

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: 12/17/2018

Document dates: 11/28/2018 – 12/05/2018

Set 1

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

Carnahan, David

From: Mary Ojakian <ojakian@comcast.net>
Sent: Sunday, December 2, 2018 8:13 PM
To: Council, City
Subject: selection of Planning Commisioner

Honorable Council Members,

Kelsey Banes will be an excellent Planning Commissioner. Her experience, both professional and personal, highly qualifies her to develop the future of Palo Alto. If Palo Alto is going to continue to thrive, it needs to increase its housing supply for all those who contribute to our community at all income levels. Ms. Banes has the vision, focus, and understanding of evidence based solutions needed to develop housing opportunities for this community as we grow. She will protect current housing while adding to affordable housing in the future. In addition to increasing housing for all those who work in our community she will look for evidence-based solutions to the impact of car use via increased use of alternative transportation. Dr. Banes is passionate about housing, transportation and the future of Palo Alto. Our community will benefit from her experience and desire to achieve a future in which all residents can thrive.

Respectfully submitted,
Mary Ojakian
526 Addison Ave
Palo Alto, CA

Carnahan, David

From: Elaine Uang <elaine.uang@gmail.com>
Sent: Sunday, December 2, 2018 7:09 PM
To: Council, City; Clerk, City
Subject: Withdrawing from PTC

Dear City Council and City Clerk,

Thank you for all your time and efforts vetting candidates for the Planning and Transportation Commission. I was very pleased to go through the process and enjoyed the interview last week. Since then, I have a new significant weekly work commitment and feel it would be difficult for me to attend two Wednesday meeting per month. Given this new situation, I would like to withdraw my name from consideration for the Planning and Transportation Commission. Thank you for all your efforts serving our city, and the opportunity to apply.

Best,
Elaine Uang
Kipling Street



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2

TO: HONORABLE CITY COUNCIL

FROM: BETH MINOR, CITY CLERK

DATE: DECEMBER 3, 2018

SUBJECT: AGENDA ITEM NUMBER 2- Appointment of Three Candidates to the Architectural Review Board and Three Candidates to the Parks and Recreation Commission for Three-year Terms Ending December 15, 2021; and two Candidates to the Planning and Transportation Commission for Four-year Terms Ending December 15, 2022

Council Member DuBois requested an update regarding Board and Commission term end dates following recent City Council actions.

September 20, 2017: Policy and Services Committee – *Action Staff Report* | [Action Minutes](#) | [Transcript](#) | [Video](#)

Policy and Services Committee discussion of Board and Commission terms and related matters.

Title: Discussion of Re-aligning Terms on the Architectural Review Board, the Historic Resources Board, the Parks & Recreation Commission, and the Planning & Transportation Commission and Other Board and Commission Changes.

MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Vice Mayor Kniss to recommend the City Council adopt an Ordinance to:

- A. Keep two recruitment periods, with the Library Advisory Commission, the Human Relations Commission, the Public Art Commission, and the Historic Resources Board being held in September/October; and the Architectural Review Board, the Parks & Recreation Commission, the Planning & Transportation Commission, and Utilities Advisory Commission being held in January/February; and
- B. Remove the requirement that the election of the Planning & Transportation Commission chairperson and vice chairperson occur in November; and
- C. Add, “gender identity” to the Human Relations Commission’s jurisdiction; and
- D. Update Human Relations Commission language to include gender neutral language; and
- E. Update Parks and Recreation Commission language to reflect name changes in Community Services Department divisions; and
- F. To leave the process of appointing unscheduled vacancies as it currently stands.

MOTION AS AMENDED PASSED: 4-0



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December 11, 2017: – City Council – *Consent*

[Staff Report](#) | [Action Minutes](#) | [Transcript](#) | [Video](#)

City Council consideration of an Ordinance implementing the Policy and Services Committee recommendation.

Title: Adoption of an Ordinance Amending Chapters 2.16 (Boards and Commissions Generally), 2.18 (Public Art Commission), 2.20 (Planning and Transportation Commission), 2.21 (Architectural Review Board), 2.22 (Human Relations Commission), 2.24 (Library Advisory Commission) and 2.25 (Parks and Recreation Commission) of Title 2 (Administrative Code) of the Palo Alto Municipal Code to Modify the Start of Terms on the Boards and Commissions, and accompanying Code Cleanup in Chapters 2.22 and 2.25.

MOTION: Vice Mayor Kniss moved, seconded by Mayor Scharff, third by Council Member Tanaka to pull Agenda Item Number 14- Adoption of an Ordinance Amending Chapters 2.16 (Boards and Commissions Generally), 2.18 (Public Art Commission), 2.20 (Planning and Transportation Commission), 2.21 (Architectural Review Board), 2.22 (Human Relations Commission), 2.24 (Library Advisory Commission) and 2.25 (Parks and Recreation Commission) of Title 2 (Administrative Code) of the Palo Alto Municipal Code to Modify the Start of Terms on the Boards and Commissions, and accompanying Code Cleanup in Chapters 2.22 and 2.25.

Item removed from the Consent Calendar

March 5, 2018 – City Council - *Consent*

[Staff Report](#) | [Action Minutes](#) | [Transcript](#) | [Video](#)

City Council consideration of an Ordinance to implement changes to portions of the Municipal Code relating to the Human Relations Commission and the Parks & Recreation Commission.

Title: Adoption of an Ordinance of the Council of the City of Palo Alto Amending Chapter 2.22 (Human Relations Commission) and Chapter 2.25 (Parks and Recreation Commission) of the Palo Alto Municipal Code to use Gender-neutral Language and add Gender Identity to the Human Relations Commission's Jurisdiction, and to Reflect the Community Services Department's Current Divisions.



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Recommendation: Staff recommends the City Council adopt an ordinance to:

1. Add “gender identity” to the Human Relations Commission’s jurisdiction;
2. Update the Human Relations Commission ordinance to reflect gender neutral language; and
3. Update the Parks and Recreation Commission ordinance to reflect name changes in Community Services Department divisions

Passed on Consent: 9-0

March 19, 2018 – City Council – Consent

[Staff Report](#) | [Action Minutes](#) | [Transcript](#) | [Video](#)

Second Reading: City Council consideration of an Ordinance to implement changes to portions of the Municipal Code relating to the Human Relations Commission and the Parks & Recreation Commission.

Title: SECOND READING: Adoption of an Ordinance of the Council of the City of Palo Alto Amending Chapter 2.22 (Human Relations Commission) and Chapter 2.25 (Parks and Recreation Commission) of the Palo Alto Municipal Code to use Gender-neutral Language and add Gender Identity to the Human Relations Commission’s Jurisdiction, and to Reflect the Community Services Department’s Current Divisions (FIRST READING: March 5, 2018 PASSED 9-0).

Passed on Consent: 5-0 Kniss, Kou, Tanaka, Wolbach absent

Beth Minor
City Clerk



CITY OF
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2

TO: HONORABLE CITY COUNCIL

FROM: BETH MINOR, CITY CLERK

DATE: DECEMBER 3, 2018

SUBJECT: AGENDA ITEM NUMBER 2- Appointment of Three Candidates to the Architectural Review Board and Three Candidates to the Parks and Recreation Commission for Three-year Terms Ending December 15, 2021; and two Candidates to the Planning and Transportation Commission for Four-year Terms Ending December 15, 2022

On December 2, 2018, the City Clerk's Office was notified that Elaine Uang withdrew her application for the Planning and Transportation Commission.

The following 12 applicants remain eligible for appointment to the Planning and Transportation Commission:

1. Kelsey Banes
2. L. David Baron
3. Bern Beecham
4. Rebecca Eisenberg
5. Claude Ezran
6. Brian Hamachek
7. Michelle Kraus
8. Dena Mossar
9. Giselle Roohparvar
10. Thomas Siegel
11. Carolyn "Cari" Templeton
12. Craig Yanagisawa

Beth Minor
City Clerk

Carnahan, David

From: Elizabeth Wong <elizabethwong2009@gmail.com>
Sent: Thursday, November 29, 2018 4:04 PM
To: Council, City; Stump, Molly; Yang, Albert; Shikada, Ed
Cc: Morse, Rosemary; Peter Ko; Scott Greubel; Gregory Mantz; Laura Roberts; TOM ROTH; Timothy Kassouni
Subject: 429 University Appeal
Attachments: Kipling Appeal Supp Final 11 29 18.pdf; Slides Kipling Appeal Supp Final 11 29 18.zip

Hello,

Please see attached Supplement to Appeal that is before Council on Dec 3, 2018.

Thank you,

Elizabeth Wong



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**SUPPLEMENT TO APPEAL FROM KIPLING POST LP FOR
429 UNIVERSITY AVENUE, PALO ALTO
November 29, 2018**

This submission supplements the form appeal timely submitted by Kipling Post.

The primary issue on appeal concerns compliance with Condition of Approval No. 3, as established by the City Council's February 2017 approval of the project.

The Planning Director asserts that one element of that condition, i.e., sign off on "exterior building materials, colors and craftsmanship-related detailing" has not been satisfied.

Kipling Post appeals that determination by the Planning Director because it is in error, lacks substantial evidence, is inconsistent with the previous findings of the City Council, exceeds the scope of the condition established by the City Council and wrongly relies on elements of the Municipal Code that apply to new applications, not condition compliance.

Further detail is provided below.

Approval No. 2017-2, Condition of Approval No. 3 states, in relevant part:

"... the applicant shall return to the ARB for approval of the following items, to the satisfaction of the Director of Planning and Community Environment:

...

c. The exterior building materials, colors and craftsmanship-related detailing associated with the project.

The Approval No. 2017-2 – Record of the Council of the City of Palo Alto Land Use Action for 425 and 429 University Avenue: Major Architectural Review Application [14PLN-00222] ("Land Use Approval") on p. 12 states that:

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

The project is consistent with Finding #3 because:

The project has a high aesthetic quality, materials, construction techniques, textures, colors and other details that are compatible with and enhance the surrounding area. The buildings surrounding the site are comprised of concrete, stone, glass, brick, and metal and range in height from two to four stories along University Avenue. Along Kipling Street, buildings consist of cement, stucco, glass and brick structures. The

proposed structure is comprised of high quality glass, concrete and steel design which is similar and representative of the materials found in the surrounding environment. Further, the materials, textures, and attention to detail in the structure is consistent throughout each elevation which represents a high quality aesthetic design. Lastly, the project, will have high quality materials, textures, colors and finishes because it is conditioned to return to the Architectural Review Board for review and recommendation to the Director of Planning and Community Environment of the exterior building materials, colors and craftsmanship-related detailing associated with the project. Therefore, the project is consistent with Finding #3 because it consists of a high quality aesthetic design with integrated materials, textures, colors and other details that are compatible with the surrounding environment.

Kipling Post engaged the Palo Alto architectural firm of Ko Architects to prepare construction plans for the approved project that would reflect Option 1 as approved, and to meet the additional requirements set forth in Condition No. 3.

Kipling Post has done that. The Planning Director agreed that Kipling Post has complied with the first two elements of Condition of Approval No. 3. The only disagreement before the City Council is the additional requirements added with respect to “exterior building materials, colors and craftsmanship-related detailing associated with the project.”

The Planning Director asserts in his staff report that “the project does not comply with the contextual and compatibility criteria of the municipal code in that it does not share general characteristics or establish design linkages with the overall pattern of development. Surrounding buildings have design elements and material detailing that are human-scaled, regardless of the overall building envelope.”

The Planning Director has erred in this determination. In its 2017 approval, the City Council already has determined that the project is compatible with the surrounding area and development. Therefore, demanding that the project be redesigned or add design or material elements to achieve compatibility misunderstands the scope of Condition of Approval No. 3.

The Planning Director has no authority to demand these items if they undermine the design and architecture already approved or require material changes to that design.

THE PROJECT IS FULLY COMPLIANT WITH CONDITION OF APPROVAL NO. 3, SUBSECTION C.

The third element of Condition of Approval No. 3 merely requires that any exterior building materials, colors and craftsmanship-related detailing be consistent with the Findings of the City Council in its February 2017 approval.

Other than the elements added as required in subsections a and b of Condition of Approval No. 3, Kipling Post has not added exterior building materials or other craftsmanship detail to the project. Subsection c does not require the addition of exterior building materials other than

specified in subsections a and b, and the Planning Director has ruled that the project has met those requirements.

The Planning Director, apparently at the urging of the ARB, now misinterprets this Condition of Approval as requiring the application of exterior building materials, even when the application of such materials is not required by the design approved by the City Council in 2017, and even when adding such materials requested by the Planning Director would require a re-design of the approved project, and would undermine the architectural and design aesthetic approved by the City Council and deemed compatible with the surrounding area by the Council.

In preparing for the additional, limited ARB review, Ko Architects responded to ARB concerns at every step with the concurrence of the Planning Director regarding building materials, color and how the craftsmanship of the building was reflected in the many details of the construction. Ko Architects also presented materials boards with different color palettes and how the various materials come together. The Planning Director initially agreed that Kipling Post had met this Condition as reflected in the staff reports' recommendations to ARB for approval prepared by the Planning Director for each of the three ARB Minor Level hearings related to this issue.

In compliance with Condition of Approval No. 3, Ko Architects created a new materials board, photo attached. The board included samples of the metal and glass, and sample materials and colors for cement, stucco, and paint. The two colors, "sandstone" and "silversmoke" were similar to those from the immediately adjacent building at 423 University. The materials board and its contents is documented in the staff report prepared by Planning for this ARB hearing. This materials board was submitted to Planning on March 2, 2018, and it was recommended by Planning for its approval to the ARB at its first Minor Level hearing on August 16, 2018. At that hearing the ARB wanted to see lighter colors in the concrete, stucco and paint colors.

The materials board was revised by Ko Architects for the second ARB Minor Level hearing on September 20, 2018, to include an option for a lighter palette at the request of the ARB, using "San Diego buff" and "pewter" as the two colors. At the hearing, Ko Architects recommended the darker hues with the explanation that the concrete colors would look different depending on the lighting, and that integral color concrete would naturally lighten over time. The ARB was given the choice of either and we would abide by their choice. [SLIDE 1]

Interestingly, at this second ARB hearing, two of the three voting members, Chair Lew and Member Gooyer were not opposed to the building exterior materials, color and craftsmanship-related detailing.

This fact was ignored by Interim Director Lait in his decision to deny the project. Member Gooyer's quote on page 36 of the Draft Minutes published by the City is:

"As far as the exterior building materials, it's a little hard to tell. I mean I'm guessing it's probably okay. The detailing, I'm sure I probably there. I could go either way on that. I don't really think that the upper story, at least from what I see relates to the rest of the building, but again, so even if I say I could accept the exterior building materials, color and craftsmanship, one out of three[3a, 3b and 3c] just really doesn't do it for me."

At the third ARB Minor Level hearing on October 4, 2018, concrete contractor Bill Brown, of Bill Brown Construction [specialist in architectural concrete construction] who did the concrete work at 102 University, was brought in to address the ARB and to answer any questions. He explained that the concrete is a natural material, that the concrete color changes over time and looks different depending on the light and the time of day, and that this can be seen at 102 University, which is 10 years old. Both he and Ko Architects recommended to use the original hues of the first materials board as integral color concrete does lighten over time. Member Thompson could accept the materials and colors of both materials boards; she could not agree to them based on compatibility with adjacent construction.

The use of architectural, finished concrete did not surface as an issue generally in the process until the past few weeks. Interim Planning Director Lait's request for changes to the surface of the concrete did not surface until **October 12, 2018, only four days before his Determination Letter was due and issued**, and nearly two years after the architectural concrete building in Option 1 was approved by the City Council.

When the City Council approved Option 1, it did not have the benefit of a materials board that reflected the exterior building materials, colors and craftsmanship-related detailing. Returning to the ARB was intended to simply ensure that the project check-in to tweak minor details. Indeed, that is in part why Interim Director Lait submitted the project for ARB review as a "minor" review. Despite this, ARB viewed this re-review as an opportunity to revisit fundamental design issues that have already been approved.

The project has met all aspects of Condition of Approval No. 3, and Kipling Post asks the City Council to sign off on that Condition.

THE PROJECT DESIGN FOLLOWS THE ACCLAIMED 102 UNIVERSITY AVENUE BUILDING AND THE CITY COUNCIL DETERMINED IN 2017 THAT THE PROJECT "HAS A HIGH AESTHETIC QUALITY, MATERIALS, CONSTRUCTION TECHNIQUES, TEXTURES, COLORS AND OTHER DETAILS THAT ARE COMPATIBLE WITH AND ENHANCE THE SURROUNDING AREA"

On February 6, 2017, the City Council approved the project at 429 University Avenue (presented as Option 1 by Palo Alto architect Joseph Bellomo). As set forth below, the City Council made findings that the project has a high aesthetic quality (and use of materials) and that the project is compatible with and will enhance the surrounding area. The City Council added Condition of Approval 3 simply to ensure that additional exterior building materials, colors and craftsmanship-related detailing did not detract from this.

The scope of the additional ARB review (and Planning Director approval) as set by Condition of Approval 3 is very narrow. It did not invite the ARB or the Planning Director to reconsider fundamental design or architectural elements. Rather, the condition focused on detail added to the exterior of the building and color.

Because of the nature of the building, other than color, there was little for the ARB or Planning Director to review. As the City Council is aware, the building design follows the architecturally acclaimed design at 102 University Avenue. Like that structure, 429 University is designed as a contemporary building of “*architectural concrete*,” glass and steel. The concrete is both structural in function and decorative in appearance. “*Architectural*” or “*finished*” concrete has become a signature element of many contemporary structures. Within the architectural community, the design approach is viewed as more authentic.

Thus, unlike many structures, there are few exterior building material issues to consider – those materials are fixed by the type of modern design that already has been approved by the City Council. There is no cladding, stone, stucco, sheetrock or paint to hide the concrete surface itself. Utilities such as electrical conduits and water lines are carefully planned to minimize perforations and surface installations later. In addition, the engineering itself must be integrated with the concrete, which provides strength, seismic resistance, and support for the steel and glass storefronts, doors and windows. Consequently, the integrated architecture, design and concrete installation are vital to the building’s soundness.

Likewise, exterior materials cannot be added that will undermine the structure’s integrity, soundness, strength or aesthetic.

The concrete chemistry renders it waterproof. The concrete surface is smooth with a pattern of dots created by the snap-ties used in preparing the forms. As stated by concrete contractor Bill Brown at an ARB meeting, they build fine furniture and then carefully fill it with concrete to attain that specific aesthetic. Integral color organic pigments will be added to the concrete mix. As can be seen at 102 University Avenue (now 10 years old), the color naturally evolves over time.

