

Brisbane Housing Element 2023- 20XXX

This is a train-wreck waiting to happen. By not questioning the fairness of our double-the-size-of-your-town RHNA number assignment, we are now forced to have shovel to ground-somewhere, anywhere whether appropriate or not, whether safe or not. **These laws amount to extortion...** “Do this or we’re taking away your open space, your environmentally sensitive lands, your parking, your recreation areas... even your CC&R’s...” The law(s) you are trying to comply with, to bypass CEQA for only one element of the General Plan, this is out of balance, it has to be challenged.

Does today create our 30-day window for public comment period? The closing period is not clear. Have you properly informed the public of the changes, amendments since comments from the state? Have you informed the public that the elimination of R-1 will mean your neighbor can multiplex to any height, shade out your solar system, eat up your parking, tie into your sewer lines without any environmental or mitigating compensations?

Stand up to the profit-driven bullies in Sacramento and say NO, we can come up with a better low-income housing plan without destroying our whole town. Our RHNA number compliance is dependent on water availability and **we don't have the water.** We don't have any agreements in place to widen the roads or the myriad of improvements deemed necessary to support the growth for doubling our town.... to just to make 500 low-income units... based on a prior thoughtful community-reflected EIR. Where are your overriding considerations and agreements that the City will now take on these developer obligations? It's implied.

SB 9, SB 10 and a multitude of housing reform laws were placed into service since 2018, the document you referenced for CEQA compliance. The effects of these laws have not been properly vetted. To undergo NO environmental review at the tipping point of the shift from the exercise of RHNA numbers to the implementation anywhere without covenants to mitigate the impacts, is tantamount to conspiring to defraud the citizens. Please don't.

Incorporate by reference information regarding Housing Law changes for 2019, 2020, 2021, 2022.

2019 : <https://www.hklaw.com/en/insights/publications/2018/10/californias-2019-housing-laws-what-you-need-to-kno>

2020 : <https://www.hklaw.com/en/insights/publications/2019/10/californias-2020-housing-laws-what-you-need-to-know>

2021: <https://www.hklaw.com/en/insights/publications/2020/09/californias-2021-housing-laws-what-you-need-to-know>

2022 : <https://www.hklaw.com/en/insights/publications/2021/10/californias-2022-housing-laws-what-you-need-to-know>

Brisbane had the mechanism to serve our low-income community's housing needs. It was the 20% set-aside tax revenue from our redevelopment projects. With the capital improvements going on at Sierra Point, and if you were to be sincere in your efforts to provide housing for all segments of the society, you could implement the set-aside requirement and have sufficient funds to produce low-income housing. It worked in the past. It is disciplined and fair.

At the time, we had a city council that made it a priority to produce mandated housing in order to not lose their set-aside funds. Instead, through this multiple-year RHNA exercise, you have

participated in allowing the city of Brisbane to play a game of monopoly with our public housing funds, to withhold funds and sit on properties for over decades, swap out for non-housing uses, and actually lose one unit due to burdensome regulations. There should be more accountability than to look at the issue, once again, and come up with a program at some later date. You have a one-year window for compliance.

The 20% set-aside tax policy works... no need for more time to figure it out, straight to implementation. At least that is a recommendation to make to the council.

You have to look at council and city manager bias as our stumbling block. If you don't, I will. To have a council member refer to this responsibility as serving "those people" with fearful remarks about folks from "the East Bay," and all council members nodding in unison... I think the issue is that our council does not have the capacity to carry out their responsibility to the public. You have a legal background, It's your job to generate laws to protect us from extortionists and fraud. Please do so.

The meeting I refer to council bias is on this clip between the minutes of 30:15 and 30:35.

<https://www.brisbaneca.org/citycouncil/page/joint-city-council-brisbane-gvmid-financing-authority-housing-authority-meeting>

I oppose approving this element because the alternate areas you considered for dense housing may be environmentally sensitive, inappropriate, and have land-use restrictions. We don't have any studies or protections for sea-level rise. Please ask the city for an assessment of mud slides and closed roadways during this last storm event to determine whether denser housing should be allowed on our steep, clay hillsides or safe on our landfills subject to liquefaction. Are we prepared for 4x the housing?

This is a multiplying event with multiple impacts and you choose to not look at them. If approved tonight, you appear to be complicit with this theft. I ask that you vote no or excuse yourselves from creating a law that violates our rights to equal representation by our public officials.

Please recirculate this document. Please inform the public of the true impacts and please create regulations that protect all of us of the theft of our public assets, from wearing-out our infrastructure, all for the benefit of for-profit foreign speculator development.

Thank you,
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