the following documents:

- The text of "The California Sugar-Sweetened Beverages Tax Act of 2020"
- Signed authorizations from each of the proponents requesting that the Attorney General's Office prepare a circulating title and summary
- The certifications and statements required by Elections Code § 9001, subdivision (b) and Elections Code § 9608

Please direct all inquiries and correspondence regarding this proposed initiative to the address listed below:

Michael J. Strumwasser, Esq.
Beverly Grossman Palmer, Esq.
Strumwasser & Wooche LLP.
10940 Wilshire Boulevard, Suite 2000
Los Angeles, CA 90024
mstrumwasser@strumwooch.com
bpalmer@strumwooch.com

Very truly yours,

Beverly Grossman Palmer

July 2, 2018

Ashley Johansson, Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Re: Request for Preparation of Title and Summary

Dear Ms. Johansson:

I am one of the proponents of the enclosed initiative measure, which is entitled "The California Sugar-Sweetened Beverages Tax Act of 2020." Pursuant to article II, section 10(d), of the California Constitution and section 9001 of the California Elections Code, we hereby request the preparation of a circulating title and summary of the chief purposes and points of the proposed measure. I request that my residence address be kept confidential following verification of my status as a registered voter.

You are hereby authorized and requested to direct all further inquiries and correspondence regarding this proposed measure to the following persons:

Michael J. Strumwasser, Esq.
Beverly Grossman Palmer, Esq.
Strumwasser & Woocher LLP
10940 Wilshire Boulevard, Suite 2000
Los Angeles, California 90024
mstrumwasser@strumwooch.com
bpalmer@strumwooch.com

Sincerely,

Dustin Corcoran



July 2, 2018

Ashley Johansson, Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Re: Request for Preparation of Title and Summary

Dear Ms. Johansson:

I am one of the proponents of the enclosed initiative measure, which is entitled "The California Sugar-Sweetened Beverages Tax Act of 2020." Pursuant to article II, section 10(d), of the California Constitution and section 9001 of the California Elections Code, we hereby request the preparation of a circulating title and summary of the chief purposes and points of the proposed measure. I request that my residence address be kept confidential following verification of my status as a registered voter.

You are hereby authorized and requested to direct all further inquiries and correspondence regarding this proposed measure to the following persons:

Michael J. Strumwasser, Esq.
Beverly Grossman Palmer, Esq.
Strumwasser & Woocher LLP
10940 Wilshire Boulevard, Suite 2000
Los Angeles, California 90024
mstrumwasser@strumwooch.com
bpalmer@strumwooch.com

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie". Below the signature, the name "Carrie Gordon" is printed in a smaller, sans-serif font.

Carrie Gordon

The people of the State of California do enact as follows:

The CALIFORNIA SUGAR-SWEETENED BEVERAGES TAX ACT OF 2020

SECTION 1. Findings and Declarations

(a) There is overwhelming evidence of the link between obesity, diabetes, dental disease and heart disease and the consumption of sugar-sweetened beverages (SSB), such as soft drinks, energy drinks, sweet teas and sports drinks. Each year thousands of Californians require medical and dental treatment because of consumption of sweetened beverages.

(b) According to a 2016 report by the UCLA Center for Health Policy Research, over 2.5 million California adults report having been diagnosed with diabetes, representing one out of every 12 adult Californians. Combined with an estimated 13 million California adults who have prediabetes or undiagnosed diabetes, these groups make up 55 percent of the state's adult population. The vast majority of diabetes cases in California are type 2, representing 1.9 million adults.

(c) According to the Centers for Disease Control and Prevention, diabetes is the seventh leading cause of death in California and has been determined to be the underlying cause of death for over 9,000 Californians each year.

(d) Adults with type 2 diabetes more often have other health problems. One-half of adults with type 2 diabetes also have hypertension. This rate of occurrence is twice as high as for those without diabetes. Adults with diabetes are significantly more likely to have cardiovascular disease, arthritis and kidney failure than adults without diabetes.