In sum, the nature of this building means that there will be very limited additional exterior building materials, colors and craftsmanship-related detailing to consider when compared to a more traditional building. The City Council has already made findings that the building is compatible and the ARB (and ultimately, the Planning Director), may not, under the pretext of Condition of Approval No. 3, compel fundamental changes to the architecture, design or construction of the building.

It must also be noted that the Planning Director’s assertion that he provided Kipling Post with an opportunity to incorporate additional design elements to satisfy this condition is disingenuous. On October 12, 2018, the Planning Director suggested changes that could be made, but he made clear that adding these changes would not guarantee his approval or a recommended approval by the ARB. Rather, he simply stated that he would seek ARB recommended approval. Since the ARB is advisory, the Planning Director has the authority to make this determination on his own. His refusal to do so is a telling sign that he had no intention of signing off the condition of approval even with the suggested changes.

In any event, the suggested changes are inconsistent with this City Council’s previous 2017 findings.

[SLIDE 2] – Option 1 approved by Council February 7, 2017

THE SUGGESTIONS BY THE PLANNING DIRECTOR ON THIS ISSUE WOULD REQUIRE REVAMPING THE ENTIRE BUILDING

The third ARB hearing took place on October 4, 2018. Planning's decision is due 2 weeks later. On October 16, 2018, the Planning Director issued his Determination Letter with a denial based on Condition of Approval 3c: exterior building materials, colors and craftsmanship-related detailing. He provided little or no detail supporting his rejection.

Planning Staff was fully familiar with the design proposal in Option 1 (that was approved by the City Council in February 2017) which included the look and feel of the architectural concrete and the same exterior building materials, colors and craftsmanship-related detailing. Planning recommended approval to the City Council based on that knowledge. Option 1 has not changed.

Initially, the Planning Director included draft findings in his staff report to the ARB concluding that Kipling Post had met all aspects of Condition of Approval No. 3. Only late in the process did he change his mind with respect to the last element of No. 3.

[SLIDE 3] – On October 12, 2018, only four days before his Determination Letter was due and issued, Interim Planning Director Lait sent us an email suggesting three "*simple changes*". He did not state that the changes would result in approval, but only that he would recommend approval to the ARB. Given the more than a dozen hearings that Kipling Post has been subjected to before the ARB, his representation provided no assurance to the Applicant.

His three suggestions were as follows:

The first, the "*addition of sun shades or awnings along the University Ave frontage*" is not an issue with us; we informed him we stand ready to incorporate, although we wonder why this never surfaced in all our earlier discussions with Planning. Indeed, in earlier iterations of the project, shades were included but were removed at the request of the Planning Department

The other two suggestions are by no means "*simple changes*", but rather would require extensive redesign of the project:

"Recessing the ground floor glass façade by 18-24" on the University Avenue (with removed floor area added to second floor)"

"Adding texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings."

Implementing the above would require a complete redesign of the project, be subject to complete cycle of ARB reviews, and complete resubmittal for building permit, a cycle that has taken us over two years and hundreds of thousands of dollars.

For example, implementing the above would result in the following unacceptable outcomes: (a) a design not in keeping with the approved Option 1, (b) not being able to move removed ground floor square footage to the second floor which Planning knows is maxed out; it would require a major redesign of the building to move removed ground floor square footage to any other floor including even the fourth floor, due to mandated setbacks; (c) cause enormous delays and costs because of redoing all the construction drawings architecture, recalculating all the structural engineering; (d) having to seek approvals from the various city agencies again; (e) canceling Contractors and subs contracts; and (f) since a new design would be proposed, requiring ARB Major review when the appellant to the original project approval is eager to have another go at it and there is appetite for a moratorium in downtown construction.

Also, construction drawings would need to be re-done because each element of construction is integrally and intricately connected to each other and prepared in accordance with applicable Building Codes and the Palo Alto Municipal Code. They dictate distances to egress, width of path of travel, and ADA compliance, for example, which all will need to be redesigned and calculated. The following are some of the additional specific ways that changes 2 and 3 would affect the entire building. 1. Square footage would be affected in each floor. 2. Emergency egress distances will be violated. 3. There may be an encroachment on the public right of way. 4. The entire building would need to be recalculated for weight and structural design. Further, since the support columns are stacked through each floor from the lowest garage level up to the third floor, each and every floor will require a complete redesign. (See Ko Architects' letter of November 29, 2018. [SLIDE 4])

Putting aside these enormous consequences, the Planning Director ignored the fact that this project has been approved by the City Council since February 2017. The Planning Director appears to have followed the lead of ARB Member Thompson who improperly and illegally evaluated many other Findings in the City's Land Use Approval regarding size, scale, mass and compatibility, rather than focusing on the limited task of reviewing the application of exterior building materials, details and colors. By ARB Member Thompson and the Planning Director's reasoning, the project essentially must be reviewed as a brand new project, completely disregarding City Council's 2017 approval, not to mention Kipling Post's five years of work and enormous expenses.

On October 15, 2018, the day before the Determination Letter, Applicant and Ko Architects met with the Planning Director at 102 University to reiterate the similarity between the finish on that building and 429 University. At the meeting, Applicant and the Architect emphasized how the structural design was maxed out in weight so adding stucco or some sort of cladding to the concrete would entail a complete redesign of the building. Also, Ko Architects stated to him that one of the reasons they agreed to do this project was due to its signature feature concrete, that it had used that approach successfully in other recent, elegant, contemporary buildings.

On October 16, 2018, the Planning Director then issued his Determination Letter denying approval to the project on the basis of unacceptable “*exterior building materials, colors and craftsmanship-related detailing*”. In his denial, he stated Applicant’s had refused to cooperate with changes recommended in his October 12, 2018 email. This is false. As noted above, Applicant made its case in person at the 102 University meeting. In addition, the Planning Director never committed to approval based on Applicant’s acceptance of the three suggestions, instead leaving himself an out if the ARB didn’t agree with his suggestions. In any event, Applicant detailed to the Planning Director why the proposals were not feasible for an engineering and cost perspective, since they would require redesigning the project.

For two years, the project has been unchanged as far as materials of construction and execution of the architectural concrete concept; it was approved by the City Council as Option 1; and recommended for approval by the Planning Director himself in his staff report and draft findings submitted to the ARB (three times, including as recently as October 4, 2018).

Interim Planning Director Lait stated that if these certain changes were made, he would return to the ARB and seek recommendation of approval from the ARB. There was no assurance that the project would receive an approval recommendation by a hostile ARB that has never, in more than a dozen encounters, recommended approval of the project. He was equally non-committal about his own approval if the ARB returned with yet another refusal to recommend approval.

In the Staff Report for this City Council hearing of December 3, 2018, on page 5, Interim Director Lait states that “... applicant did not provide renderings of the craftsmanship-related detailing in context until the October 4, 2018, hearing.” In this case, renderings were prepared in response to a specific request by ARB Member Thompson at the previous ARB hearing on September 20, 2018, two weeks prior to the October 4th hearing. Ko Architects was surprised that renderings were required given that they are not usually part of an ARB Minor Level hearing; they are expensive and time-consuming. Nonetheless, Ko Architects delivered four color renderings in less than two weeks.

In sum, the suggested changes would require a revamping of the approved design, and exceed the scope of the Condition of Approval.

THE CITY HAS NOT REQUIRED DECORATIVE CONCRETE FOR OTHER BUILDINGS ON UNIVERSITY AVENUE OR IN THE AREA , AND IS ARBITRAILY IMPOSING THAT REQUIREMENT ON 429 UNIVERSITY

Evidence shows that the City has approved numerous other concrete buildings on University Avenue without any requirement for textured or decorative concrete. Thus, the Planning Director is applying a different standard to the 429 University project than other concrete buildings on University, even though each of those other buildings was constructed in the last decade or so.

[SLIDE 5] – Here is a look at 102 University Avenue, designed by Bellomo Architects, who also designed the adjacent 116 University building. The buildings were completed within the last 10 years, and exhibit architectural finished concrete. In the background is the Alma-High Street parking garage, also designed by Bellomo.

[SLIDE 6] – A close-up of 102 University shows how these three basic materials, concrete, glass and steel, comprise the entire façade of the building.

[SLIDE 7] – The detail of the snap ties on the surface of the smooth, integral-color concrete is seen here.

[SLIDE 8] – Here is Option 1 that was approved by Council. Observe that the upper two floors show a different color and a greater setback than the lower floors to give the appearance of separation between the two.

[SLIDE 9] – This rendering shows how this building fits in the context of University Avenue, with its eclectic mix of contemporary design, older even historical buildings, the Lululemon store at 428 University directly across from the 429 University site, and the 525 University tower in the background.

[SLIDE 10] – On the issue of materials of construction, colors and craftsmanship-related detailing, 240 Hamilton, across Ramona Street from City Hall, was recently completed. Reposado restaurant sits next to it along Hamilton. They are a study in contrast. It is puzzling why this building met with ARB and Planning Director approval and yet the 429 University project has been denied because it “*... does not share general characteristics or establish design linkages with the overall pattern of development and does not share elements and material detailing that are human-scaled, regardless of the overall building envelope. The ARB found that the project's lack of such features rendered it incompatible with the surrounding area*”.

This indicates that it is applying its design requirements in an entirely arbitrary manner. This a direct quote from page 5 of the City Manager’s staff report for tonight’s December 3, 2018, Council hearing.

[SLIDE 11] – Similarly, the Survey Monkey building on Lytton and Alma sits next to the Dahl heating business and a Victorian house. There is no sharing of design linkages which would signal compatibility.

[Slide 12] – The building at 500 University is half a block from the project site. It sits across Cowper from the site of the President Hotel.

[Slide 13] – 611 Cowper dwarfs a tiny building separating it from another small building at the corner of Hamilton, and shares no design linkages with either or with The Marc tower on the other side on Forest.

[SLIDE 14] – Again the Apple store is sandwiched between much older construction and the façade is pure glass in stark contrast with its surroundings.

[SLIDE 15] – Another example is 428 University housing Lululemon, which is 4-stories, directly across 429 University, and immediately adjacent to a series of Birge Clark one-story storefronts and the Varsity Theater.

By asking 429 University to add “*...texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings*” as suggested in the October 12, 2018 email from Interim Planning Director Lait, the Planning Director is insisting on a requirement that has not been applied to other buildings, including concrete buildings.

Such a requirement in this case also is inconsistent and conflicts with the Findings of the City Council in the February 2017 approval because it would require re-designing the project to accommodate the extra weight of the external materials being added to the concrete walls. Such a requirement exceeds the scope of Condition of Approval No. 3 because the request is purportedly to make the building compatible with the area, when the City already made a finding that there is compatibility.

The history of repeated denials of the project despite heroic efforts to meet all requirements suggests hostility to this project. It is troubling that many projects located in the same downtown core were approved and built without the requirement to share design linkages in the matter of exterior building materials, colors and craftsmanship-related detailing and yet this one project at 429 University has been repeatedly denied because of the same requirement.

THE BUILDING PERMIT IS READY TO GO EXCEPT FOR THIS ISSUE

Following approval, Ko Architects prepared the construction drawings in accordance with Option 1 including the exterior building materials, colors and craftsmanship-related detailing. The construction plans are based on using architectural concrete with changes as mandated by the City Council and following discussions with the Planning Department. After months of intensive work, these were submitted for building permit on March 2, 2018.

Staff normally turns submissions around in 30 days. Many departments complied. For example, Water Quality Review approval was issued on March 16, 2018; Electric Utilities review was approved on April 5, 2018. There were a few changes requiring a re-submittal. However, many changes were due to revisions requested by the Planning Department which in turn caused resubmittals to the various departments for their review of Planning changes. The approval dates in Slide 16 reflect the last review date. For example, Building Review approval date of October 6, 2018, was the last review by Building Department following changes made at Planning’s request. The numerous iterations by Planning resulted in a tremendous cost to the City and tremendous costs and delays to Kipling Post.

[SLIDE 16] – The current status of the building permit is that the construction drawings have been approved by all the departments in the City except for Planning and for site logistics that will be provided by Contractor DPR to Public Works pending the outcome of this City Council

hearing. We have met with and made changes as required by water, gas, waste water, electric, structural, fire safety, and others, and are now stalled by Planning.

It should be noted that the issues with Planning have been distilled to the one sticking point regarding exterior building materials, colors and craftsmanship-related detailing. All other matters have been resolved. On September 13, 2018, Adam Petersen, Senior Planner wrote that we “*... satisfy the remaining mitigation measures. Further, as noted in our meeting today, the remaining comments related to the building permit and demo permit, excluding compliance with Condition of Approval No. 3a, b, and c, have been satisfied. Rosemary [Morse], please route the project to me in Accela so that I can make the above note on the building permit and demo permit.*” Conditions of Approval 3a and b have since been approved in Interim Planning Director Lait’s Determination Letter and 3c is exterior building materials, colors and craftsmanship-related detailing, the one remaining issue that is the substance of this appeal to Council.

NO OTHER RE COURSE

Kipling Post requests City Council to put an end to this interminable and unfair ordeal and overturn the denial without further delay. We first approached the ARB in November 2013, more than 5 years ago. From the beginning, Kipling Post has proposed to build a structure and facility that is good for Palo Alto, making huge efforts to meet all the requirements mandated by the City, and overcoming obstacles not imposed on other similar projects.

Kipling Post is committed to proceed with legal action to ensure its rights are not trampled. Please see the letter from Kassouni Law to City Attorney Molly Stump dated November 13, 2018.

Respectfully submitted,

Kipling Post LP

Members:

Elizabeth Wong, MBA – Wharton Graduate School of Business
MS, Computer Science – Moore School of Electrical Engineering
Jaime Wong, PhD, Engineering – University of Pennsylvania
Andrew Wong, JD – New York University School of Law
BS, Chemistry and Materials Sciences – MIT







Elizabeth Wong <elizabethwong2009@gmail.com>

429 University Avenue

1 message

Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org>

To: "Elizabeth Wong (elizabethwong2009@gmail.com)" <elizabethwong2009@gmail.com>

Fri, Oct 12, 2018 at 5:01 PM

Dear Elizabeth,

I write in advance of issuing a Director's decision for the subject Architectural Review application. Following the Architectural Review Board's October 4, 2018 recommendation, I am prepared to partially approve the application with respect to the decorative element on the southern elevation and landscaping plan, and partially deny the application with respect to the exterior building materials, colors, and craftsmanship. As currently presented, the exterior materials, colors, and craftsmanship are not consistent with Architectural Review findings 2 and 3 (see below).

However, I believe a few simple changes may be effective to address ARB's concerns and allow me to make the required findings. For example, the following changes would add textures, colors, and details more compatible with the highly ornamented character of the surrounding area:

- * Addition of sun shades or awnings along the University Ave frontage
- * Recessing the ground floor glass façade by 18-24" on the University Avenue (with removed floor area added to second floor)
- * Adding texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings.

If you are amenable to incorporating some or all of these changes, I would seek recommendation of approval from the ARB on the updated design prior to issuing my decision. I believe the ARB's support is important for the ultimate success of your project. Please contact me by 650 329-2679 if you are interested in pursuing this path for your application.

Jonathan

Relevant ARB Findings

Finding #2: The project has a unified and coherent design, that:

1. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
2. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
3. is consistent with the context-based design criteria of the applicable zone district,
4. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
5. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are

compatible with and enhance the surrounding area.

 **winmail.dat**
24K



Ko Architects, Inc.

November 29th, 2018

To: Elizabeth Wong
Re: 429 University Mixed Use Project
Planning Director's decision letter response

Dear Elizabeth,

I am writing this letter as a response to the suggested changes by the Planning Department Director, Jonathan Lait, prior to his decision letter on October 12, 2018. The implementation of these suggestions will be onerous and in contradiction to the City Council approved Option 1. This is how I understand them:

- **Addition of sun shades or awnings along the University Ave. frontage.**

This addition will encroach into the city sidewalk and the public right-of-way which was not acceptable to the Planning Department. Neither sun shades nor awnings were part of the design features shown on the Council approved elevations. Any discrepancy from the Council approved elevations or design had raised concerns from the project planner and ARB members.

- **Recessing the ground floor glass façade by 18-24" on the University Avenue (with removed floor area added to second floor)**

This is not part of the Option1 approved by the City Council. This will alter the Council approved allowable retail floor area. To add the office area in the second level would change the council approved office floor area as well. This will create a conflict with the total allowable floor areas proved to be unacceptable to the Planning Department.

- **Adding texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings.**

This will completely alter the look and feel of the building rendering it more ordinary with no distinguishable identity. The City Council approved drawings specifically call out the building material pallet to be of three materials: concrete, steel and glass. The approved concrete is with the integral color and high-quality smooth finish. This change will no longer be the building envisioned by Ko Architects and I would not like to be associated with such modification.

Cladding the building will add weight to an already maxed out building in its structural design and calculation. The present components will no longer be structurally feasible, and the structural basis of design will need to be revisited.

An additional layer to the façade of the building will encroach into the public right of way. Cladding requires mechanical retention elements, or adhesion such as metal support, meshing and "thin-set".

Should you have any questions or comment, please feel free to contact me at (650) 853-1908.

Sincerely,

Peter Ko, AIA, LEED AP

Ko Architects, Inc.