(e) Latino Americans, African Americans, Native Americans and Asian/Pacific Islander Americans have higher prevalence of type 2 diabetes than non-Hispanic Whites. Seven percent of non-Hispanic Whites have type 2 diabetes, compared with 12 percent of Latino Americans, 9 percent of Asian Americans, 14 percent of Pacific Islander Americans, 13 percent of African Americans and 17.5 percent of Native American populations. If trends are not reversed, it is predicted that one in three children and nearly one-half of Latino American and African American children born in the year 2000 will develop type 2 diabetes in their lifetime.

(f) The prevalence of obesity in the United States has accelerated dramatically over the past 20 years. In California, 25 percent of adults in California were obese in 2016 — an increase in obesity prevalence of nearly 40 percent since 2001. Although no group has escaped the epidemic, those who are low income and communities of color are disproportionately affected.

(g) The rate of children who are overweight has also increased dramatically in recent decades. In 2010, 38 percent of California children in grades 5, 7, and 9 were overweight or obese. Thirty-one of California's 58 counties experienced an increase in childhood obesity from 2005 to 2010.

(h) California adults who drink a soda or more per day are 27 percent more likely to be overweight or obese, regardless of income or ethnicity.

(i) According to nutritional experts, sugar-sweetened beverages, such as soft drinks, energy drinks, sweet teas and sports drinks, offer little or no nutritional value, but massive quantities of added sugars. A 20-ounce bottle of soda contains the equivalent of approximately 16 teaspoons of sugar. Yet, the American Heart Association recommends that Americans consume no more than five to nine teaspoons of sugar per day.

(j) Research shows that almost one-half of the extra calories Americans consume in their diet comes from sugar-sweetened beverages, with the average American drinking nearly 50 gallons of sugar-sweetened beverages a year, the equivalent of 39 pounds of extra sugar every year.

(k) California Health Interview Survey from 2014 shows that 41 percent of California children from 2 to 11 years of age, inclusive, and 62 percent of California teens from 12 to 17 years of age, inclusive, drink soda daily and for every additional serving of sugar-sweetened beverage that a child consumes per day, the likelihood of the child becoming obese increases by 60 percent.

(l) Sugary drinks are a unique contributor to excess caloric consumption. A large body of research shows that calories from sugary drinks do not satisfy hunger the way calories from solid food or beverages containing fat or protein do,

such as those containing milk and plant-based proteins. As a result, sugary beverages tend to add to the calories people consume rather than replace them.

(m) Dental caries (tooth decay) is the most common chronic childhood disease, experienced by more than two-thirds of California's children. Left untreated, decay may cause chronic pain, infection, failure to thrive and delayed growth, school absenteeism, the inability to concentrate and interference with intellectual tasks. Dental decay can become severe enough to require emergency room treatment and when left untreated can lead to death.

(n) People are susceptible to dental caries throughout their lifetimes. Not only do adults experience dental caries, but a substantial proportion of that disease is untreated at any given time. National Health and Nutrition Examination Survey (NHANES) results showed that approximately 91 percent of U.S. adults aged 20–64 had dental caries in permanent teeth in 2011–2012, 27 percent of those adults aged 20–64 had untreated tooth decay in their permanent teeth.

(o) Tooth loss is an important indicator of oral health and quality of life. It affects one's ability to chew, speak, socialize and obtain employment.

(p) The prevalence of permanent tooth loss in 2012 ranged from 13 percent among 18- to 24-year-old group to 68 percent among adults aged 65 or older in California. African American adults in California have a higher prevalence of tooth loss due to decay or gum disease.

(q) Children and adults who frequently or excessively consume beverages high in sugar are at increased risk for dental caries. Sugar-sweetened beverages are dietary sources of sugar that are factors in caries development and tooth loss.

(r) The acidity, carbonation and sugars in soft drinks create a high risk of acid demineralization of dental enamel and makes consumption of these beverages one of the most significant contributors to tooth decay in children. Sugar-sweetened beverages, which have minimal nutritional value, are the primary source of added sugar in the daily diet of children.