02/16/2016 11:53

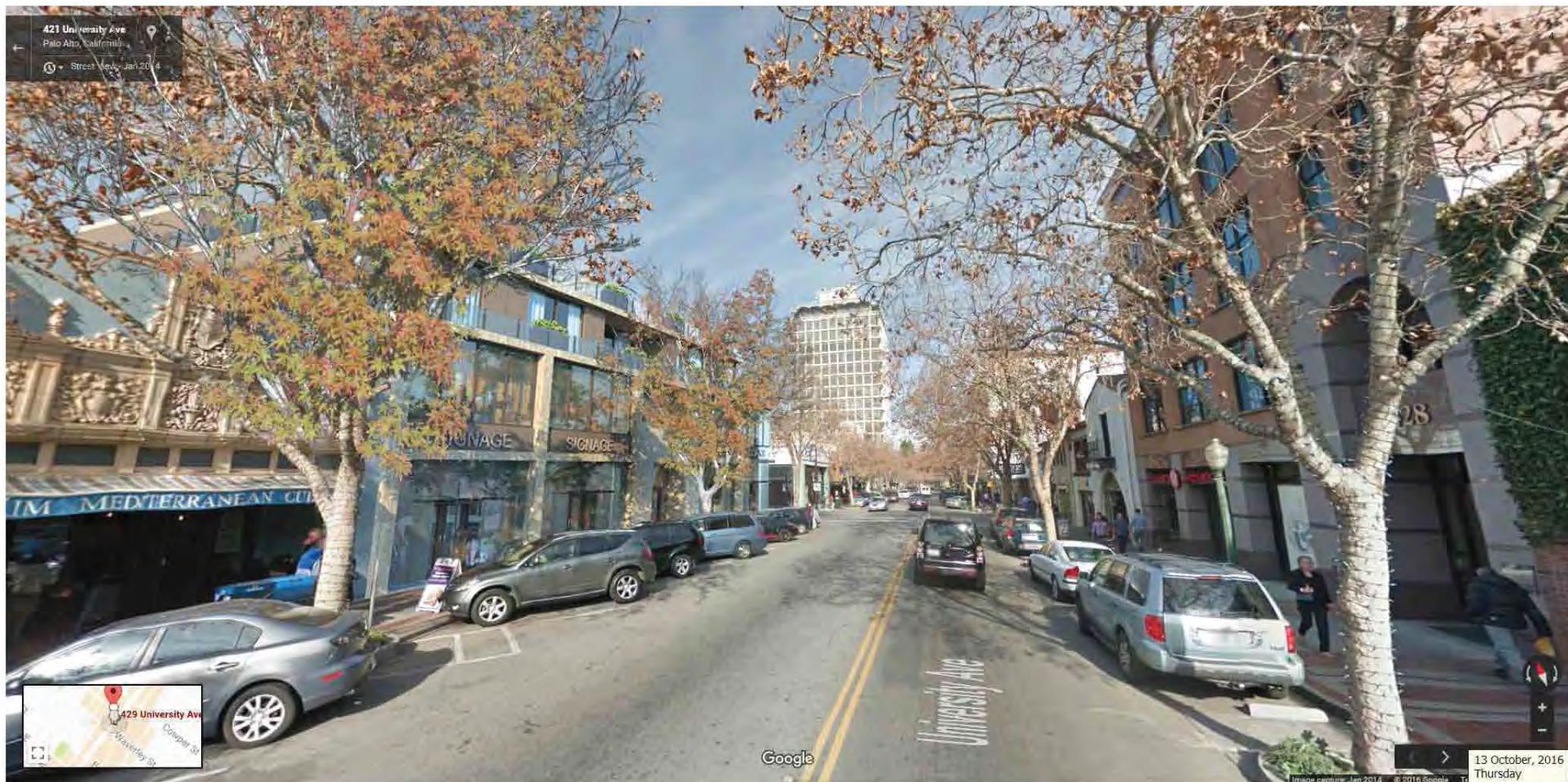


02/16/2016 11:52



02/16/2016 11:55







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<u>Task</u>	<u>Status</u>	<u>Status Date</u>	<u>Action By</u>
Building Review	Approved	10/05/2018	DAVID CHU...
Elect Utilities Review	Approved With Conditions	04/05/2018	DANIEL ER...
Fire Review	Approved Inspection Re...	06/29/2018	HENRY RAF...
Planning Review	Not Approved	09/17/2018	ADAM PETE...
Public Works Eng. Review	Not Approved	09/26/2018	PAIGE SAF...
Water Quality Review	Approved Inspection Re...	03/16/2018	BRIAN JON...
WGW Utilities Review	Approved With Conditions	08/03/2018	JOHN NGUY...
Landscape Review	Not Required	06/07/2018	KELSEY AN...
Urban Forestry Review	Approved	06/25/2018	WALTER PA...
Ready To Issue			
Permit Issuance			
Structural	Approved	08/02/2018	MEDHAT HE...
Structural	Approved	07/13/2018	MEDHAT HE...
Architectural	Approved	08/02/2018	DAVID CHU...
Mechanical/Plumbing	Approved	08/02/2018	DAVID CHU...
Electrical	Approved	08/02/2018	DAVID CHU...
Structural	Approved	08/01/2018	DAVID CHU...
Architectural	Approved	08/01/2018	DAVID CHU...
Mechanical/Plumbing	Approved	08/01/2018	DAVID CHU...
Electrical	Approved	08/01/2018	DAVID CHU...

18000-00536 - KIPLING POST LP

<u>Task</u>	<u>Status</u>	<u>Status Date</u>	<u>Action By</u>
Building Review			
Elect Utilities Review	Approved	08/05/2018	GOPAL JAG...
Fire Review			
Planning Review	Not Approved	09/17/2018	ADAM PETE...
Public Works Eng. Review	Not Approved	09/11/2018	PAIGE SAF...
Water Quality Review			
WGW Utilities Review	Approved	08/17/2018	JOHN NGUY...
Landscape Review			
Urban Forestry Review	Approved	07/25/2018	WALTER PA...
Ready To Issue			
Permit Issuance			

18000-00537 - KIPLING POST LP

Carnahan, David

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Friday, November 30, 2018 3:16 PM
To: Council, City
Subject: 429 University

This project has been properly reviewed in Palo Alto Process. Please take the following action

- 1. Remove the project from the consent calendar**
- 2. Uphold the Acting Planning Director's denial and**
- 3. Deny any time extension.**

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com

Carnahan, David

From: Ted Davids <tdavids@sonic.net>
Sent: Friday, November 30, 2018 3:19 PM
To: Council, City
Subject: 429 University Ave

I live in the immediate area of Kipling Street and will be impacted by the scope of this project.

The 429 University Ave item is on the consent calendar, but the Planning Director has added a provision that the Applicant be given *another year to modify her plans*. The applicant was already given a one year extension. This would give her three years which is unacceptable and I do no support this.

A group of citizens appealed this design based on its size, mass, pedestrian unfriendly design, lack of design linkage to important nearby buildings like the Varsity Theatre and Birge Clark old Apple building. The city passed a motion on February 6, 2017 requiring the developer meet a list of requirements for the building to be given a permit. Since then, the ARB has repeatedly rejected this building on three separate times. Consequently, the Director of Planning has denied the applicant a permit because she has not made the necessary changes. In addition, the building is still way too large for the site.

The developer is now appealing the director's decision, and the item is on the City Council Consent Calendar for December 3. The director has recommended that the Applicant be given another year to modify plans despite the fact that the "refused to comply" with the director's past recommendations. I am part of a group of citizens who have opposed this project since the beginning. It is my wish that the council REMOVE the item from the consent calendar, uphold his denial of the plans, but deny the recommendation for any time extension. The director has finally ruled in favor of the citizenry and followed the existing municipal codes in his decision. He should be applauded for this.

Sincerely,
Ted Davids

Carnahan, David

From: Michael Harbour <dr.mharbour@gmail.com>
Sent: Sunday, December 2, 2018 1:02 PM
To: Council, City
Cc: Stump, Molly; Lait, Jonathan; Adam Petersen; Keene, James; Architectural Review Board; Shikada, Ed
Subject: Current 429 University Ave Proposal Violates Past City Council Motion and is Illegal

Dear Palo Alto City Council,

Tomorrow December 3 you will be asked to evaluate the current set of 429 University Avenue design plans. The ARB and Director of Planning, Jonathan Lait, have recommend that the plans be denied.

The plans should be denied because they violate the City Council Motion from February 6, 2017. The Motion states the "**approval is subject to the actual Project matching Option 1 as described by Staff.**"

- **The submitted plans do no match those previously approved by the council.**
- **The contentious Fourth Floor is actually 16% larger and more visible from the street**
- **Landscaping on First Floor has been completely removed and reduced by 35% on Fourth Floor**

I urge you to uphold the denial and reject any further extension of timeline. The Applicant was already allowed a one year extension and has had three years to develop these plans which have now been denied. An extension sets a bad precedent for future developers to violate city ordinances.

Sincerely,
Michael Harbour, MD, MPH
on Behalf of the Neighbors and Community to Protect Kipling St

Carnahan, David

From: Scott Greubel <scottg@dpr.com>
Sent: Monday, December 3, 2018 11:46 AM
To: Council, City
Subject: Please Approve 429 University Project

Hello all-

I am an executive for DPR Construction in the Bay Area and wanted to express my support for approval of this project. I understand that the only outstanding issue centers around the concrete finish of the exterior. I can say that DPR annually does over a billion dollars of construction work in the Bay Area market and currently many of the projects we are building have exposed concrete exteriors.

Thank you,
Scott Greubel
DPR Construction

Carnahan, David

From: Sandra Viarengo <sandra_viarengo@sbcglobal.net>
Sent: Monday, December 3, 2018 12:01 PM
To: Council, City
Cc: Elizabeth Wong
Subject: approve 429 University Ave at today's council hearing

Dear Council, over the past few years I have read with interest the various outcomes from the approval process for 429 University Avenue. The project began over 5 yrs ago and it is time to approve 429 University Ave at today's council hearing. I have seen the renderings of the proposed building; it is beautiful and a huge improvement over the dated buildings in the location today.

Regards, Sandra Viarengo

Carnahan, David

From: Gregory Mantz <gregorym@dpr.com>
Sent: Monday, December 3, 2018 12:48 PM
To: Council, City
Subject: Support for Approval of 429 University Avenue

Members of the Palo Alto City Council,

As the contractor selected to build the new project at 429 University Avenue, we would like to express our support for the approval of the project as designed at today's City Council hearing. We believe the contemporary design of the project fits well in the architectural character of downtown Palo Alto and will be an asset to the City.

Sincerely,

M. Gregory Mantz, AIA, LEED® AP | DPR Construction | San Francisco, CA | **P** 415.782.3700 | **C** 415.548.9283 |
gregorym@dpr.com | www.dpr.com

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Carnahan, David

From: Elizabeth Wong <elizabethwong2009@gmail.com>
Sent: Friday, November 30, 2018 2:46 PM
To: Stump, Molly; Yang, Albert; Council, City; Shikada, Ed
Cc: Morse, Rosemary; TOM ROTH; Timothy Kassouni; Peter Ko; Lait, Jonathan
Subject: Exhibits A-I
Attachments: scan0074.pdf

Please include the attached Exhibits A-I in the Administrative Record.

Thank you.

Elizabeth Wong

Exhibit A

Lait Determination Letter October 16, 2018



PLANNING & COMMUNITY ENVIRONMENT

CITY OF 250 Hamilton Avenue, 5th Floor
PALO Palo Alto, CA 94301
ALTO 650.329.2441

October 16, 2018

Peter Ko
Ko Architects
900 High Street
Palo Alto, CA 94301

Subject: 429 University Avenue [18PLN-00240] Minor ARB Review Pursuant to Condition of Approval No. 3 from Record of Land Use Action No. 2017-2

Dear Mr. Ko:

On **October 4, 2018**, the Architectural Review Board recommended denial of the subject application. After considering the Board's comments, I am approving in-part and denying in-part this application on October 16, 2018. The decision is effective 14 days from the date of this letter, unless an appeal is filed in accordance with Title 18 of the Palo Alto Municipal Code. The denial is based on the findings in Attachment A and is for the project described below.

In accordance with the City Council approved Record of Land Use Decision (Approval No. 2017-2), the subject development is required to obtain approval from the director of Planning and Community Environment, for the following prior to the issuance of building permits:

- a. A decorative wall design treatment, feature or element, shall be applied to the exterior walls immediately adjacent to the southern property line (project's south elevation) starting at an elevation equivalent to the building height of the adjacent structure and extending to the roofline of the proposed building.
- b. Landscape details and plans for all proposed planting, including individual planters, the greenwall, and landscaping near the rooftop elevator.
- c. The exterior building materials, colors and craftsmanship-related detailing associated with the project.

The application is approved with respect to the decorative wall treatment for the project's west elevation and the landscape details; it is denied with respect to exterior building materials, colors, and craftsmanship-related details. Findings and conditions for this decision are provided in Attachment A.

The denial in part is consistent with comments and concerns expressed by Architectural Review Board Members at its August 16, September 20, and October 4, 2018 meetings regarding the



exterior detailing and craftsmanship of the project. It also follows Kipling Post LP's refusal, on October 15, 2018, of my suggestion to incorporate detailing into the design in an effort to secure a complete project approval.

Should you have any questions regarding this determination, please do not hesitate to contact the Project Planner, Adam Petersen, by email at apetersen@m-group.us or by phone at (408)340-5642.

Sincerely,



Jonathan Lait, AICP
Interim Director
Planning and Community Environment

c: Elizabeth Wong, Kipling Post LP, PO Box 204 Palo Alto CA 94302

Attachments: A: Project Findings and Conditions of Approval

ATTACHMENT A
FINDINGS AND CONDITIONS OF APPROVAL
429 University Avenue / File No. 18PLN-00240

The subject project complies with all applicable findings set forth in Palo Alto Municipal Code (PAMC) Chapter 18.76, with the exception of Findings 1, 2, and 3 with respect to exterior building colors, materials and craftsmanship, as detailed below.

Finding #1: The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

The proposed decorative wall treatment and landscape plan are consistent with this finding in that it is in general conformance with the Downtown Design Guidelines and the following Comp Plan Goals and Policies. With respect to the exterior building materials, colors and craftsmanship-related detailing, however, the project is inconsistent with Comp Plan policies L-1.3 and L-4.7, as detailed below.

<i>Comp Plan Goals and Policies</i>	<i>How project adheres or does not adhere to Comp Plan</i>
The Comprehensive Plan land use designation for the site is Regional/Community Commercial	The project proposes landscaping, materials and color board, and decorative wall design treatment to a previously approved building that is consistent with the Regional/Community Commercial designation
<i>Land Use and Community Design Element</i>	
Goal L-1: A compact and resilient city providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.	The project is a compact mixed-use development along University Avenue. It contributes to an attractive neighborhood through the use of long lasting materials, landscaping, and a decorative design to the interior property line wall.
Policy L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	The decorative wall treatment and landscape plan are compatible the project's surroundings and with the overall scale and character of the City in that they add visual interest to the project, retain or replace existing street trees, and otherwise represent sustainable principles of design. The building exterior is not compatible with its surroundings, however, because it fails to incorporate detail and

	craftsmanship in design that is similar to the surrounding buildings.
Goal L-2: An enhanced sense of community with development designed to foster public life, meet citywide needs and embrace the principles of sustainability.	The project uses native indigenous landscaping and drip irrigation systems that represent sustainable principles of design.
Policy L-4.7: Maintain and enhance the University Avenue/Downtown area as a major commercial center of the City, with a mix of commercial, civic, cultural, recreational and residential uses. Promote quality design that recognizes the regional and historical importance of the area and reinforces its pedestrian character.	The project consists of a quality designed building by treating the west wall elevation with a pattern that breaks up the façade, employs long lasting materials in the form of concrete, and strategically places landscaping in key open space areas of the building. The project fails, however, to apply level of detail found in the surrounding area to other parts of the building exterior, which features several large, blank walls.

Finding #2: The project has a unified and coherent design, that:

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
- c. is consistent with the context-based design criteria of the applicable zone district,
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

The proposed decorative wall treatment and landscape plan are consistent with this finding. The decorative wall treatment provides an aesthetic element that enhances the design and provides an alternative to a blank wall at the upper floor elevations. The proposed landscaping plan provides color, softens and integrates well with the building architecture.

With respect to the exterior building materials, colors and craftsmanship-related detailing, however, the project is inconsistent with Findings 2c and 2d. The project does comply with contextual and compatibility criteria set forth in the City's municipal code. Compatibility is achieved when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained. Existing buildings in the surrounding area are pedestrian- and human-scaled containing rich architectural details that promote visual interest and warm colors that create an inviting pedestrian experience. By contrast, the proposed project uses exterior building materials (concrete) and colors (gray) that results in a design with little to no architectural detailing and no design linkages that reflect the overall pattern of buildings in the area. Visual unity is

disrupted by the proposed use of building materials, colors and limited detailing and is not contextually appropriate to the area. More specifically, the project does not comply the context-based criteria in PAMC sections 18.18.110(b)(1)(B)¹; 18.18.110(b)(2)(B)²; 18.18.110(b)(2)(C)³, which seek to promote pedestrian-oriented design by incorporating covered waiting areas, weather protection, projecting overhangs, appropriately sized recessed building entrances and other architectural elements that promote a human scale.

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

The proposed decorative wall treatment uses integrated materials and appropriate construction techniques. The proposed landscaping plan incorporates drought tolerant species and a variety of trees, shrubs and perennials suitable to the site.

With respect to the exterior building materials, colors and craftsmanship-related detailing, however, the project is not consistent with this finding. The proposed textures, colors and craftsmanship are not compatible with and do not enhance the surrounding area. The surrounding area predominately consists of buildings that include a warm color palette and architectural detailing that promotes the pedestrian-oriented environmental along University Avenue. Comparably scaled buildings in the area, such as 432 and 488 University include warm colors, varied construction materials and detailing that adds relief and dimension at the first and second levels. Some of these details include Juliet balconies, faux balustrade screens in front of windows, recessed store fronts, awnings and recessed windows that enhance the pedestrian-scale and experience. Other nearby, lower-profile buildings similarly employ planters, decorative lighting, and architectural detailing that enhance the area. The proposed project, however, uses flat textures and glazing combined with a cool color palate and includes no architectural details that relate to or enhance the pedestrian environment and results in building that stands in stark contrast to other improvements in the area. To achieve compliance with this finding based on the existing, previously approved mass and scale, the applicant could explore using building materials, colors and craftsmanship-related detailing that adds a depth of dimension and visual relief to enhance the surrounding area. The use of textured concrete in a warmer color palate combined with other pedestrian-scale features, such as awnings or sunscreens would be more compatible with the type of development found along pedestrian-oriented University Avenue.

¹ PAMC 18.18.110(b)(1)(B): On primary pedestrian routes, climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings (Figure 1-2).

² PAMC 18.18.110(b)(2)(B): Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 2-2).

³ PAMC 18.18.110(b)(2)(C): Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale.

Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

The project is consistent with this finding in that the proposed elements that are being considered in this application are located in appropriate locations and do not impede the ease or safety of pedestrians or cyclists and generally support the buildings operations.

Finding #5: The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.

The project is consistent with the finding because it preserves existing street trees along University Avenue and replaces trees along Kipling Street. The project's landscaping includes drought tolerant species and a variety of trees, shrubs and perennials suitable to the site. The plantings focus on the most logical locations in the building that consist of open circulation areas, and along areas accessible to the public, such as along the Lane 30 alley.

Finding #6: The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

In accordance with the City's Green Building Regulations, the building will satisfy the requirements for CALGreen Mandatory + Tier 2. A summary of the project's compliance is on sheet GB-1 of the plans. The project includes a number of measures to preserve water including using drip irrigation and proposing landscaping that is drought tolerant and is less than 500 square feet in size. The small area of landscaping and compliance with CALGreen Mandatory + Tier 2 will achieve sustainable principles related to energy efficiency and water conservation.