(s) For every additional 25 grams of sugar consumed per person and day, the cost of dental treatment in the U.S. increases on average by \$185 per person per year.

(t) Evidence suggests that taxes on sugar-sweetened beverages can significantly affect consumption patterns, thereby having an impact on obesity, diabetes, dental disease and heart disease rates. A review indicated that for every 10 percent increase in price, sugar-sweetened beverages consumption decreased by 7.8 percent.

(u) It is the intent of the people, by adopting the Children and Family Health Promotion Trust Fund, to diminish the human and economic costs to California of diseases related to the overconsumption of sugar-sweetened beverages. The fund is intended to create a dedicated revenue source for health, education and wellness programs designed to prevent and treat obesity, diabetes, dental disease and heart disease and to reduce the economic and health burden of these costly health conditions that result from the overconsumption of sugar-sweetened beverages.

SECTION 2. Statement of Purpose

The purpose of this act is to:

(a) Diminish the human and economic costs of diseases associated with the overconsumption of sugar-sweetened beverages by discouraging their distribution and consumption in California through a tax on the distribution of sugar-sweetened beverages, such as high-calorie, low-nutrition products like soda, energy drinks and syrup or powder used to produce sugar-sweetened beverages. Certain drinks containing sugar are exempted, including infant formula and milk products.

(b) Provide funds to increase funding for existing medical and dental health care programs and services that treat diseases that result from the overconsumption of sugar-sweetened beverages (SSB-related diseases).

(c) Provide funds to support activities aimed at prevention of disease related to the consumption of sugar-sweetened beverages, improvement of access to and

consumption of healthy and affordable foods and beverages and promotion of physical activity.

SECTION 3. The CALIFORNIA SUGAR-SWEETENED BEVERAGES TAX ACT OF 2020

Part 14.6 (commencing with Section 34100) is added to Division 2 of the Revenue and Taxation Code, to read:

Part 14.6 Sugar-Sweetened Beverages Tax

§ 34100. Definitions

For the purposes of this part:

(a) "Beverage for medical use" means a beverage suitable for human consumption and manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness.

(b) "Beverage for medical use" includes a "medical food." Consistent with Section 5(b)(3) of the Orphan Drug Act (Public Law 97-414; at 21 U.S.C. 360ee(b)(3)), "medical food" means a food that is formulated to be consumed or administered internally under the supervision of a physician and that is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.

(c) "Beverage for medical use" does not include drinks commonly referred to as "sports drinks" or any other derivative or similar terms.

(d) "Bottle" means any closed or sealed container regardless of size or shape, including, without limitation, those made of glass, metal, paper or plastic or any other material or combination of materials.

(e) "Bottled sugar-sweetened beverage" means any sugar-sweetened beverage contained in a bottle that is ready for consumption without further processing such as, without limitation, dilution or carbonation.

(f) "Caloric sweetener" means any substance containing calories, suitable for human consumption, that humans perceive as sweet, and includes, without limitation, sucrose, fructose, glucose, fruit juice concentrate, or other sugars. "Caloric sweetener" excludes noncaloric sweeteners. For purposes of this definition, "caloric" means a substance that adds calories to the diet of a person who consumes that substance.

(g) "Consumer" means a person who purchases a sugar-sweetened beverage for consumption and not for sale to another.

(h) "Department" means the Department of Tax and Fee Administration

(i) "Distributor" means any person, including a manufacturer or wholesale dealer, who receives, stores, manufactures, bottles, or distributes bottled sugar-sweetened beverages, syrups, or powders for sale to retailers doing business in the state, or any combination of these activities, whether or not that person also sells those products to consumers.

(j) "Fund" means the Children and Family Health Promotion Fund established pursuant to Section 34103.

(k) "Milk" means natural liquid milk, regardless of animal or plant source or butterfat content, natural milk concentrate whether or not reconstituted or dehydrated natural milk, whether or not reconstituted.

(l) "Natural fruit juice" means the original liquid resulting from the pressing of fruits or the liquid resulting from the dilution with water of dehydrated natural fruit juice.