CONDITIONS OF APPROVAL
429 University Avenue: 18PLN-00240

PLANNING DIVISION

1. **CONFORMANCE WITH PLANS.** This approval is granted only for the proposed construction of the tree motif decorative wall treatment at the west elevation and the landscape plans and shown on the project plans and supporting application material stamped as received by the City on July 30, 2018 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval. No approval is granted for the exterior materials or colors.
2. **BUILDING PERMIT PLAN SET.** The ARB approval letter including all Department conditions of approval for the project shall be printed on the plans submitted for building permit.
3. **PROJECT MODIFICATIONS:** Any modifications to the approved decorative wall treatment or landscape plan shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
4. **PROJECT EXPIRATION.** This project approval shall be incorporated with and subject to the same permit time limits that apply to Record of Land Use Action No. 2017-2, approved on March 20, 2017. In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the ARB approval shall expire and be of no further force or effect.
5. **INDEMNITY:** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
6. **DEVELOPMENT IMPACT FEES:** Per PAMC 16.61.040, and RLUA No. 2017-2, all applicable Development Impact Fees shall be paid prior to the issuance of the related building permit.
7. **FINAL INSPECTION:** A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Adam Petersen at apetersen@m-group.us to schedule this inspection.

Exhibit B

Lait email July 18, 2018 –

Project consistent with Option 1

RE: 429 University

1 message

Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org>

Wed, Jul 18, 2018 at 5:16 PM

To: Elizabeth Wong <elizabethwong2009@gmail.com>

Cc: Peter Ko <design@koarch.com>, Tracy Wang <tracy@koarch.com>, Adam Petersen

<APetersen@m-group.us>, Andrew Wong <a.jaime.wong@gmail.com>, Jaime Wong

<jandewong@gmail.com>, "Flaherty, Michelle" <Michelle.Flaherty@cityofpaloalto.org>, "Morse,

Rosemary" <Rosemary.Morse@cityofpaloalto.org>, "Gerhardt, Jodie"

<Jodie.Gerhardt@cityofpaloalto.org>

Elizabeth,

We have you scheduled for August 16 ARB. We need 14, color, half-sized sets of plans by August 3. An electronic copy by next Tuesday is needed to begin preparing the staff report. This will be considered a Minor AR, that requires Board level review.

The hearing will address the various items that are required to return to the ARB (landscaping, wall design at interior property line, etc.)

The revised plans, attached, will also be reviewed, but staff would recommend some changes to the Board. If, however, you address the following bulleted changes in advance of the hearing, I believe staff can reasonably conclude that the project is consistent with the Council approved plans (Option 1) and ARB review would not be required. These changes include the following:

- Second Floor: restore the balconies along University Avenue and Kipling Street to the size shown in the Option 1 plans (which would have the effect of enclosing the circulation area near the elevator and stairway, while keeping this separated as required by building) and make a commensurate floor area reduction on the fourth floor.
- Third Floor: Set back the terrace railing two-feet eight-inches (2'-8") along University Avenue and Kipling Street as shown in the Option 1 plans. Remove the 18-inch projecting overhang from University Avenue and Kipling Street. There should be no building projections extending beyond the property line at any floor level.
- Fourth Floor: Set back the roof terrace railing five feet (5') from the building edge at all locations, including near the elevator, alley, and adjacent to the interior property line. Additionally, shift the office closer to University Avenue, consistent with the 39-foot 9-inch setback, while maintaining the same setbacks at Kipling and the alley. Finally, with these changes combined with the changes on the Second Floor, the office would not need to extend to the interior property line and instead can be aligned with the bathrooms.

Exhibit C

Staff reports for ARB Minor Level hearings



Architectural Review Board

Staff Report (ID # 9470)

Report Type:	Action Items	Meeting Date: 8/16/2018
Summary Title:	429 University: Condition Compliance - West Wall, Landscaping, Materials (1st Formal)	
Title:	PUBLIC HEARING / QUASI-JUDICIAL. 429 University Avenue [18PLN-00240]: Recommendation on the Applicant's Request for Approval of a Minor Architectural Review Consistent With Condition of Approval #3, for a Previously Approved Mixed-Use Building (14PLN-00222), Requiring Architectural Review Board Approval for the Proposed West Elevation Wall Design, Landscape Details, and Exterior Building Materials, Colors, and Craftsmanship. Environmental Assessment: Use of Mitigated Negative Declaration Prepared for 14PLN-00222. Zoning District: CD-C(G)(P) (Downtown Commercial with Ground Floor and Pedestrian Shopping Overlay). For More Information Contact the Project Planner Adam Petersen at apetersen@m-group.us	
From:	Jonathan Lait	

Recommendation

Staff recommends the Architectural Review Board (ARB) take the following action(s):

1. Recommend approval of the proposed project to the Director of Planning and Community Environment based on findings and subject to conditions of approval.

Background

The subject project was reviewed and approved by the City Council on February 6, 2017. Condition of Approval #3 in the attached Record of Land Use Action (Attachment G) requires the project to return to the ARB to evaluate three specific items. These items are:

- a. A decorative wall design treatment, feature or element, shall be applied to the exterior walls immediately adjacent to the southern property line (project's south elevation)

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250 Hamilton Avenue
Palo Alto, CA 94301
(650) 329-2442

- b. Landscape details and plans for all proposed planting, including individual planters, the greenwall, and landscaping near the rooftop elevator.
- c. The exterior building materials, colors and craftsmanship-related detailing associated with the project.

The previous staff report from the February 6, 2017 hearing includes extensive background information, project analysis and evaluation against City Codes and Policies. The report, action minutes, transcript, and video of the meeting are available online:

Document	Link
Staff Report	https://www.cityofpaloalto.org/civicax/filebank/documents/55707
Action Minutes	https://www.cityofpaloalto.org/civicax/filebank/documents/56154
Transcript	https://www.cityofpaloalto.org/civicax/filebank/documents/56868
Video	http://midpenmedia.org/city-council-115/

Additionally, the project returned to City Council on March 20, 2017 as an item on the consent calendar for adoption of the findings and the Record of Land Use Action (ROLUA). The report, action minutes, transcript and video of the meeting are available online:

Document	Link
Staff Report	https://www.cityofpaloalto.org/civicax/filebank/documents/56356
Action Minutes	https://www.cityofpaloalto.org/civicax/filebank/documents/56839
Transcript	https://www.cityofpaloalto.org/civicax/filebank/documents/57427
Video	http://midpenmedia.org/city-council-120/

Additional history is available on the City's project webpage at bit.ly/429University. A copy of the City Council staff report without prior attachments is available in Attachment D.

The purpose of this report is to detail the applicant's response to the condition of approval, as part of a Minor Architectural Review application. Other minor changes to the project are being reviewed through the building permit process, as is the City's standard process. The analysis section below builds upon information contained in earlier reports and is modified to reflect recent project changes.

Analysis¹

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommendation in this report.



Architectural Review Board

Staff Report (ID # 9555)

Report Type:	Action Items	Meeting Date: 9/6/2018
Summary Title:	429 University: Condition Compliance - West Wall, Landscaping, Materials (2nd Formal)	
Title:	PUBLIC HEARING / QUASI-JUDICIAL. 429 University Avenue [18PLN-00240]: Recommendation on the Applicant's Request for Approval of a Minor Architectural Review Consistent With Condition of Approval #3, for a Previously Approved Mixed-Use Building (14PLN-00222), Requiring Architectural Review Board Approval for the Proposed West Elevation Wall Design, Landscape Details, and Exterior Building Materials, Colors, and Craftsmanship. Environmental Assessment: Use of Mitigated Negative Declaration Prepared for 14PLN-00222. Zoning District: CD-C(G)(P) (Downtown Commercial with Ground Floor and Pedestrian Shopping Overlay). For More Information Contact the Project Planner Adam Petersen at apetersen@m-group.us	
From:	Jonathan Lait	

Recommendation

Staff recommends the Architectural Review Board (ARB) take the following action(s):

1. Recommend approval of the proposed project to the Director of Planning and Community Environment based on findings and subject to conditions of approval.

Report Summary

The subject project was previously reviewed by the ARB at the August 16, 2018 public hearing. The Municipal Code encourages the Director of Planning and Community Environment to make a decision on projects after two public hearings for Minor AR projects.

Earlier staff reports include background information, project analysis and evaluation of City codes and policies; these reports are available online; a copy of the August 16th report without

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Planning & Community Environment
250 Hamilton Avenue
Palo Alto, CA 94301
(650) 329-2442

prior attachments is available in Attachment H. Links to the full staff report and video of the meeting are provided below:

Document	Link
Staff Report	https://www.cityofpaloalto.org/civicax/filebank/documents/66300
Video	http://midpenmedia.org/architectural-review-board-74-2-3-2-2-2-2-2-2-2-2-2/

The purpose of this report is to restate the comments made by the Board and detail the applicant's response to those comments. The analysis section below builds upon the information contained in earlier reports and modified to reflect recent project changes.

The ARB is encouraged to make a final recommendation to approve, conditionally approve or deny the project.

Discussion¹

The ARB last considered this project on August 16, 2018. The Board expressed the following comments:

ARB Comments	Project Response
West Wall Plans: The ARB requested clarification about how the west wall design relates to the entire building. The motion referenced that the design include more detail and layering, and better relay the architect design intent of resembling a tree like structure.	The proposed reveals have been revised to take the shape of an up-lifting tree-like pattern
Craftsmanship: The ARB noted in their motion that the applicant should include construction details that demonstrate the craftsmanship of the building.	The applicant has provided photos and construction level details of the building showing the elevations, with building sections, and details for the roof, windows and doors.
Landscaping: The ARB expressed concerns about how the landscaping would look over time and that the garden wall planter along the rear alley Lane 30 may be overbearing.	The applicant is proposing indigenous plant material in conformance with the ARB Findings. A detail of the proposed vine trellis is shown on Sheet L4.

Staff has prepared Architectural Review Findings and Conditions of Approval contained in Attachments B and C. The project plans are available as Attachment J of this staff report and they are also available online at the following link: bit.ly/429University.

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommendation in this report.



Architectural Review Board

Staff Report (ID # 9674)

Report Type:	Action Items	Meeting Date: 10/4/2018
Summary Title:	429 University: Condition Compliance - West Wall, Landscaping, Materials (3rd Formal)	
Title:	PUBLIC HEARING / QUASI-JUDICIAL. 429 University Avenue [18PLN-00240]: Recommendation on the Applicant's Request for Approval of a Minor Architectural Review Consistent With Condition of Approval #3, for a Previously Approved Mixed-Use Building (14PLN-00222), Requiring Architectural Review Board Approval for the Proposed West Elevation Wall Design, Landscape Details, and Exterior Building Materials, Colors, and Craftsmanship. Environmental Assessment: Use of Mitigated Negative Declaration Prepared for 14PLN-00222. Zoning District: CD-C(G)(P) (Downtown Commercial with Ground Floor and Pedestrian Shopping Overlay). For More Information Contact the Project Planner Adam Petersen at apetersen@m-group.us	
From:	Jonathan Lait	

Recommendation

Staff recommends the Architectural Review Board (ARB) take the following action(s):

1. Recommend approval of the proposed project to the Director of Planning and Community Environment based on findings and subject to conditions of approval.

Report Summary

The subject project was previously reviewed by the ARB at the August 16, 2018 public hearing. The project was then scheduled for the September 6, 2018 ARB hearing, but a quorum was not achieved for that meeting. Accordingly, the project was continued to the September 20, 2018 hearing. At the September 20th hearing, the ARB recommended the project return for a third hearing with the following changes.

ARB Comments/Direction

Building Colors. Lighten the two proposed grey colors. Ensure the color of overhangs relate to the color of the wall it is shading.

Landscaping. Provide additional landscaping on all floors, especially the 4th floor, to buffer uses and provide visual interest. Enhance the proposed green screen at rear of the building to provide additional support for vines.

West Wall Design. The proposed design on the west wall needs to be better integrated with the rest of the building.

Renderings. Provide accurate renderings that include views from University Avenue, the corner of University and Kipling, and the rear of the building at a minimum.

Applicant Response

The applicant is proposing lighter colors and will provide an updated material board at the hearing. However, the applicant has some concerns that the colors will fade over time and become even lighter than the ARB desires. Grey overhangs will be provided on the third and fourth floors to match the wall color of these floors, as shown in the renderings.

Additional planters have been added to the project, especially on the 4th floor where 16 rectangular pots will be secured to the roof just outside the railing on the upper floor. The green screen will be enhanced with a trellis to further encourage vine growth at the rear of the building.

The applicant is proposing two options for the west wall as shown in the plan set. The first option is the same as was presented to the ARB on September 20th. The second option uses the proposed tan color on the top half of the 3rd and 4th floor west wall with the grey color on the bottom half of the wall to better integrate all four floors while providing interest on the west wall.

The applicant has provided high quality renderings of the west wall from the vantage point of University Avenue to demonstrate how the west wall and 4th floor landscaping will be perceived from street level. Additional renderings may be available at the hearing.

Earlier staff reports include background information, project analysis and evaluation of City codes and policies; these reports are available online. The staff report for the September 6, 2018 hearing, which was continued to September 20th, is available in Attachment J. Additional staff reports, project plans and other information may be found on the City's project webpage at bit.ly/429University

Public Comment

Exhibit D

Petersen email September 13, 2018 –
All Option 1 requirements met



Elizabeth Wong <elizabethwong2009@gmail.com>

RE: Asbestos Clearance and Archaeological Contract

1 message

Adam Petersen <APetersen@m-group.us>

Thu, Sep 13, 2018 at 7:55 PM

To: Elizabeth Wong <elizabethwong2009@gmail.com>, "Morse, Rosemary" <rosemary.morse@cityofpaloalto.org>
Cc: "Lait, Jonathan" <Jonathan.Lait@cityofpaloalto.org>, Laura Roberts <laura@koarch.com>, "Gerhardt, Jodie" <Jodie.Gerhardt@cityofpaloalto.org>, Peter Ko <design@koarch.com>, "a.jaime.wong@gmail.com" <a.jaime.wong@gmail.com>, "jandewong@gmail.com" <jandewong@gmail.com>

Good Evening Elizabeth,

This is to confirm that the JWH Asbestos and Holman proposal/authorization adequately satisfy the remaining mitigation measures. Further, as noted in our meeting today, the remaining comments related to the building permit and demo permit, excluding compliance with Condition of Approval No. 3a, b, and c, have been satisfied.

Rosemary, please route the project to me in Accela so that I can make the above note on the building permit and demo permit.

Sincerely,

ADAM PETERSEN | SENIOR PLANNER

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M-LAB: A THINK TANK FOR CITIES: JOIN THE CONVERSATION!

From: Elizabeth Wong [mailto:elizabethwong2009@gmail.com]
Sent: Monday, September 10, 2018 9:53 AM
To: Adam Petersen <APetersen@m-group.us>
Cc: Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org>; Flaherty, Michelle <Michelle.Flaherty@cityofpaloalto.org>; Hoyt, George <George.Hoyt@cityofpaloalto.org>; Morse, Rosemary <rosemary.morse@cityofpaloalto.org>; Nafziger, Mike <Mike.Nafziger@cityofpaloalto.org>; Safe, Paige <paige.safe@cityofpaloalto.org>; Andrew Wong <a.jaime.wong@gmail.com>; Jaime Wong <jandewong@gmail.com>; Peter Ko <design@koarch.com>; Laura Roberts <laura@koarch.com>
Subject: Asbestos Clearance and Archaeological Contract

Adam,

Exhibit E

Lait email October 12, 2018 –
Request for major architectural changes

Elizabeth Wong

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

From: Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org>
Date: Fri, Oct 12, 2018 at 5:01 PM
Subject: 429 University Avenue
To: Elizabeth Wong (elizabethwong2009@gmail.com) <elizabethwong2009@gmail.com>

Dear Elizabeth,

I write in advance of issuing a Director's decision for the subject Architectural Review application. Following the Architectural Review Board's October 4, 2018 recommendation, I am prepared to partially approve the application with respect to the decorative element on the southern elevation and landscaping plan, and partially deny the application with respect to the exterior building materials, colors, and craftsmanship. As currently presented, the exterior materials, colors, and craftsmanship are not consistent with Architectural Review findings 2 and 3 (see below).

However, I believe a few simple changes may be effective to address ARB's concerns and allow me to make the required findings. For example, the following changes would add textures, colors, and details more compatible with the highly ornamented character of the surrounding area:

- * Addition of sun shades or awnings along the University Ave frontage
- * Recessing the ground floor glass façade by 18-24" on the University Avenue (with removed floor area added to second floor)
- * Adding texture to the exterior concrete on the first and second floors that recognizes the high level of detail on surrounding buildings.

If you are amenable to incorporating some or all of these changes, I would seek recommendation of approval from the ARB on the updated design prior to issuing my decision. I believe the ARB's support is important for the ultimate success of your project. Please contact me by 650 329-2679 if you are interested in pursuing this path for your application.

Jonathan

Relevant ARB Findings

Finding #2: The project has a unified and coherent design, that:

1. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,
2. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,
3. is consistent with the context-based design criteria of the applicable zone district,
4. provides harmonious transitions in scale, mass and character to adjacent land uses and land use

designations,

5. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

 **winmail.dat**
24K

Exhibit F

City of Palo Alto approvals

10/9/18

<u>Task</u>	<u>Status</u>	<u>Status Date</u>	<u>Action By</u>
Building Review	Approved	10/05/2018	DAVID CHU..
Elect Utilities Review	Approved With Conditions	04/05/2018	DANIEL ER..
Fire Review	Approved Inspection Re...	06/29/2018	HENRY RAF..
Planning Review	Not Approved	09/17/2018	ADAM PETE..
Public Works Eng. Review	Not Approved	09/26/2018	PAIGE SAF..
Water Quality Review	Approved Inspection Re...	03/16/2018	BRIAN JON..
WGW Utilities Review	Approved With Conditions	08/03/2018	JOHN NGUY..
Landscape Review	Not Required	06/07/2018	KELSEY AN..
Urban Forestry Review	Approved	06/25/2018	WALTER PA..
Ready To Issue			
Permit Issuance			
Structural	Approved	08/02/2018	MEDHAT HE..
Structural	Approved	07/13/2018	MEDHAT HE..
Architectural	Approved	08/02/2018	DAVID CHU..
Mechanical/Plumbing	Approved	08/02/2018	DAVID CHU..
Electrical	Approved	08/02/2018	DAVID CHU..
Structural	Approved	08/01/2018	DAVID CHU..
Architectural	Approved	08/01/2018	DAVID CHU..
Mechanical/Plumbing	Approved	08/01/2018	DAVID CHU..
Electrical	Approved	08/01/2018	DAVID CHU..