(m) "Natural vegetable juice" means the original liquid resulting from the pressing of vegetables or the liquid resulting from the dilution with water of dehydrated natural vegetable juice.

(n) "Noncaloric sweetener" means any noncaloric substance suitable for human consumption that humans perceive as sweet, including, but not limited to, aspartame, acesulfame-K, neotame, saccharin, sucralose and stevia. "Noncaloric sweetener" excludes caloric sweeteners. For purposes of this definition, "noncaloric" means a substance that contains fewer than five calories per serving.

(o) "Person" means a natural person, partnership, cooperative association, limited liability company, corporation, personal representative, receiver, trustee, assignee or other legal entity.

(p) "Place of business" means any place where sugar-sweetened beverages, syrups or powders are manufactured or received for sale in the state.

(q) "Powder" means any solid mixture of ingredients used in making, mixing or compounding sugar-sweetened beverages by mixing the powder with one or more other ingredients, including, but not limited to, water, ice, syrup, simple syrup, fruits, vegetables, fruit juice, vegetable juice, carbonation or other gas.

(r) "Retailer" means any person who sells or otherwise dispenses in the state a sugar-sweetened beverage to a consumer whether or not that person is also a distributor.

(s) "Sale" means the transfer of title or possession for valuable consideration, regardless of the manner by which the transfer is completed.

(t) "State" means the State of California.

(u) (1) "Sugar-sweetened beverage" means any nonalcoholic beverage, carbonated or noncarbonated, that is intended for human consumption and contains added caloric sweetener. As used in this subdivision, "nonalcoholic beverage" means any beverage that contains less than one-half of 1 percent alcohol per volume.

(2) "Sugar-sweetened beverage" does not include any of the following:

(A) Bottled sugar-sweetened beverages, syrups and powders sold to the United States government and American Indian tribal governments.

(B) Bottled sugar-sweetened beverages, syrups and powders sold by a distributor to another distributor that is registered pursuant to Section 34105, if the sales invoice clearly indicates that the sale is exempt. If the sale is to a person who is both a distributor and a retailer, the sale shall also be tax-exempt and the tax shall be paid when the purchasing distributor or retailer resells the product to a retailer or a consumer. This exemption does not apply to any other sale to a retailer.

(C) Beverages sweetened solely with noncaloric sweeteners.

(D) Beverages consisting of 100 percent natural fruit or vegetable juice with no added caloric sweetener.

(E) Beverages in which milk, or soy, rice or similar milk substitute, is the primary ingredient or the first listed ingredient on the label of the beverage.

(F) Beverages with fewer than five grams of added sugar or other caloric sweeteners per 12 ounces.

(G) Coffee or tea without added caloric sweetener.

(H) Infant formula.

(I) Beverages for medical use.

(J) Water without any caloric sweetener.

(v) "SSB-related disease" includes but is not limited to:

(1) Obesity.

(2) Diabetes.

(3) Dental disease.

(4) Heart disease.

(5) Other related conditions linked to the adverse effects of overconsumption of sugar-sweetened beverages.

(6) Other conditions or diseases in which consumption of sugar-sweetened beverages have been established to be a risk factor for excess disability and illness.

(y) "Syrup" means a liquid mixture of ingredients used in making, mixing or compounding sugar-sweetened beverages using one or more other ingredients, including, but not limited to, water, ice, powder, simple syrup, fruits, vegetables, fruit juice, vegetable juice, carbonation or other gas.

(z) "Water" includes nonflavored water or water flavored with noncaloric "natural fruit essence" or "natural flavor." The source of the water may be artesian, mineral, spring or well. The type of water may also include carbonated, such as sparkling, club or seltzer, and still, distilled or purified, such as demineralized, deionized or reverse osmosis.

§ 34101. Taxes

(a) A tax is imposed at 12:01 a.m. on the first day of the first calendar quarter beginning July 1, 2021 on every distributor for the privilege of distributing bottled sugar-sweetened beverages, syrups or powder in the state, for deposit into the fund. The taxes shall be calculated as follows:

(1) The tax on bottled sugar-sweetened beverages distributed in this state shall be two cents (\$0.02) per fluid ounce.

(2) The tax on syrup or powder distributed in the state either as syrup or powder or as a sugar-sweetened beverage produced from syrup or powder shall be equal to two cents (\$0.02) per fluid ounce of sweetened beverage produced from that concentrate.

(3) For purposes of calculating the tax for concentrate, the volume of sugar-sweetened beverage to be produced from syrup or powder shall be the largest

volume resulting from use of the syrup or powder according to any manufacturer's instructions.

(b) In each transaction described in subdivision (a), the distributor shall include the following information on each receipt, invoice or other form of accounting for the distribution of bottled sugar-sweetened beverages or concentrate:

- (1) The name and address of the distributor.*
- (2) The name and address of the purchaser.*
- (3) The date of sale and invoice number.*
- (4) The kind, quantity, size and capacity of packages of bottled sugar-sweetened beverages, sweetened beverages or concentrate sold.*
- (5) The amount of taxes due from the distributor on the sale of the bottled sugar-sweetened beverages, sweetened beverages or concentrate.*
- (6) Any other information, as required by the board.*

§ 34102. Local Taxes

The taxes imposed by this part shall be in addition to any other tax imposed by a city, county or city and county, including, but not limited to, any taxes on the distribution of sugar-sweetened beverages in effect in any city, county or city and county on July 1, 2018. Nothing in this part shall pre-empt or prohibit adoption and implementation of any policy related to sugar-sweetened beverages, including taxation, by a city, county or city and county of the state, and a city, county or city and county may adopt any such taxes subject to applicable voter approval requirements imposed by law at the time such tax is proposed.

§ 34103. Children and Family Health Promotion Fund

(a) The Children and Family Health Promotion Fund is hereby established in the State Treasury. Moneys in the fund may only be appropriated for the following purposes:

(1) To improve existing programs to provide quality and access to health care programs that provide medical and dental disease prevention and treatment services for Californians with SSB-related diseases.

(2) To support community and school health education programs for the reduction of SSB-consumption, prevention of SSB-related diseases, improved school nutrition and increased physical activity.

(3) To support access to nutritious food and clean drinking water.

(4) To support SSB-related diseases research.

(b) The fund consists of four separate accounts, as follows:

(1) The SSB-related Diseases Health Care Services Account, which shall only be available for appropriation to improve existing programs to provide quality and access to health care programs for medical and dental disease prevention and treatment services for Californians with SSB-related diseases.

(2) The SSB-related Diseases Prevention Account, which shall only be available for appropriation for programs that support reduction of SSB consumption and SSB-related diseases prevention.

(3) The Access to Healthy Food and Drink Account, which shall only be available for appropriation for programs that support access to fruit, vegetables and clean drinking water.

(4) The SSB-related Diseases Research Account, which shall only be available for appropriation SSB-related diseases research.

(c) All revenues raised pursuant to the taxes imposed by this part (including interest, penalties and other amounts collected and paid to the department pursuant to this part), less refunds made pursuant to Article 1 (commencing with

Section 30361) of Chapter 6, and reimbursement to the department pursuant to Section 34014 and the appropriation for the Bureau of State Audits pursuant to Section 34013.1, shall be deposited into the Children and Family Health Promotion Fund.

- (1) Moneys shall be deposited in the fund according to the following formula:*

 - (A) Eighty-two percent to the SSB-related Diseases Health Care Services Account.*
 - (B) Twelve percent to the SSB-related Diseases Prevention Account.*
 - (C) Three percent to the Access to Healthy Food and Drink Account.*
 - (D) Three percent to the SSB-related Diseases Research Account.*
- (d) Notwithstanding any other law, the taxes imposed by this part and the revenues therefrom, including investment interest, shall not be considered to be part of the General Fund, as that term is used in Chapter 1 (commencing with section 16300) of Part 2 of Division 4 of the Government Code, shall not be considered General Fund revenue for purposes of Section 8 of Article XVI of the California Constitution and its implementing statutes, and shall not be considered "moneys" for purposes of subdivisions (a) and (b) of Section 8 of Article XVI of the California Constitution and its implementing statutes.*
- (e) All such funds described in subdivision (c) shall only be used for the specific purposes set forth in this act, and shall be appropriated and expended only for the purposes expressed in this act and shall not be subject to appropriation reversion or transfer by the Legislature, the Governor, the Director of Finance or the Controller for any purpose other than those specified in this act, nor shall such revenues be loaned to the General Fund or any other fund of the state or any local government fund.*
- (f) Not more than five percent (5%) of the funds received pursuant to this section shall be used by any state or local agency or department receiving such funds for administrative costs.*