18000-00536 - KIPLING POST LP

<u>Task</u>	<u>Status</u>	<u>Status Date</u>	<u>Action By</u>
Building Review			
Elect Utilities Review	Approved	08/06/2018	GOPAL JAG..
Fire Review			
Planning Review	Not Approved	09/17/2018	ADAM PETE..
Public Works Eng. Review	Not Approved	09/11/2018	PAIGE SAF..
Water Quality Review			
WGW Utilities Review	Approved	08/17/2018	JOHN NGUY..
Landscape Review			
Urban Forestry Review	Approved	07/25/2018	WALTER PA..
Ready To Issue			
Permit Issuance			

18000-00537 - KIPLING POST LP

Exhibit G

Ko Architects emails –
request for ARB hearing date

ARB Hearing for Approval No 2017-2

1 message

Laura Roberts <laura@koarch.com>

Thu, Feb 1, 2018 at 9:31 AM

To: "Gerhardt, Jodie" <Jodie.Gerhardt@cityofpaloalto.org>, "APetersen@m-group.us" <APetersen@m-group.us>

Cc: Elizabeth Wong <elizabethwong2009@gmail.com>, Peter Ko <design@koarch.com>

Good morning Jodie and Adam,

I would like to schedule an ARB hearing for Approval No 2017-2, Record of the Council of the City of Palo Alto Land Use Action for 425 and 429 University Ave. to fulfill the Condition of Approval #3. Such Condition requires an ARB hearing for the following three items:

- (a) A decorative wall design treatment to the exterior walls adjacent to the Southern property line.
- (b) Landscape details and plans.
- (c) Exterior building materials, colors and details.

Please let me know how soon you can accommodate us. Since it is only 3 items, is it possible to add this hearing to an existing ARB schedule?

Thank you for considering my request.

Laura C. Roberts, AIA

Associate Architect

Ko Architects, Inc.

900 High Street, Suite 1

Palo Alto, CA 94301

Maintain the same square footage on each floor as the table on sheet A2.1 of the Option 1 plans.

I've included these comments in orange on the attached PDF of the plans. Review these carefully and contact me with any questions. Ensure that the landscape sheets are consistent with the floor planning sheets and that setbacks are shown on the floor plans.

Additionally, the proposed plans do not include the square footage of the "open shaft" areas on each floor or the stairs on the fourth floor. Update the square footage and FAR tally on page A0.2.2 to include these areas

- 4) Lastly, include color elevations and colored renderings in the resubmitted project plans.

Please feel free to contact me to discuss these items at your convenience.

Sincerely,

ADAM PETERSEN | SENIOR PLANNER

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M-LAB | A THINK TANK FOR CITIES: JOIN THE CONVERSATION!

From: Peter Ko [mailto:design@koarch.com]
Sent: Friday, June 1, 2018 5:09 PM
To: Adam Petersen <APetersen@m-group.us>
Cc: 'Gerhardt, Jodie' <Jodie.Gerhardt@CityofPaloAlto.org>; Tracy Wang <tracy@koarch.com>; Laura Roberts <laura@koarch.com>
Subject: FW: 429 University Mixed Use project planning ARB Minor review

Good afternoon Adam and Jodie,

I am checking if you have schedule the ARB hearing for the three items of above referenced project. I hope that we can be on the agenda of June 21st.

Thank you very much for your attention.

Sincerely,

Exhibit H

Gerhardt email September 20, 2017 –
Planning approval is “stayed”

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From: Gerhardt, Jodie [mailto:Jodie.Gerhardt@CityofPaloAlto.org]
Sent: Wednesday, September 20, 2017 3:45 PM
To: Laura Roberts <laura@koarch.com>; Lait, Jonathan
<Jonathan.Lait@CityofPaloAlto.org>
Cc: Peter Ko <design@koarch.com>; 'Elizabeth Wong'
<elizabethwong2009@gmail.com>; Reich, Russ <Russ.Reich@CityofPaloAlto.org>
Subject: RE: 425-429 University Ave. Mixed use project timeline

Laura,

The Planning approval period is "stayed" during building permit review. Therefore, if you submit a building permit prior to the expiration and keep that building permit active, the Planning approval would not expire. However, if the building permit goes inactive, then the Planning approval would expire.

<image001.jpg>

Jodie Gerhardt, AICP | Manager of Current Planning | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2575 | E: jodie.gerhardt@cityofpaloalto.org

From: Laura Roberts [mailto:laura@koarch.com]
Sent: Wednesday, September 20, 2017 2:15 PM
To: Lait, Jonathan
Cc: Gerhardt, Jodie; Peter Ko; 'Elizabeth Wong'; Reich, Russ
Subject: RE: 425-429 University Ave. Mixed use project timeline

Exhibit I

Gerhardt email October 26, 2018 –
One extension already issued

From: Gerhardt, Jodie <jodie.Gerhardt@cityofpaloalto.org>
Date: Fri, Oct 26, 2018 at 4:48 PM
Subject: RE: Request for Permit Time Extension
To: Elizabeth Wong <elizabethwong2009@gmail.com>, Lait, Jonathan <Jonathan.Lait@cityofpaloalto.org>
Cc: Hoyt, George <George.Hoyt@cityofpaloalto.org>, Peter Ko <design@koarch.com>, Laura Roberts <laura@koarch.com>, Andrew Wong <a.jaime.wong@gmail.com>, Jaime Wong <jandewong@gmail.com>

Elizabeth,

The City has already issued one extension for this project (see attached) which is allowed by the Zoning Code. I will need to speak with our attorneys to better understand if a second extension is allowed.

Sincerely,

Jodie Gerhardt, AICP | Manager of Current Planning | P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2575 | E: jodie.gerhardt@cityofpaloalto.org

From: Elizabeth Wong [mailto:elizabethwong2009@gmail.com]
Sent: Friday, October 26, 2018 10:15 AM
To: Gerhardt, Jodie; Lait, Jonathan
Cc: Hoyt, George; Peter Ko; Laura Roberts; Andrew Wong; Jaime Wong
Subject: Re: Request for Permit Time Extension

Jodie, Jonathan,

Please email me form and instructions for extending the Building Permit deadline.

Thank you.

Elizabeth Wong

Carnahan, David

From: Timothy Kassouni <timothy@kassounilaw.com>
Sent: Sunday, December 2, 2018 1:07 PM
To: Council, City
Subject: Fwd: Kipling Post, LP; 429 University Ave., 14PLN-00222; Kassouni Law correspondence
Attachments: Kassouni Law Kipling Post letter Molly Stump 11-30-18.pdf

Timothy V. Kassouni
Kassouni Law
621 Capitol Mall, Suite 2025
Sacramento, CA 95814
(916) 930-0030

----- Original Message -----

Subject: Kipling Post, LP; 429 University Ave., 14PLN-00222; Kassouni Law correspondence
Date: 11/30/2018 4:09 pm
From: Timothy Kassouni <timothy@kassounilaw.com>
To: molly.stump@cityofpaloalto.org
Cc: ed.shikada@cityofpaloalto.org, Jonathan.Lait@cityofpaloalto.org, george.hoyt@cityofpaloalto.com, brad.eggleston@cityofpaloalto.com, Rosemary.Morse@cityofpaloalto.org, rothlaw1@comcast.net, Albert.Yang@cityofpaloalto.org

Dear Ms. Stump:

Attached please find my correspondence of today's date. Thank you for your attention.

--

Timothy V. Kassouni
Kassouni Law
621 Capitol Mall, Suite 2025
Sacramento, CA 95814
(916) 930-0030



KASSOUNI LAW

Via E-Mail and U.S. Mail

November 30, 2018

Molly Stump
Office of the City Attorney
City of Palo Alto
250 Hamilton Ave.
Palo Alto, CA 94301

Re: 429 University Ave., 14PLN-00222

Dear Ms. Stump:

As a follow-up to this firm's prior correspondence of October 31 and November 13, 2018, as well as Kipling Post's Supplement to Appeal of November 29, 2018, the following legal and factual contentions are submitted for the administrative record on behalf of Kipling Post in response to the City Council staff report:

I. Planning Director Lait's Decision Singles Out Kipling Post's Project for Disparate Treatment in Violation of Equal Protection

The Equal Protection Clauses of the California and United States Constitutions require that the government treat similarly situated individuals alike. *Plyler v. Doe* (1982) 457 U. S. 202, 216; *Cooley v. Superior Court* (2002) 29 Cal.4th 228, 253, 127. When the government crafts laws which treat individuals differently who appear to be similarly situated, it must provide a reason for the disparate treatment that is rationally related to the protection of the public, and consistent with the general purpose of the law. *Reed v. Reed* (1971) 404 U. S. 71, 75-76. In the case of development permit applications or zoning restrictions, that means that any designation or classification which causes one developer or development to bear a greater regulatory burden than another, must further a legitimate purpose of the law. *Cleburne v. Cleburne Living Center, Inc.* (1985) 473 US 432, 446-447. Put simply, a parcel of land may not be "restricted and given less rights than the surrounding property." *Ross v. City of Yorba Linda* (1991) 1 Cal.App.4th 954, 960; *Reynolds v. Barrett* (1938) 12 Cal.2d 244, 251 ("a city cannot unfairly discriminate against a particular parcel of land.").

As the exhibits and factual and legal points in Kipling Post's letter of November 29, 2018 establish (and in my previous letters), the project is being singled out for a far greater regulatory burden than other projects in the area, and is in fact comparable in all respects, yet the ARB and the Planning Department have denied a minor architectural approval as part of the condition compliance process. A city may not through its actions create "an island" of restricted uses in a "residential ocean of substantially less restrictive zoning." *Hamer v. Town of Ross* (1963) 59 Cal.2d 776, 782.

II. The City's Prior Approval of the Project, Which Was Supported by Express Findings That the Project Meets Massing, Scaling, and Compatibility Criteria and Is Compatible with the Surrounding Structures, Estops the City and the Planning Department from Issuing Contradictory Post-Approval Findings

The principle of estoppel prohibits a governmental entity from exercising its regulatory power to prohibit a proposed land use when a developer incurs substantial expense in reasonable and good faith reliance on some governmental act or omission so that it would be highly inequitable to deprive the developer of the right to complete the development as proposed. See *Patterson v. Central Coast Regional Com.* (1976) 58 Cal.App.3d 833, 844. The theory of equitable estoppel simply recognizes that, at some point in the development process, a developer's financial expenditures in good faith reliance on the governmental entity's land use and project approvals estops the government from changing those rules to prevent completion of the project.

As set forth in Kipling Post's prior letters of October 31, 2018, and November 29, 2018, Kipling Post has begun construction activity in reliance on the City's February, 2017 Project approval, thus the Planning Department and City is estopped to reverse course and deny the Project.

III. The Planning Director Misinterprets Condition of Approval No. 3 to Require Kipling Post to Add Exterior Building Materials Other Than Those Identified in Subsections a and b of That Condition

A condition of approval that has been adopted and approved must be interpreted in a way that is consistent with that standard and existing legal standards.

As articulated in Kipling Post's November 29, 2018 supplemental letter, the Planning Director Misinterprets Condition of Approval No. 3 to require the addition of exterior building materials beyond those described in subsections a and b of that Condition. Subsection c merely required sign-off on colors and other exterior building detail that was added; it did not authorize or require review of exterior building elements that are part and parcel of the fundamental building design or architectural style. The Planning Director's denial is thus erroneous on this basis. The Planning Director's denial, if upheld by the City, also subjects the City to an unlawful practices claim under Business & Professions Code section 17200, including damages resulting from the denial.

IV. The Planning Director's Denial Is Not Supported by Substantive Evidence

As articulated in Kipling Post's November 29, 2018 supplemental letter, the Planning Director's denial is not supported by substantial evidence. It misinterprets the Condition of Approval; fails to state with clarity how it believes that the materials submitted by Kipling Post fail to comply with subsection c of Condition of Approval No. 3; de facto adds language and words to the Condition that is not stated in the Condition; and rejects without analysis or explanation the information, analysis and evidence presented by Kipling Post that shows that the suggested additions would unlawfully require a redesign of the project. The Planning Director also failed to include any evidence, much less substantial evidence, that demonstrates that Kipling Post failed to meet the standard in Condition of Approval No. 3. Finally, the Planning

Director failed to refute with any evidence, much less substantial evidence, Kipling Post's demonstration that the City has previously approved similar buildings in the area and on University Avenue without requiring the onerous additional exterior building requirements being imposed on Kipling Post. No reasonable person could find the Planning Director's denial to be correct. The Planning Director and the City also failed to articulate thorough reasoned analysis of how and why Kipling Post failed to meet subsection c of Condition of Approval No. 3.

V. Kipling Post Has Been Denied a Fair Hearing and Its Procedural and Substantive Due Process Rights Have Been Violated

To date, Kipling Post has been forced to pursue more than a dozen hearings before the ARB. Given the admitted and historic opposition to this project by most ARB members, and given that in at least 12 hearings the ARB has not once recommended approval, Kipling Post has not been given a fair hearing in this condition compliance process.

The Planning Director exacerbated this by changing his approval recommendation based on ARB's recommended disapproval, even though the basis for the ARB recommendation stemmed from a misunderstanding and misapplication of the law, as well as the City's own standards and regulations.

To date, the Planning Director refuses to rule on condition compliance based on the law and written City requirements rather than the political pressure and winds of the ARB. The Planning Director treats the ARB review and approval as binding rather than advisory, as it is under City law.

Kipling Posts' procedural and substantive due process rights have been violated. Substantive due process addresses governmental interference with property rights and irrational or arbitrary actions by government decision-makers. *County of Sacramento v. Lewis* (1998) 523 US 833, 845. Procedural due process mandates that a property owner be given a fair opportunity to be heard, which did not happen here as detailed in the November 29, 2018 submission, and in the letters submitted by Kassouni Law. For example, several ARB board members have expressed strong opposition to the project even after the City Council's approval – opposition so strong that it demonstrates a clear bias that made it impossible for Kipling Post to get a fair hearing before that body.

Under federal law, damages and attorney's fees are available for violations of due process and equal protection under the Civil Rights Act (42 U.S.C. section 1983). Kipling Post will seek those here for the violations described as against the City and also Interim Director Lait in his individual capacity.

VI. The Planning Director Based His Denial on Illegal Underground Regulations Rather Than Following the Directive of the City Council As Articulated by Condition of Approval No. 3.

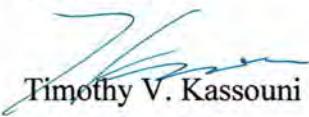
The Planning Director based his denial on unwritten, illegal regulations or policies rather than following the standards set by the City Council in Condition of Approval No. 3.

VII. Kipling Post Has Vested Rights

The City's February, 2017 approval of the Project grants Kipling Post a vested right to completion of the Project as the ARB's process is minor and ministerial in nature. In *Building Industry Legal Defense Foundation v. Superior Court of Orange County* (1999) 72 Cal.App.4th 1410, the court held that "when development progresses to a certain point the developer obtains a vested right to complete the project." (*Id.* at p.1419.) The City's February 2017 approval was a specific adoption of Option 1, and as noted in this firm's prior correspondence, Kipling Post has begun construction activity in reliance on the City's February, 2017 approval.

Thank you for your prompt attention.

Sincerely,



Timothy V. Kassouni

cc: City Council [via e-mail City.Council@cityofpaloalto.org]
Ed Shikada [via e-mail Ed.Shikada@cityofpaloalto.org]
Jonathan Lait [via e-mail Jonathan.Lait@cityofpaloalto.org]
George Hoyt [via e-mail George.Hoyt@cityofpaloalto.org]
Brad Eggleston [via e-mail Brad.Eggleston@cityofpaloalto.org]
Rosemary Morse [via e-mail Rosemary.Morse@cityofpaloalto.org]
Thomas Roth [via e-mail Rothlaw1@comcast.net]
Albert Yang [via e-mail Albert.Yang@cityofpaloalto.org]

Carnahan, David

From: Laura D. Beaton <Beaton@smwlaw.com>
Sent: Thursday, November 29, 2018 4:26 PM
To: Council, City; Clerk, City; Keene, James; City Attorney; Lait, Jonathan
Cc: Neilson Buchanan (cnsbuchanan@yahoo.com)
Subject: Letter to City Council
Attachments: Letter to City Council 11-29-2018.PDF

Please find attached correspondence to the Palo Alto City Council regarding the proposed housing ordinance, on behalf of Neilson Buchanan.

Best,

Laura D. Beaton
Shute, Mihaly & Weinberger LLP
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San Francisco, CA 94102-4421
v: 415/552-7272 x231
f: 415/552-5816
www.smwlaw.com



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LAURA D. BEATON
Attorney
beaton@smwlaw.com

November 29, 2018

Via Electronic Mail

City Council of the City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301
E-Mail: city.council@cityofpaloalto.org

Re: 2018 Comp Plan Implementation/Housing Ordinance and
Downtown RPP

Dear Council Members:

This firm represents Neilson Buchanan. Mr. Buchanan, a resident of a neighborhood adjacent to downtown, is concerned about the interaction of the proposed housing ordinance and the City's Residential Preferential Parking (RPP) Districts, including the Downtown RPP and Evergreen Park-Mayfield RPP. Specifically, Mr. Buchanan is concerned that new, dense residential developments with low parking requirements in the adjacent commercial areas, which are encouraged by the housing ordinance, will negatively impact the RPP Districts.

To avoid such an impact—and to avoid undermining the housing ordinance's goal of reliance on private vehicles—**Mr. Buchanan requests that the Council consider amending the housing ordinance, or amending the RPP programs, to prohibit residents of newly constructed, dense housing in commercial zones from being able to acquire RPP permits to park in any of the RPP zones (Zones 1-10 in the Downtown RPP and Zones A-F in the Evergreen Park-Mayfield RPP).** In taking this action, the Council will achieve both its goal of reducing downtown residents' reliance on cars, and avoid exacerbating the already significant high demand for parking on residential streets adjacent to the two commercial cores.

Generally, Mr. Buchanan supports the housing ordinance's goal of encouraging denser housing in Palo Alto's downtown core, which will hopefully enhance the area's vibrancy and reduce reliance on private vehicles. In pursuit of the goal of reducing vehicle reliance, the housing ordinance reduces some of the on-site parking

City Council of the City of Palo Alto

November 29, 2018

Page 2

requirements for new construction. *See Proposed Housing Ordinance Revisions to Municipal Code Section 18.52.040.* However, it is likely that new construction will attract new resident car-owners to downtown Palo Alto, who will now be faced with the inability to park on-site, or with having to pay a premium for on-site parking.

The problem resides in the interplay of the housing ordinance's parking requirements with the current RPP programs. The current RPP programs provide that residential parking permits are valid in all zones in the RPPs. This means that a resident of a newly constructed apartment building in a downtown core could acquire an RPP permit to park anywhere but the commercial core. The combination of new downtown developments providing less on-site parking and the residents of these developments being able to acquire permits to park in the residential neighborhoods surrounding the downtown commercial areas will inevitably result in new downtown residents parking in the surrounding residential neighborhoods, either because on-site parking is unavailable or is more expensive than acquiring an RPP permit. This, of course, will result in severe degradation of already-strained parking conditions for the residents of the surrounding neighborhoods and will undermine the housing ordinance's goal of reducing reliance on privately owned vehicles.