§ 34103.1. Independent Audit and Disclosure

To provide full public accountability concerning the uses to which funds from the CALIFORNIA SUGAR-SWEETENED BEVERAGES TAX ACT OF 2020 are put and to ensure full compliance with the CALIFORNIA SUGAR-SWEETENED BEVERAGES TAX ACT OF 2020:

- (a) The nonpartisan California State Auditor shall conduct at least biennially an independent financial audit of the state and local agencies receiving funds pursuant to the CALIFORNIA SUGAR-SWEETENED BEVERAGES TAX ACT OF 2020. An audit conducted pursuant to this section shall include, but not be limited to, a review of the administrative costs expended by the state agencies that administer the fund.*
- (b) Based on the independent audit, the nonpartisan California State Auditor shall prepare a report detailing its review and include any recommendations for improvements. The report shall be made available to the public.*
- (c) Each state agency or department receiving funds pursuant to this act shall, on an annual basis, publish on their respective internet website an accounting of how much money was received from the Children and Family Health Promotion Fund and how that money was spent. The annual accounting shall also be posted on any social media outlets the state agency or department deems appropriate.*
- (d) Moneys from the Children and Family Health Promotion Fund shall be used to reimburse the independent nonpartisan California State Auditor up to four hundred thousand dollars (\$400,000) annually for actual costs incurred to conduct each of the audits required by Section 34103.1 for the purpose of providing public transparency and ensuring that the revenues generated by this article are used for their stated purpose.*

§ 34104. Tax Collection

- (a) Moneys from the Children and Family Health Promotion Fund shall be used to reimburse the department for expenses incurred in the administration, calculation and collection of the tax imposed by this article and for expenses*

incurred in the calculation and distribution of funds and in the promulgation of regulations as required by this act; provided, however, that not more than five percent (5%) annually of the funds from the Children and Family Health Promotion Fund shall be used for such administrative costs.

- (b) *The department shall administer and collect the taxes imposed by this part pursuant to the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code). For purposes of this part, the references in the Fee Collection Procedures Law to "fee" shall include the taxes imposed by this part and references to "fee payer" shall include a person required to pay the taxes imposed by this part.*
- (c) *The department may prescribe, adopt and enforce regulations relating to the administration and enforcement of this part, including, but not limited to, collections, permits, reporting, refunds, penalties and appeals.*
- (d) *The department may prescribe, adopt and enforce any emergency regulations as necessary to implement, administer and enforce its duties under this part. Any emergency regulation prescribed, adopted or enforced pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding any other provision of law, the emergency regulations adopted by the department may remain in effect for two years from adoption.*
- (e) *The department shall develop reimbursement criteria to enable participating departments to recover administrative costs associated with collecting the charge.*
- (f) *The taxes imposed by this part are due and payable to the department on or before the last day of the first month following each calendar quarter.*
- (g) *On or before the last day of the first month following each calendar quarter, a return for the preceding calendar quarter shall be filed with the board using*

electronic media.

- (h) Any person who fails to pay the taxes imposed under this part shall, in addition to owing the taxes not paid, be subject to a penalty of at least one-half the amount of taxes not paid.
- (i) The department may bring such legal actions as are necessary to collect any deficiency in the tax required to be paid and upon the department's request, the Attorney General shall bring the actions.
- (j) The department may prescribe those forms and reporting requirements as are necessary to implement the tax, including, but not limited to, information regarding the total amount of bottled sweetened beverages and syrup and powder sold and the amount due.
- (k) Returns shall be authenticated in a form or pursuant to methods prescribed by the board.