Indeed, parking demand in new housing developments may be higher than expected. For example, housing projects with limited on-site parking will likely offer unbundled pricing for on-site parking, with landlords renting parking stalls separately from residential units. And the cost of this on-site parking will likely be priced far above the current low price for residential parking permits in Zones 1-10 and A-F. **This pricing differential will create incentive for new downtown resident to acquire RPP permits and concentrate vehicle parking in Zone 1, 5, D, and E, which are nearby (though not adjacent to their commercial-zone homes).** This risks undermining the quality improvements achieved in the last two years, and this issue should be addressed prospectively.

Unfortunately, the November 26 housing ordinance staff report to City Council made no mention of what impacts dense, new housing in the two commercial zones would have on the surrounding neighborhoods and their RPPs. Resident leaders for the past three months have been seeking stakeholder collaboration with city staff on this issue, but these meetings have not yet been scheduled. This collaboration was suggested by City staff but not acted upon. Therefore, the Council lacks sufficient information to make a prudent decision about the potential conflict between the housing ordinance and RPP ordinance, which this letter attempts to address.

City Council of the City of Palo Alto

November 29, 2018

Page 3

For these reasons, Mr. Buchanan encourages the Council to take one of the following actions to ensure that a boom of new, denser housing in downtown commercial cores will not undermine the City's goal of few vehicles per new housing unit—instead of unintentionally encouraging new commercial-core residents to park on nearby neighborhood streets. First, the Council could amend the housing ordinance to exclude any new residential construction in the commercial districts from being able to participate in the RPP Programs.

Second, in the alternative, the Council could amend the RPP Programs to exclude residents of new construction from participating in those RPPs at all. For example, the RPP programs could be modified to establish an RPP zone in the commercial cores, and residents of the commercial core would be able to park in that zone but not elsewhere. This would eliminate the spillover from the commercial core to residential neighborhoods. Notably, the two new, large garages will be available for nearby parking when the new housings' parking demand cannot be accommodated on-site.

Either of these approaches would encourage car-free living and protect the interests of residents of eight downtown neighborhoods* who already struggle with overtaxed and saturated street-face parking around their homes. And this is not a novel approach. The City of San Francisco recently approved a new RPP for its Dogpatch neighborhood, the eligibility boundaries for which were designed to exclude new, high-density housing that had fewer on-site parking spaces than residential units. *See* San Francisco Municipal Transportation Agency Staff Report (April 10, 2018), p. 9, available at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/04/4-17-18_item_12_residential_parking_permit_area_aa_-_dogpatch.pdf. The same approach is warranted for downtown Palo Alto.

Finally, regardless of the action the Council takes, the housing ordinance is based on significant assumption about vehicle ownership and uses which may not apply in Palo Alto. Therefore, the Council should direct City staff to conduct ongoing annual studies of parking impact and car ownership as new housing is added, to ensure that the City's goals are being met.

Thank you for your consideration.

City Council of the City of Palo Alto
November 29, 2018
Page 4

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laura D. Beaton

* Neighborhoods subject to negative parking impact from the new housing ordinance include Crescent Park, Downtown North, Evergreen Park, Mayfield, Old Palo Alto, Professorville, South Gate, University South.

cc: City Clerk (city.clerk@cityofpaloalto.org)
James Keene, City Manager (james.keene@cityofpaloalto.org)
Molly S. Stump, City Attorney (city.attorney@cityofpaloalto.org)
Jonathan Lait, Interim Planning Director (jonathan.lait@cityofpaloalto.org)
Neilson Buchanan

1064812.4

Carnahan, David

From: Allen Akin <akin@arden.org>
Sent: Friday, November 30, 2018 8:50 AM
To: Council, City
Cc: John Guislin; Neilson Buchanan
Subject: Addressing Parking and Traffic Concerns with the Housing Ordinance
Attachments: 2018-11-28-council-letter-housing-parking-traffic.pdf

I've been thinking about ways we might address parking and traffic concerns associated with the housing ordinance without delaying the ordinance itself. Attached please find a short discussion of an approach that might work.

Regards,
Allen Akin

Summary

Two of the most-frequently-raised concerns about the housing ordinance are its effects on parking and on traffic.

The city could respond to these concerns directly as part of the code changes implemented by the ordinance. I think this can be done in a way that allows the ordinance to progress quickly, yet provides assurance that parking and traffic issues won't be ignored, and imposes the minimum of new constraints on development projects.

The idea is to add a rule requiring that each project meet what I'll call the maximum parking criterion and the maximum traffic criterion. These criteria would be spelled out in separate new subsections of the code. The initial versions of these new subsections would be placeholders, so that debate over their contents doesn't delay consideration of the housing ordinance. The placeholders would include a sunset provision to provide a guarantee that parking and traffic would be addressed within a finite time. Once this framework is in place, Staff and the PTC would be tasked with developing the proposal for the final criteria. Council would consider that proposal in the usual way, say in a year or so.

In short, require the outcomes we want, but don't micromanage the process of achieving them, and reassure all constituencies that their concerns will be addressed in good faith.

You might want to consider whether this could be extended to non-housing projects, but I'm not going to cover that here.

In the following sections I'll give examples to show how the details might be worked out.

Changes to the Code

The maximum parking criterion and the maximum traffic criterion would be described in their own new subsections. Project approval would depend on both criteria being met. The code changes described in the housing ordinance would be updated to add those requirements.

We would want to prevent delay of the housing ordinance, while offering a guarantee to those concerned about its traffic and parking consequences. One way to do that would be to use sunset provisions. I imagine something like this:

*Any project submitted before January 1, 2020, automatically meets this criterion.
Any project submitted on or after January 1, 2020, automatically fails to meet this criterion.*

That gives us time and incentive to work out the final criteria, or elect to remove them from the code cleanly.

Standards

The key is to choose objective standards on which ministerial rules can be based. The way we currently handle floor area ratio might be a good model to keep in mind; allowed FAR can vary with the zoning district and with the type of project, but in the end it always boils down to simple arithmetic.

I've put some thought into these in an attempt to make them realistic, but please keep in mind that they're just illustrations. Actual proposals would need to come from appropriate stakeholder groups and Staff.

Parking

Consider the idea of maximum acceptable saturation levels that has been proposed for RPP. If implemented carefully, this might simplify RPP administration and reduce the need for RPP in some areas of the City as well as addressing the spillover parking concerns associated with the housing ordinance and with commercial demand.

The goals are:

- Ensure that there's always *some* parking within a short distance of any residence. This must be true *during* working hours (for deliveries, service providers, and so on), and *outside* working hours (for residents, caregivers, and so on).
- Spread the parking load so that no area bears an unreasonable burden.
- Make efficient use of on-street parking.
- Define clear and sound procedures that can be used by citizens and project applicants as well as by the City. Avoid known mistakes.
- Provide incentives to reduce parking demand from *all* stakeholders in an area, not just for new projects in that area. Encourage collaborative efforts by the stakeholders.

An example:

- Identify the set of street faces that are in residential zoning districts and are also within $\frac{1}{4}$ mile of the proposed project.
- Choose a set of seven days, one of each day of the week. For the weekdays, PAUSD must be in session. The days need not be consecutive, but must fall within a period of 30 days.
- Consider the set of time intervals: 8AM-11AM, 1PM-5PM, and 8PM-Midnight.
- For each street face, on each day, once during each time interval, count the number of parked cars and the number of available spaces.
- The maximum parking criterion is met if no street face is more than 75% occupied for more than 5 time intervals.¹
- Surveys performed by approved agents will be valid for zoning purposes for a period not to exceed one year.

Traffic

The goals are:

- Do no harm; don't make traffic worse than it already is. At least draw a line in the sand to show there's a limit to how bad things can get.
- Define clear and sound procedures that can be used by citizens and project applicants as well as by the City. Avoid known mistakes.
- Provide incentives to reduce parking demand from *all* stakeholders in an area, not just for new projects in that area. Encourage collaborative efforts by the stakeholders.

¹ That is, roughly the 75th percentile saturation is less than 75%. Only one time out of four would the street face be more than three-quarters full. For a sample size of 21 per street face, this has less statistical confidence than you might like, but there has to be some trade-off between confidence and the cost and timeliness of the survey.

An example:

- Identify a set of blocks in the areas expected to support new development².
- Choose a set of seven days, one of each day of the week. For the weekdays, PAUSD must be in session. The days need not be consecutive, but must fall within a period of 30 days.
- For each hour of the day, count the number of vehicles passing both ways on each block during the hour.³
- This establishes the *baseline* for the blocks.⁴
- Similar surveys performed on subsets of these blocks by approved agents will be valid for zoning purposes for a period not to exceed one year. The baseline is not usable as a project approval survey.
- For the five baselined blocks closest to the proposed project, for each hour of each day, compare the result of the most recent survey to the corresponding hour of the baseline.
- Count the number of hours for which the baseline is greater than or equal to 10 and the survey exceeds the baseline by more than 25%.
- The maximum traffic criterion is met if the number of such hours is less than five.

2 Around University Ave, California Ave, and El Camino; others TBD. Note that we would need to focus on residential blocks; others are probably covered adequately already.

3 There are other ways to get the essential information; counting exit traffic at intersections, for example. This way is just easy to explain.

4 Baselines only need to be updated when new streets are added, or when new connections or disconnections occur.

Carnahan, David

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Saturday, December 1, 2018 9:14 AM
To: Hur, Mark; De Geus, Robert
Cc: Council, City; Planning Commission; Sallyann Rudd; Malcolm Roy Beasley; Ronjon Nag; Marion Odell; Neeraj Pendse; John Guislin; Norman H. Beamer; Fred Kohler; Kuo-Jung Chang; Gabrielle Layton; Becky Sanders; Furman, Sheri; Allen Akin; Michael Hodos; Mary Gallagher; Mary Dimit
Subject: Downtown RPP data for Non-Resident Parking Permits
Attachments: 180625 Downtown RPP Non-Resident Permit Sales by Zone June 25 2018.pdf

Good Morning, Rob and Mark

Would you please compile fresh Downtown RPP data on non-resident permits sales by zone as of Dec 1, 2018? Include any data you have for show-rates. Thank you.

This information is essential for resident leaders to confer with City Council members and our neighbors.

If it necessary, please consider this email as a request for public information. Please see attached example of data format compiled on June 25, 2018. This data is now obsolete because new permit sales commenced Oct 1, 2018.

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com



30

TO: HONORABLE CITY COUNCIL

FROM: JOSHUAH MELLO, CHIEF TRANSPORTATION OFFICIAL, OFFICE OF TRANSPORTATION

DATE: JUNE 25, 2018

SUBJECT: AGENDA ITEM NUMBER 30 – ADOPTION OF A RESOLUTION RELATED TO THE DOWNTOWN RESIDENTIAL PREFERENTIAL PARKING (RPP) PROGRAM REDUCING OR OTHERWISE AMENDING THE NUMBER OF EMPLOYEE PARKING PERMITS AND MAKING RELATED CHANGES, MODIFYING OR MAINTAINING THE PROHIBITION OF RE-PARKING IN THE RPP DISTRICT MORE THAN TWO HOURS AFTER INITIALLY PARKING, AND MAKING OTHER CLARIFYING MODIFICATIONS TO RESOLUTION 9671. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) (CONTINUED FROM APRIL 2, 2018)

BELLOW IS INFROMATION REGARDING NON-RESIDENT PERMITS ISSUED BY TYPE FOR EACH OF THE TEN RPP ZONES AS OF TODAY.

Zone	Employee Decals Sold	Employee Hang Tags Sold	Total Permits Sold	Total Permits Inventory
1	59	10	69	69
2	95	16	111	111
3	63	31	94	168
4	73	26	99	136
5	138	24	162	162
6	79	13	92	92
7	97	28	125	125
8	29	49	78	137
9	-	-	-	0
10	-	-	-	0
All Zones	633	197	830	1000
Reserve	-	-	-	100

Joshua Mello
Chief Transportation Official
Office of Transportation

James Keene
City Manager

Downtown Residential Preferential Parking Program

MENLO
PARK



Carnahan, David

From: Manjun Martin <paul.manjun@gmail.com>
Sent: Sunday, December 2, 2018 12:18 PM
To: Council, City
Cc: Home Martin
Subject: Objection to Zoning changes - Please Reprioritize approach to housing/jobs imbalance and focus on increasing business tax to decrease jobs instead of increasing housing!

Dear Palo Alto City Council:

We'd like to express our sincere objections to the proposed zoning changes for Palo Alto.

We recognize that there is an imbalance in housing and jobs in Palo Alto, but we object to City Councils near exclusive focus on increasing housing instead of the equally valid choice to decrease jobs. In fact over the last decade the fraction of City Taxes paid by residents versus the City Taxes paid by businesses has moved strongly in the direction of residents paying a larger share of taxes. This has created an additional incentive for businesses to move large numbers of employees into Palo Alto. These additional jobs have brought with them externalized costs such as parking, traffic, infrastructure etc. the burden for which increasingly falls on current Palo Alto residents. Fundamentally we believe there is a Tax imbalance between business/residents which is the driver for a housing imbalance between jobs/housing and council should FIRST address the TAX imbalance BEFORE considering zoning changes that will create housing.

Therefore, we'd like to suggest that council reprioritize the important work to address housing/jobs imbalance as follows:

1) Dramatically increase the cost for businesses to bring new jobs into and sustain existing jobs in Palo Alto, with exceptionally high rates for businesses that have office jobs in the downtown city core. Exceptions for additional costs can be made for small retail, small medical practitioners offices and other providers of services directly to public, but businesses in Palo Alto should be taxed at a rate that pays for the upgrades to City services they utilize. Taxes based on number of employees are hard to enforce, but taxes based on square feet of office space are simple and with an assumption of 1 employee per 100sqft can avoid any question of tax due.

We expect at least 3 important impacts of such a change to business taxes:

a) Some businesses will move out because they find cheaper places grow. This fundamentally improves the housing/jobs balance, reduces traffic and reduces externalities.

b) Money from the increased taxes can be used to improve Palo Alto city infrastructure, improve traffic flow and address the quality of life issues in the city that are still waiting for progress.

c) Any space freed up from businesses that leave the downtown area can be used for long term city planning WITHOUT sacrificing the future of our R1 neighborhoods.

2) Focus new housing in the already zoned multi-family areas, particularly in the narrow strips within 1/2 mile of the CalTrain stations. DO NOT cram more people into our R1 neighborhoods. We already see that the "Small" ADU changes have increased number of ADU applications in R1 neighborhoods from 4/year to 4/month, a 1200% increase. Really 1200% in one year? This is Crazy!

The current proposal is a classic "Supply Side(housing)" solution without any attention paid to the "Demand Side(Jobs)" and risks changing fundamentally the Palo Alto we all love. "Pave over Paradise and Put up a Parking Lot(Or in this case housing)" is not how we should be preserving the future of this great city for those who come after us.

Please reject the current proposal and revisit a focus to reduce demand instead of increase supply.

Sincerely,
Paul & Manjun Martin

Carnahan, David

From: Thomas Helsaple <thelsaple@gmail.com>
Sent: Saturday, December 1, 2018 5:08 PM
To: Council, City
Subject: Great ! Less parking ?

We need more parking not less so the less fortunate have a place to park their trailers

Sent from my iPad

Carnahan, David

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Sunday, December 2, 2018 3:36 PM
To: Neilson Buchanan
Cc: Council, City; De Geus, Robert; Hur, Mark; Planning Commission; Laura D. Beaton
Subject: Urgent! Your action is needed
Attachments: Downtown RPP Zones 1 to 10 Map Jan 2018.pdf; Buchanan attorney response to Housing Ordinance Nov 29 2019.PDF

Dear Neighbors who live in Downtown RPP! Especially Zones 1, 4 and 5. Please open and read the two attachments

Background

Our City council will probably approve a new housing ordinance on Dec 3 and Dec 10. This ordinance creates economic incentives for denser housing developments and less parking. In my opinion there is very little possibility to change the direction of the council. The housing ordinance will be approved more or less as proposed by staff and the Planning Commission. I feel that the housing ordinance will not significantly increase housing supply nor reduce housing costs per square foot. Housing units may be smaller but still be expensive relative to other adjacent towns. Supply of housing will be increased slightly but much less than the ongoing increase in worker density and jobs.

The housing ordinance does not materially address housing for Palo Alto citizens who need truly affordable housing.e.g. teachers, healthcare workers, service workers, retail workers, etc.

The housing ordinance is in direct conflict with the RPP ordinance which shields our neighborhoods from commercial parking and traffic spillover. Unfortunately the Council seems ready to approve the housing ordinance without addressing this conflict. The issue is that housing within the commercial core is likely to push its parking from the core to the adjacent neighborhoods. More housing in the commercial core will inevitably mean more commercial traffic and parking in our neighborhoods, The major impact will be concentrated on RPP Zones, 1, 4 and 5.

There are two solutions. The first solution is that the commercial core area must be obligated to provide all parking needed for commercial core housing. The solution is outlined in the attached letter from legal firm Shute, Mihaly. The second solution is for RPP stakeholder and Council to adopt a quality standard prescribing the amount of non-resident parked vehicles in neighborhoods. City Council thus far has refused to take a position on quality standards for neighborhoods.

Call to Action

1. Send an email to city council at city.council@cityofpaloalto.org. Ask for the following support:

- Do not approve the housing ordinance without full understanding of how vehicles owned by tenants in under-parked new commercial core housing will spillover onto RPP Zones 1, 4 and 5 adjacent to University Avenue.

- Direct city staff to convene an emergency city-wide RPP stakeholder process to refine the city's RPP ordinance and assure equitable distribution of non-resident vehicles in all RPP zones. This process must start in mid-January and forward recommendations to City Council within 60 days.
- Demand that Mayor Kniss report on actions that Council will take after the Special Traffic Town Hall she convened in October.

2. If you have a personal relationship with any city councilperson, contact her/him directly as soon as possible and state your concerns.

If you have any questions about this Call to Action, email John Guislin [jguislin@gmail.com] or call/email Neilson Buchanan [cnsbuchanan@yahoo.com] 650 537-6911]. PAN and PASZ have positions on the housing ordinance and you may find information on their websites.

Here is the link to the Housing Ordinance and Dec 3 City Council Agenda

<https://www.cityofpaloalto.org/civicax/filebank/documents/67968>

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

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650 537-9611 cell
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LAURA D. BEATON
Attorney
beaton@smwlaw.com

November 29, 2018

Via Electronic Mail

City Council of the City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301
E-Mail: city.council@cityofpaloalto.org

Re: 2018 Comp Plan Implementation/Housing Ordinance and
Downtown RPP

Dear Council Members:

This firm represents Neilson Buchanan. Mr. Buchanan, a resident of a neighborhood adjacent to downtown, is concerned about the interaction of the proposed housing ordinance and the City's Residential Preferential Parking (RPP) Districts, including the Downtown RPP and Evergreen Park-Mayfield RPP. Specifically, Mr. Buchanan is concerned that new, dense residential developments with low parking requirements in the adjacent commercial areas, which are encouraged by the housing ordinance, will negatively impact the RPP Districts.

To avoid such an impact—and to avoid undermining the housing ordinance's goal of reliance on private vehicles—**Mr. Buchanan requests that the Council consider amending the housing ordinance, or amending the RPP programs, to prohibit residents of newly constructed, dense housing in commercial zones from being able to acquire RPP permits to park in any of the RPP zones (Zones 1-10 in the Downtown RPP and Zones A-F in the Evergreen Park-Mayfield RPP).** In taking this action, the Council will achieve both its goal of reducing downtown residents' reliance on cars, and avoid exacerbating the already significant high demand for parking on residential streets adjacent to the two commercial cores.

Generally, Mr. Buchanan supports the housing ordinance's goal of encouraging denser housing in Palo Alto's downtown core, which will hopefully enhance the area's vibrancy and reduce reliance on private vehicles. In pursuit of the goal of reducing vehicle reliance, the housing ordinance reduces some of the on-site parking

City Council of the City of Palo Alto

November 29, 2018

Page 2

requirements for new construction. *See Proposed Housing Ordinance Revisions to Municipal Code Section 18.52.040.* However, it is likely that new construction will attract new resident car-owners to downtown Palo Alto, who will now be faced with the inability to park on-site, or with having to pay a premium for on-site parking.

The problem resides in the interplay of the housing ordinance's parking requirements with the current RPP programs. The current RPP programs provide that residential parking permits are valid in all zones in the RPPs. This means that a resident of a newly constructed apartment building in a downtown core could acquire an RPP permit to park anywhere but the commercial core. The combination of new downtown developments providing less on-site parking and the residents of these developments being able to acquire permits to park in the residential neighborhoods surrounding the downtown commercial areas will inevitably result in new downtown residents parking in the surrounding residential neighborhoods, either because on-site parking is unavailable or is more expensive than acquiring an RPP permit. This, of course, will result in severe degradation of already-strained parking conditions for the residents of the surrounding neighborhoods and will undermine the housing ordinance's goal of reducing reliance on privately owned vehicles.

Indeed, parking demand in new housing developments may be higher than expected. For example, housing projects with limited on-site parking will likely offer unbundled pricing for on-site parking, with landlords renting parking stalls separately from residential units. And the cost of this on-site parking will likely be priced far above the current low price for residential parking permits in Zones 1-10 and A-F. **This pricing differential will create incentive for new downtown resident to acquire RPP permits and concentrate vehicle parking in Zone 1, 5, D, and E, which are nearby (though not adjacent to their commercial-zone homes).** This risks undermining the quality improvements achieved in the last two years, and this issue should be addressed prospectively.

Unfortunately, the November 26 housing ordinance staff report to City Council made no mention of what impacts dense, new housing in the two commercial zones would have on the surrounding neighborhoods and their RPPs. Resident leaders for the past three months have been seeking stakeholder collaboration with city staff on this issue, but these meetings have not yet been scheduled. This collaboration was suggested by City staff but not acted upon. Therefore, the Council lacks sufficient information to make a prudent decision about the potential conflict between the housing ordinance and RPP ordinance, which this letter attempts to address.

City Council of the City of Palo Alto

November 29, 2018

Page 3

For these reasons, Mr. Buchanan encourages the Council to take one of the following actions to ensure that a boom of new, denser housing in downtown commercial cores will not undermine the City's goal of few vehicles per new housing unit—instead of unintentionally encouraging new commercial-core residents to park on nearby neighborhood streets. First, the Council could amend the housing ordinance to exclude any new residential construction in the commercial districts from being able to participate in the RPP Programs.

Second, in the alternative, the Council could amend the RPP Programs to exclude residents of new construction from participating in those RPPs at all. For example, the RPP programs could be modified to establish an RPP zone in the commercial cores, and residents of the commercial core would be able to park in that zone but not elsewhere. This would eliminate the spillover from the commercial core to residential neighborhoods. Notably, the two new, large garages will be available for nearby parking when the new housings' parking demand cannot be accommodated on-site.

Either of these approaches would encourage car-free living and protect the interests of residents of eight downtown neighborhoods* who already struggle with overtaxed and saturated street-face parking around their homes. And this is not a novel approach. The City of San Francisco recently approved a new RPP for its Dogpatch neighborhood, the eligibility boundaries for which were designed to exclude new, high-density housing that had fewer on-site parking spaces than residential units. *See* San Francisco Municipal Transportation Agency Staff Report (April 10, 2018), p. 9, available at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/04/4-17-18_item_12_residential_parking_permit_area_aa_-_dogpatch.pdf. The same approach is warranted for downtown Palo Alto.

Finally, regardless of the action the Council takes, the housing ordinance is based on significant assumption about vehicle ownership and uses which may not apply in Palo Alto. Therefore, the Council should direct City staff to conduct ongoing annual studies of parking impact and car ownership as new housing is added, to ensure that the City's goals are being met.

Thank you for your consideration.

City Council of the City of Palo Alto
November 29, 2018
Page 4

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laura D. Beaton

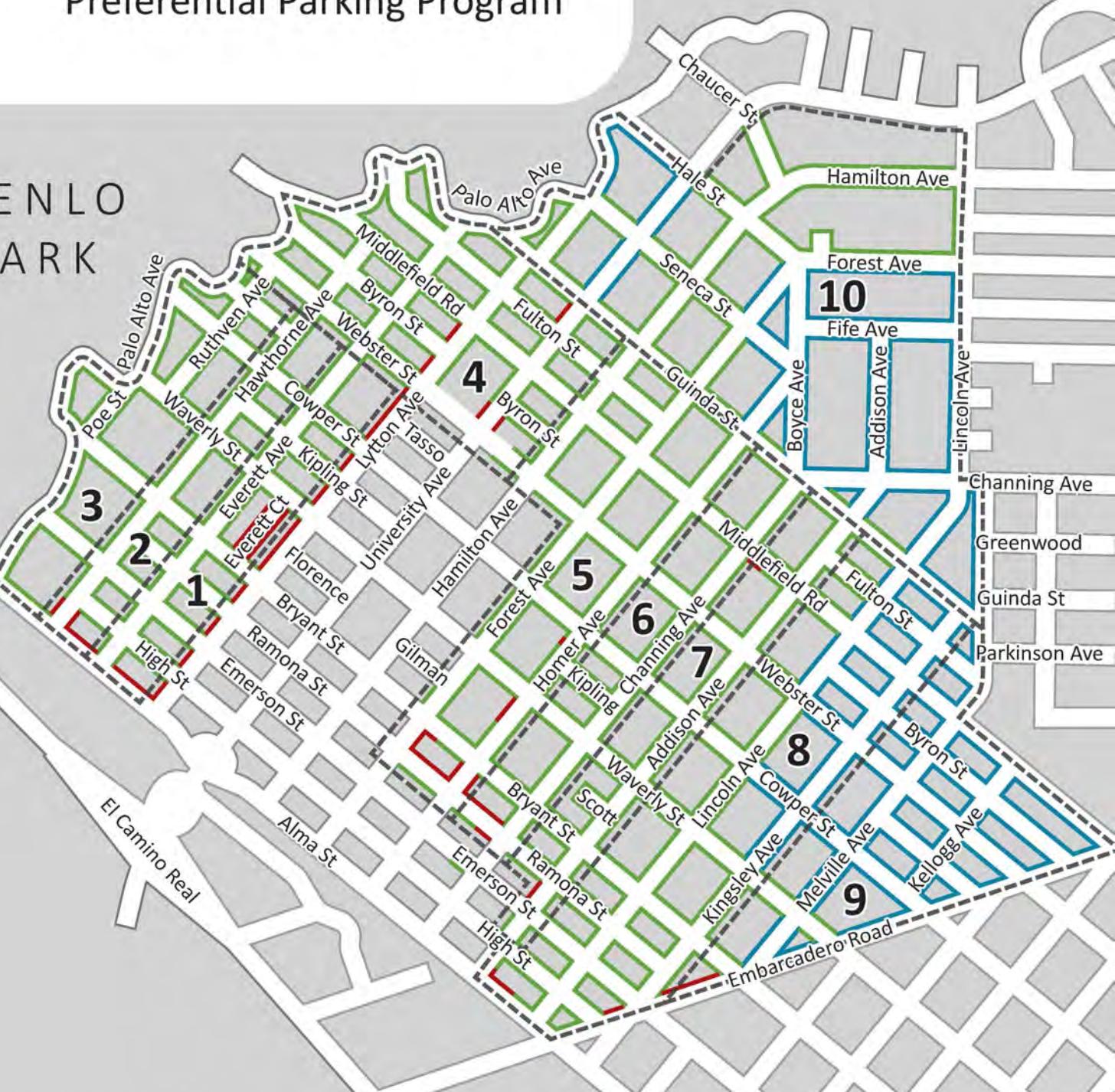
* Neighborhoods subject to negative parking impact from the new housing ordinance include Crescent Park, Downtown North, Evergreen Park, Mayfield, Old Palo Alto, Professorville, South Gate, University South.

cc: City Clerk (city.clerk@cityofpaloalto.org)
James Keene, City Manager (james.keene@cityofpaloalto.org)
Molly S. Stump, City Attorney (city.attorney@cityofpaloalto.org)
Jonathan Lait, Interim Planning Director (jonathan.lait@cityofpaloalto.org)
Neilson Buchanan

1064812.4

Downtown Residential Preferential Parking Program

MENLO
PARK



- Downtown RPP Program Area
- Approved Eligibility Area
- Non-RPP Parking in RPP District (check signs)
- RPP Employee Parking Zones

Carnahan, David

From: Rebecca Sanders <rebsanders@gmail.com>
Sent: Monday, December 3, 2018 12:23 PM
To: Council, City
Subject: Tonight

Dear Mayor Kniss and Council Members:

I have to work tonight, so I will be late to the meeting. I know you know that the Ventura Neighborhood Association has taken a dim view of tonight's contemplated action to erase years of building policy and community protections in the vain hopes that housing will be built.

What would happen if you don't pass the housing ordinance and then said to builders, it's up to you guys? We have the office caps in place, so if you want to build anything beyond the cap, it has to be housing. That's it. No more office space. Show them that you are capable of playing hard ball. I mean who's in charge? You are letting the AJ bully people get away with robbing us of 70 units. We have the VTA lot in play. The vested interests seem to think they own this town. Well do they? Or do we, with you as our guardians and protectors?

This ordinance, as I said last meeting, is for the rich, by the rich and of the rich. Let's house the folks that really need it via building BMR and truly affordable housing. Why are you handing out giveaways for market rate housing?

Thank you.

Becky Sanders
Moderator
Ventura Neighborhood Association

Carnahan, David

From: Angela Dellaporta <asdellaporta@gmail.com>
Sent: Monday, December 3, 2018 11:07 AM
To: Council, City
Subject: Today's decision

Dear City Council Members;

I understand that the ordinance you will be voting on today provides no requirements for middle income residences. Teachers, nurses, firefighters and similar Palo Alto workers are the ones who cannot find housing in Palo Alto. We are much more in need of middle income housing than we are in need of market rate housing. Unlike other cities, even double-income teachers, nurses and firefighters cannot afford to buy or rent in Palo Alto. Please don't vote yes on this ordinance unless it includes a requirement of at least 50% units that local teachers can afford to buy or rent.

And remember that even in the middle of high density cities like New York City and London, planners wisely made sure that there was plenty of green space available to all residents. Do not foolishly give up a robust public green space requirement.

Please do not allow developers to strong-arm you into forgetting what Palo Alto really wants to be. I am sure they will find a way to profit even with some basic requirements that will make sure Palo Alto remains a pleasant place to live.

Thank you,
Angela Dellaporta

Carnahan, David

From: Hur, Mark
Sent: Monday, December 3, 2018 9:50 AM
To: Neilson Buchanan; De Geus, Robert
Cc: Council, City; Planning Commission; Sallyann Rudd; Malcolm Roy Beasley; Ronjon Nag; Marion Odell; Neeraj Pendse; John Guislin; Norman H. Beamer; Fred Kohler; Kuo-Jung Chang; Gabrielle Layton; Becky Sanders; Furman, Sheri; Allen Akin; Michael Hodos; Mary Gallagher; Mary Dimit
Subject: RE: Downtown RPP data for Non-Resident Parking Permits

Hello Neilson,

Please review the table below for a breakdown of Downtown RPP non-resident permits sold as of 12/3/18. Please let me know if you have any questions.

Zone	Employee Decals Sold	Employer Hang-Tags Sold	Total Permits Sold	Total Permit Inventory	Permits Available
1	46	22	68	69	1
2	71	37	108	111	3
3	57	69	126	208	82
4	64	52	116	176	60
5	98	49	147	162	15
6	59	33	92	92	0
7	73	41	114	125	11
8	38	19	57	57	0
9	-	-	-	-	0
10	-	-	-	-	0
Total	506	322	828	1000	172
Reserve				100	

Thank you,



Mark Hur | Operations Lead
Office of Transportation | City of Palo Alto
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2520 | E: Mark.hur@cityofpaloalto.org

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

Use Palo Alto 311 to report items you'd like the City to fix!! Download the [app](#) or click [here](#) to make a service request.

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Saturday, December 1, 2018 9:14 AM
To: Hur, Mark <Mark.Hur@CityofPaloAlto.org>; De Geus, Robert <Robert.DeGeus@CityofPaloAlto.org>
Cc: Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Sallyann Rudd <sallyannr03@gmail.com>; Malcolm Roy Beasley <beasley@stanford.edu>; Ronjon Nag

<ronjonn@yahoo.com>; Marion Odell <marionodell7@gmail.com>; Neeraj Pendse <pendse.neeraj@gmail.com>; John Guislin <jguislin@gmail.com>; Norman H. Beamer <nhbeamer@yahoo.com>; Fred Kohler <fkohler@sbcglobal.net>; Kuo-Jung Chang <kuojungchang@gmail.com>; Gabrielle Layton <strop@redjuice.com>; Becky Sanders <rebsanders@gmail.com>; Furman, Sheri <sheril11@earthlink.net>; Allen Akin <akin@arden.org>; Michael Hodos <mehodos@mac.com>; Mary Gallagher <marygallagher88@gmail.com>; Mary Dimit <marydimit@sonic.net>

Subject: Downtown RPP data for Non-Resident Parking Permits

Good Morning, Rob and Mark

Would you please compile fresh Downtown RPP data on non-resident permits sales by zone as of Dec 1, 2018? Include any data you have for show-rates. Thank you.

This information is essential for resident leaders to confer with City Council members and our neighbors.

If it necessary, please consider this email as a request for public information. Please see attached example of data format compiled on June 25, 2018. This data is now obsolete because new permit sales commenced Oct 1, 2018.

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com

Carnahan, David

From: Joseph Baldwin <zbrcp1@comcast.net>
Sent: Sunday, December 2, 2018 11:15 PM
To: Council, City
Subject: Housing Ordinance

Ladies & Gentlemen,

Council acknowledged it had allowed developers, landlords, and employers to turn neighborhoods into free public parking lots when it created the Downtown RPP District.

Urge you NOT approve proposed ordinance. It will exacerbate an already inequitable distribution of permits in RPP zones 1, 4, and 5.

Require staff to bring back to you by March 15, 2019 an ordinance which insures EQUITABLE distribution throughout ALL zones.

Please do not dig our deep hole ever deeper.

Joseph Baldwin

850 Webster Street #524

Palo Alto CA 94301

650-324-7378

zbrcp1@comcast.net

Carnahan, David

From: Jim Colton <james.colton10@gmail.com>
Sent: Sunday, December 2, 2018 10:14 PM
To: Council, City
Subject: Proposed Housing Ordinance

Dear City Council Members,

It now seems clear that developers had a big hand in framing this ordinance. There is no affordable housing that would result and the under parking would exacerbate our already unsolved parking issues. No one would benefit but the developers. Let's not give them another freebie.

Jim Colton
Green Acres II

--

JimColtonPhotography.com

Carnahan, David

From: kemp650@aol.com
Sent: Sunday, December 2, 2018 7:36 PM
To: Council, City
Subject: Housing Ordinance on December 10 agenda - Vote No!

Dear City Council members,

I am writing again to urge you not to vote for the proposed housing ordinance on the December 10th city council meeting agenda. I am concerned that it is an effort to bypass the voice of the voters from the election last month and to rush through an ordinance voted on by the 'lame duck' sitting council instead.

In addition, I believe the ordinance as currently written is flawed and does not solve anything but only lines the pockets of developers at the public's expense. I am extremely concerned that the proposed housing plan reduces parking and open space at apartment buildings and condominiums. I live in a neighborhood (Ventura) that already suffers from more crowded streets with regard to parking. I support building more housing for those with low incomes; I do not favor giveaways to developers focused on market rate housing. I also don't equate rooftop parks with parks on the ground with easy access to all citizens. Palo Alto citizens would be shortchanged if the city council approved an ordinance that allows substitution of rooftop parks for real city parks.

Sincerely,

Susan Kemp
Ventura resident

Carnahan, David

From: Arthur Keller <ptc@kellers.org>
Sent: Monday, December 3, 2018 4:18 PM
To: Council, City
Subject: No Trend of Reduced Car Ownership in Palo Alto
Attachments: Council Letter 2018-12-03 from Arthur Keller.pdf

Dear City Council, please see attached letter.

Best regards,
Arthur

December 3, 2018

Dear City Council,

As you consider the future of parking and transportation for residents and employees in Palo Alto, please note the attached US Census data and attached minutes from the Planning and Transportation Commission meeting of May 30, 2018 showing there is no trend beyond the margins of error of reduction in car ownership. There is also no evidence that low income residents do not have cars. Indeed, low income residents often have multiple jobs and need a car to get to, from, and among employment locations.

The parking reductions for the so-called “car light” project at El Camino Real and Page Mill Road (former VTA lot) were supposed to be an experiment from which we should evaluate how well it worked and create policy based on actual results. That project is not yet built, yet alone been occupied. As such, there is no data from this experiment, and yet the Council is considering expand this concept more broadly.