§ 34105. Distributor Registration

Every distributor required to pay the taxes imposed under this part shall register with the department. An application for registration shall be made upon a form prescribed by the department and shall set forth the name under which the applicant transacts or intends to transact business, the location or locations of each place of business and any other information required by the department. An application for an account under this section shall be authenticated in a form, or pursuant to methods, prescribed by the department.

§ 34106. Exemptions From Tax

The distribution of bottled sugar-sweetened beverages or concentrate by a distributor to either of the following persons shall be exempt from the taxes imposed by this part:

- (a) To a person when, pursuant to the contract of sale, the bottled sweetened beverages or concentrate shall be shipped, and are shipped, to a point outside of this state by the distributor by means of either of the following:

(1) Facilities operated by the distributor.

(2) Delivery by the distributor to a carrier, customs broker or forwarding agent, whether hired by the purchaser or not, for shipment to the out-of-state point.

(b) To a person who is otherwise exempt from the taxation of that sale, use or consumption under the Constitution of the United States, federal law or regulation or the California Constitution.

§ 34107. Statutory References

Unless otherwise stated, all references in this act refer to statutes as they existed on July 1, 2018.

SECTION 4. Constitutional Amendment for Local Tax Authority

Section 16 is added to Article XI of the California Constitution, to read:

Sec. 16. A local government, including any city, county, or city and county, may, subject to the requirements of Article XIIIIC, adopt, enact, enforce and collect taxes on the distribution or sale of nonalcoholic beverages that its legislative body finds to contribute to diabetes, obesity, dental disease, SSB-related diseases or other similar public health factors.

SECTION 5. Conformity With State Constitution

Section 16 is added to Article XIIIIB of the California Constitution, to read:

Sec. 16. "Appropriations subject to limitation" of each entity of government shall not include appropriations of revenue from The California Sugar-Sweetened Beverages Tax Act of 2020. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenue being deposited in or appropriated from the Children and Family Health Promotion Fund.

SECTION 6. Severability

If the provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect and to this end the provisions of this act are severable.

SECTION 7. Conflicting Measures

(a) It is the intent of the people that in the event that this measure and another measure relating to the taxation of sugar-sweetened beverages shall appear on the same statewide election ballot, the provisions of the other measure or measures shall not be deemed to be in conflict with this measure and if approved by the voters, this measure shall take effect notwithstanding approval by the voters of another measure relating to the taxation of sugar-sweetened beverages by a greater number of affirmative votes.

(b) If this measure is approved by the voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting measure is later held invalid, this measure shall be self-executing and given the full force of law.

SECTION 8. Amendments

(a) Except as hereafter provided, this act may only be amended by the electors as provided in subdivision (c) of Section 10 of Article II of the California Constitution.

(b) The Legislature may amend Revenue and Taxation Code Section 34104 to further the purposes of the CALIFORNIA SUGAR-SWEETENED BEVERAGES TAX ACT OF 2020 by a statute passed in each house by roll-call vote entered in the journal, two-thirds of the membership concurring.

July 19, 2018

TO: STATE, CITY AND LOCAL OFFICIALS

**NOTIFICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ITS RESIDENTIAL RATE REFORM MEMORANDUM ACCOUNT PROPOSAL.
(R.12-06-013)**

Summary

On July 11, 2018, Pacific Gas and Electric Company (PG&E) filed its Residential Rate Reform Memorandum Account (RRRMA) proposal with the California Public Utilities Commission (CPUC). The proposal requests approval to increase rates for the following activities related to residential rate reform:

- Simplification of rate structure
- Offering new Time-of-Use Rate plan options and conducting a pilot
- Increase minimum bill amounts in order to reduce bill volatility
- Enhanced communications to customers about rate plan changes and options

In order to implement these residential rate reforms required by a CPUC decision, PG&E is requesting \$20.5 million to be collected from customers in rates starting early in 2019 or shortly thereafter depending on the schedule for this proposal.

Background

In 2015, the CPUC launched its residential rate reform efforts to address concerns about customer bill impacts and volatility caused by the five-tiered rate structure that was put into place after the California Energy Crisis. As part of this effort, the CPUC directed utilities to implement rate design reforms, including Time-of-Use pilots and studies, marketing, education and outreach, IT, data analysis and other reasonable costs required to implement the decision. The CPUC also ordered each utility to create a Residential Rate Reform Memorandum Account to be used for tracking these costs. This proposal requests recovery of the costs included in the RRRMA in 2015 and 2016.

How will PG&E's proposal affect me?

Most customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. Based on rates currently in effect, the bill for a typical residential NonCARE customer using 500 kWh per month would increase from \$111.59 to \$111.78, or 0.2 percent. Actual impacts will vary depending on energy usage.

How will PG&E's proposal affect nonbundled customers?

Direct Access and Community Choice Aggregation customers only receive electric transmission and distribution services from PG&E. The impact of PG&E's proposal on these customers is an average increase of 0.2 percent.

Another category of nonbundled customers is Departing Load. These customers do not receive electric generation, transmission or distribution services from PG&E. However, these customers are required to pay certain charges by law or CPUC decision. The impact of PG&E's proposal on these customers is an average increase of 0.07 percent.

How do I find out more about PG&E's proposals?

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY, call **1-800-652-4712**. Para más detalles llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**. If you would like a copy of PG&E's filing and exhibits, please write to PG&E at the address below:

Pacific Gas and Electric Company
RRRMA Proposal (R.12-06-013)
P.O. Box 7442
San Francisco, CA 94120

A copy of PG&E's filing and exhibits is also available for review at the CPUC's Central Files office by appointment only. For more information, contact aljcentralfilesid@cpuc.ca.gov or **1-415-703-2045**. PG&E's proposal (without exhibits) is available on the CPUC's website at www.cpuc.ca.gov.

18 JUL 23 AM 9:33
CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE

CPUC process

This proposal will be assigned to an Administrative Law Judge (Judge) who will determine how to receive evidence and other related documents necessary for the CPUC to establish a record upon which to base its decision. Evidentiary hearings may be held where parties will present their testimony and may be subject to cross-examination by other parties. These evidentiary hearings are open to the public, but only those who are formal parties in the case can participate.

After considering all proposals and evidence presented during the hearings, the assigned Judge will issue a proposed decision which may adopt PG&E's proposal, modify it or deny it. Any of the five CPUC Commissioners may sponsor an alternate decision. The proposed decision, and any alternate decisions, will be discussed and voted upon at a scheduled CPUC Voting Meeting.

The Office of Ratepayer Advocates (ORA) may review this proposal. ORA is the independent consumer advocate within the CPUC with a legislative mandate to represent investor-owned utility customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. ORA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. For more information about ORA, please call **1-415-703-1584**, email ora@cpuc.ca.gov or visit ORA's website at www.ora.ca.gov.

Stay informed

If you would like to follow this proceeding, or any other issue before the CPUC, you may use the CPUC's free subscription service. Sign up at <http://subscribe.cpuc.ca.gov>. If you would like to learn how you can participate in the proceeding, have informal comments about the proposal, or have questions about the CPUC processes, you may access the CPUC's Public Advisor Office (PAO) webpage at <http://consumers.cpuc.ca.gov/pao>.

You may also contact the PAO as follows:

Email: public.advisor@cpuc.ca.gov

Mail: CPUC

Public Advisor's Office

505 Van Ness Avenue

San Francisco, CA 94102

Call: **1-866-849-8390** (toll-free) or **1-415-703-2074**

TTY: **1-866-836-7825** (toll-free) or **1-415-703-5282**

If you are writing or emailing the PAO, please include the proceeding number (RRRMA Proposal (R.12-06-013)). All comments will be circulated to the Commissioners, the assigned Judge and appropriate CPUC staff and will become public record.