People eat out more or get take out, or it is claimed by pundits that there is such a trend. Does that mean we should have dwelling units without kitchens? There is no trend of reduced car ownership, so being able to park a car should come with a place to live. If someone does not have a car, then they should be able to sublease their parking space to others who need one.

Sincerely,
Arthur M. Keller
Palo Alto

US Census Bureau — American Community Survey — Table B08501 —
employees in Palo Alto, CA

Year	2017	2016	2015	2014	2013	2012	2011	2012-2016	2009-2013	2005-2009
Dataset	1-Year	1-Year	1-Year	1-Year	1-Year	1-Year	1-Year	5-Year	5-Year	5-Year
Employees	101,060	101,091	94,005	95,742	92,286	94,246	81,195	95,882	87,230	77,791
Car, Truck or Van										
Drove Alone	70.8%	73.4%	73.5%	73.9%	72.9%	72.4%	73.9%	72.7%	73.4%	76.1%
Carpooled	11.3%	9.1%	9.2%	11.0%	11.8%	10.8%	10.9%	10.7%	11.0%	9.1%
Public transit (excl. taxis)	7.8%	8.9%	9.0%	7.1%	6.2%	8.5%	6.0%	8.1%	6.3%	5.4%
Walked	2.5%	2.6%	1.7%	1.5%	2.5%	1.8%	2.3%	2.1%	2.5%	2.4%
Taxi, bicycle, motorcycle, or other	3.8%	3.1%	3.7%	4.2%	3.6%	4.2%	3.8%	3.6%	3.9%	4.2%
Worked at home	3.7%	2.9%	2.9%	2.3%	2.9%	2.1%	3.1%	2.6%	3.0%	2.8%

US Census Bureau — American Community Survey — Table S0801 —
Palo Alto, CA residents

Year	2017	2016	2015	2014	2013	2012	2011	2012-2016	2009-2013	2005-2009
Dataset	1-Year	5-Year	5-Year	5-Year						
Employed Residents	31,690	31,852	30,883	34,075	30,553	30,368	30,282	31,439	30,191	27,201
Car, Truck or Van	65.4%	69.6%	70.1%	74.3%	71.1%	73.1%	69.3%	71.8%	70.9%	74.3%
Drove Alone	58.1%	65.5%	64.1%	65.8%	66.9%	64.4%	63.7%	65.2%	64.6%	68.9%
Carpooled	7.2%	4.0%	5.9%	8.4%	4.1%	8.7%	5.6%	6.6%	6.3%	5.4%
In 2-person carpool	6.7%	2.4%	4.7%	7.1%	3.1%	8.0%	5.4%	5.4%	5.6%	4.7%
In 3-person carpool	0.6%	0.6%	0.9%	1.1%	1.0%	0.1%	0.1%	0.8%	0.1%	0.4%
In 4-or-more person carpool	0.0%	1.0%	0.3%	0.3%	0.0%	0.5%	0.1%	0.4%	0.3%	0.3%
Workers per car, truck, or van	1.06	1.04	1.05	1.06	1.03	1.07	1.04	1.05	1.05	1.04
Public transit (excl. taxis)	6.3%	5.2%	5.0%	4.7%	5.3%	6.0%	6.9%	5.3%	5.3%	4.1%
Walked	5.4%	6.2%	3.8%	5.2%	5.8%	4.3%	5.3%	5.0%	5.8%	5.6%
Bicycled	10.0%	7.8%	11.4%	7.3%	8.4%	9.5%	10.1%	8.8%	8.6%	7.1%
Taxi, motorcycle, or other	1.3%	1.8%	0.9%	1.9%	0.6%	0.8%	0.1%	1.2%	0.7%	1.0%
Worked at home	11.7%	9.3%	8.9%	6.6%	8.9%	6.4%	8.3%	7.8%	8.6%	7.9%
Worked in Palo Alto	33.9%	32.8%	31.8%	32.8%	35.5%	32.0%	38.2%	33.1%	37.0%	36.9%
Worked outside Palo Alto	66.1%	67.2%	68.2%	67.2%	64.5%	68.0%	61.8%	66.9%	63.0%	63.1%
No vehicle available	1.8%	1.4%	4.9%	1.3%	1.2%	3.4%	1.8%	2.5%	2.2%	2.2%
1 vehicle available	23.3%	19.6%	24.5%	22.6%	21.6%	22.3%	24.7%	21.5%	22.5%	18.0%
2 vehicles available	45.0%	46.9%	46.6%	39.7%	51.5%	45.2%	47.1%	47.1%	48.5%	47.3%
3 or more vehicles available	29.9%	32.1%	24.1%	36.4%	25.7%	29.0%	26.4%	29.0%	26.9%	29.0%



Planning & Transportation Commission

Action Agenda: May 30, 2018

Council Chambers
250 Hamilton Avenue
6:00 PM

Call to Order / Roll Call

6:05pm

Chair Lauing: Ok good evening. I'd like to call to order the May 30th Planning and Transportation Commission meeting and please ask role to be called? Ok, thank you.

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

Chair Lauing: Are there any speaker cards for oral communications on items not on our agenda?
You have one coming. OK is (interrupted)

Mr. Jonathan Lait, Assistant Director of Planning: Item One.

Chair Lauing: That's for Item One.

[Commission moved to Item Three of the agenda]

Mr. Weiss: How much time is oral communications, two minutes or three minutes?

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Waldfogel: [unintelligible – off mic]

Vice-Chair Monk: Are you... everyone is lite up.

Commissioner Waldfogel: Ok while you guys are sorting that out (interrupted)

Mr. Lait: Well at any bit I think Commissioner Waldfogel [unintelligible].

Commissioner Waldfogel: This in on my 5-minute clock. I want to thank everyone that came out to speak tonight. If I had more time I would list everyone's name but thank you all for commenting. I also want to thank Staff for taking on a hard problem and trying to approach it analytically but I think that the Packet Page 57, the Fehr and Peers memo probably says this best. There's a [unintelligible] near the general ten trends is towards slightly higher transit use and slightly lower vehicle ownership but all the trends are small and a question for Jane is if you look at this table on Packet Page 57 that is a quote is from the American Community Survey. It's the percent of household with zero vehicles. Do you see that column? I don't have another reference page. I'm sorry I only have the Packet Page. This is on your May 11th memo.

Commissioner Summa: [off mic] Page Two of [unintelligible] memo.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Waldfogel: So, when you talk about trends relative to that table in the sentence beneath that table. Are you aware of the margin of error that the census reports for those data points?

Ms. Bierstedt: We did not report a margin of error and that's why we said there's like hardly any difference.

Commissioner Waldfogel: Yeah but if I told you that the census reports plus or minus 1 percent margin of error would you still say that there's a trend in that column?

Ms. Bierstedt: I would say that's why I always use the word slightly. It's just that there's hardly anything to add.

Commissioner Waldfogel: Well but a slightly... I mean is there any trend if the difference in the numbers is smaller than the margin of error?

Ms. Bierstedt: No.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Waldfogel: Ok so it would be more correct to say that there's no trend in the data.

Ms. Bierstedt: There's no... that would be... I would agree.

Commissioner Waldfogel: That would be a more correct statement. Ok, great. The other point is in your shared mobility services paragraph are you familiar with UC Davis Institute of Transportation Studies Research Report UCDITSRR17-07?

Ms. Bierstedt: I did see it.

Commissioner Waldfogel: And is that... are the findings in that report consistent with your statement about... I mean even the statement TNC enable a car free or car light lifestyle. Where they consistent... is that consistent with the findings in the UC Davis report?

Ms. Bierstedt: We did not compare that for this. These are just some kind of things to think about in the future that... like there's no data to support what's going on in the future.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Waldfogel: Well sure but I mean you know we can all imagine fairy dust but I'm trying to stick to what we know from actual studies and actual neighborhoods. If we're going to use numbers we should use numbers in a correct way. Would you agree with that?

Ms. Bierstedt: That's correct and so I do not think that we unfairly characterized anything in here.

Commissioner Waldfogel: Ok I think you just agreed that your statement that slightly lower rates... I mean or trends is something that's not substantiated by the numbers.

Mr. Lait: What we reported was that we didn't have the margin of error reported in Table One and then (interrupted)

Commissioner Waldfogel: Right but this is a memo from Fehr and Peers.

Ms. Bierstedt: But [unintelligible] if it's 1 percent. That's... I think we're just splitting hair so I'm not going to argue with you on that.

Commissioner Waldfogel: No, it's not splitting hairs because there's no trend.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Ms. Bierstedt: But that's no trend slightly lower I think are... it's (interrupted)

Commissioner Waldfogel: Well I think they're (interrupted)

Ms. Bierstedt: Saying... it's not saying much of a difference but thanks.

Commissioner Waldfogel: Well it is saying something different so but you would agree with the statement that there's no trend?

Ms. Bierstedt: We already... I think we went over that.

Commissioner Waldfogel: Ok great that's a good starting point. The other data questions (interrupted)

Mr. Lait: I'm sorry I just want to understand that point though for my clarification. So, I just want to raise that question that you had asked Commissioner Waldfogel. Do we know what the margin of error is in Table One? Is that data that we know?

Commissioner Waldfogel: Yeah, it's in the census... it's in the census... it's in the... I just looked at it in the census report. It's plus or minus 1 percent.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Mr. Lait: Ok so you're reporting that it's 1 percent.

Commissioner Waldfogel: Yeah, I'm reporting that the margin of error is bigger than the change in the data points which is... mean that the data points aren't really... you know we're doing something that's not [unintelligible - crosstalk]

Mr. Lait: I just wanted to know where the margin of error came from.

Commissioner Waldfogel: Well that's great. One other question for you and I think this one is directed to Staff but if we look at Packet Page 14. Actually no, we can also do this from your... I think you have the same chart in your presentation. Go to Page 7 of your presentation. This is Chart Three of trends in car ownership. So, if you add up in the downtown district the percent of two plus vehicle households and the percent of one vehicle households what percent do you get just looking at that Chart Three?

Ms. Eisberg: Sorry you're adding the 6 percent and the 32?

Commissioner Waldfogel: No, I'm adding the two plus and the one so how many households have vehicles?

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Ms. Eisberg: Twenty-three.

Commissioner Waldfogel: What?

Ms. Eisberg: You're adding the 21... I'm sorry I'm not following what you are asking.

Commissioner Waldfogel: I'm asking you add... so what percent of households have two plus vehicles in the downtown district?

Ms. Eisberg: Sixty-two percent.

Commissioner Waldfogel: And what percent have one vehicle?

Ms. Eisberg: Thirty-two percent.

Commissioner Waldfogel: So, what is the sum of how... what percent of households have one or more vehicles in the downtown district?

Ms. Eisberg: Ninety-four.

-
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Commissioner Waldfogel: Ninety-four percent.

Ms. Eisberg: Right.

Commissioner Waldfogel: Ok so we're saying that roughly one parking space per household is a floor?

Ms. Eisberg: One parking space per household is (interrupted)

Commissioner Waldfogel: Would be a floor on whatever formula that we have. I mean you know any formula that comes to less than one per household would not be consistent with the ACS Census data.

Ms. Eisberg: This suggests that of the household surveys 94 percent of households have one or more vehicles available (interrupted)

Commissioner Waldfogel: Correct.

Ms. Eisberg: To them.

-
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Commissioner Waldfogel: Yeah. Thanks.

Ms. Eisberg: I thought it was a math quiz. Sorry I mean the numbers didn't add to 100.

Commissioner Waldfogel: Yeah, we didn't talk about margin of error there.

Ms. Eisberg: No, no I mean we didn't report that no.

Chair Lauing: Ok we're going to move onto the next one. Commissioner Summa is lit.

Commissioner Summa: Thank you, everyone, for coming out and welcome for those of you from the members of the public that don't often or have never come to speak at Council... the Planning Commission sorry, before and thanks to Staff. And thank you Commissioner Waldfogel I was also interested in the very questions you asked but I also had questions about... that was the main one and really to amplify that even downtown which is our most transit-rich area, 96 percent of the people have at least one car. And we don't know how many have three or four but anyhow another question I had was about stakeholder group and I think some of the members of the public brought this up. And why it was... there was one resident and who was the resident and where did the resident live and how was that resident chosen?

-
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Carnahan, David

From: Donna Sheridan <d@dsheridan.com>
Sent: Tuesday, November 27, 2018 9:35 PM
To: Kniss, Liz (external); Council, City
Cc: Donna Sheridan; James Sheridan
Subject: NO more irresponsible raises!--please respond

Dear Liz and City Council Members,

The Palo Alto City Council meeting on Monday, Dec 4th at 5pm will be focused on the performance evaluation and potential pay increase for key leaders in City Hall. This includes Jim Keene, Palo Alto's current City Manager who is retiring in a month. You may know he is retiring in a month, and his final pay determines the amount of monthly pension he will receive for the rest of his life (hence a big multiplier effect). I've been told by a City Council member he currently makes \$375k excluding housing allowance. This is more than any other City Manager in the country except for Santa Clara (which, like Palo Alto, also operates its own utilities but has almost twice the population of Palo Alto). This is also much more than the \$190k salary that the Governor of California receives. Additional context: our city has an unfunded pension liability of over \$600 million. And City Council has yet to close a budget gap in the current year plan of \$8 million, so some tough decisions yet to be made.

A raise does not seem appropriate given this reality. He will get a nice pension without a raise and even that is not funded....OH...and what part did he play in not funding the pensions?!!!!

Donna and Jim

Carnahan, David

From: Chris Robell <chris_robell@yahoo.com>
Sent: Tuesday, November 27, 2018 10:38 PM
To: Council, City
Subject: Pay Increase

Dear City Council Members,

I understand you will be meeting on Dec 4th to discuss performance of key leaders including Jim Keene, and I urge you NOT to grant a pay increase as part of this discussion. His pay is already well in excess of market, and our city finances require responsible stewardship at this point.

I've been told by a City Council member he currently makes \$313K base salary but \$375k total (but still excluding a generous housing allowance). This is more than any other City Manager in the country, except for Santa Clara. But Santa Clara, which also owns its own utilities, has almost twice the population of Palo Alto and doesn't have two highly paid Assistant City Managers.

As a reference, the Governor of California makes \$190k and the President of the United States makes \$400k.

So my first point is: regardless of what you think of Jim's performance, his pay is already well in excess of market.

My second point is that it's not fiscally responsible to be giving raises when our city finances are not where they need to be, with a budget shortfall yet to be closed and a looming unfunded pension liability that cannot be ignored forever. And I'm sure you know giving the City Manager a raise one month before he retires costs the city more money every month given his pension is based on his final salary.

I worked at HP in Finance for 23 years, and there were many instances when pay was frozen and even cut at some points because of challenging financial times. It seems to me that fiscally tough mentality is appropriate at this juncture for our city.

Please make the fair and fiscally responsible decision on December 4th.

Thank you,

Chris Robell
Old Palo Alto resident

Carnahan, David

From: Lloyd Diamond <tmcdiamond@yahoo.com>
Sent: Wednesday, November 28, 2018 7:36 AM
To: Council, City
Subject: Jim Keene - City Manager Pay Increase

Dear City Council Members,

I understand that The Palo Alto City Council meeting on Monday, Dec 4th at 5pm will be focused on the performance evaluation and potential pay increase for key leaders in City Hall. This includes Jim Keene, City Manager who we understand is retiring shortly. We've been told he currently makes \$375k excluding housing allowance. This is more than other City Managers in the country except for Santa Clara (which, like Palo Alto, also operates its own utilities but has almost twice the population of Palo Alto). This is also much more than the \$190k salary that the Governor of California receives. Considering the unfunded pension liability and budget gap that exists, an increase would not be prudent.

Best Regards,

Lloyd & Isabelle Diamond

Carnahan, David

From: JIM POPPY <jamespoppy@comcast.net>
Sent: Wednesday, November 28, 2018 9:49 AM
To: Council, City
Subject: Just say no to pay increases for staff, especially Jim Keene

City Council,

There is no reason to increase salaries for staff at this point, especially Mr. Keene who is retiring and will already be taking \$30 million from the City over his lifetime.

It's clear that council members are afraid that staff will snub them if they vote against pay increases. Well, it's about time you put your grownup pants on and made some tough decisions. How else are you going to deal with the \$8 million budget gap or the \$600 million pension gap?

It's really insulting to hardworking citizens that paper pushers are taking home millions over their lifetime. Please do something to restore some faith in your abilities to govern.

Jim Poppy

135 Melville Ave

Carnahan, David

From: jorgen wedseltoft <jorgenw@icloud.com>
Sent: Wednesday, November 28, 2018 10:11 PM
To: Council, City
Subject: Pay Increase

Members of The Palo Alto City Council,

It is unfair of the council to impose any increase in salary to Jim Keene so he can retire with a pension greater than anybody in the country. Palo Alto has not improved, in fact Palo Alto has become a city that I want to leave because of the worst city manager I have experienced in my life. Palo Alto has become a city of milking its residence. Why is Mr. Keene paid more than the governor California? Mr. keene is not, by a long shot, worth his weight for such a salary. I have lived in Palo Alto for more than thirty years and every year Palo Alto has become a less desirable city to live in and more so after Mr. Keene became city manager.

No pay increase for Mr. Keene nor any other city council member. Do your jobs and balance the city budget. Just like the citizens of Palo Alto. We have to balance our budgets in order to live and pay our huge utility bills!

Jorgen Wedseltoft

Park Blvd.

jorgenw@icloud.com

Carnahan, David

From: Silk Iron <silkiron08@yahoo.com>
Sent: Wednesday, November 28, 2018 9:08 PM
To: Council, City
Subject: Performance evaluation and potential pay increase

I am against the potential pay increase as the city leaders' pay scale is well higher than the same position in other cities already.

Best regards,

Grace Xu

Carnahan, David

From: Eva Dobrov <evadobrov@comcast.net>
Sent: Wednesday, November 28, 2018 8:57 PM
To: Council, City
Subject: Pay Increases

Dear City Council,

I would like to thank you in advance for your careful consideration of city leaders' pay increases. It is our money and future you are considering.

Specifically, I was surprised to hear that Jim Keene's salary is up for a possible increase a month before retirement, which would be his new baseline for life. I'm hoping that this is not a serious consideration. I can not think of any reason this would make sense and hope it is not on the table.

Thank you for being good stewards of our money.

Sincerely,
Eva Dobrov
Ventura Court

Carnahan, David

From: Marie Anthony <mahlethe@gmail.com>
Sent: Wednesday, November 28, 2018 8:37 PM
To: Council, City
Subject: Against proposed pay increases

Hi.

I am very much against the proposed pay increases.

Very upset with city's performance - especially the response to current housing crisis and dubious safety changes to Ross Rd...and excessive money paid for same

Sincerely,

Marie Anthony
(Palo Alto resident since 1965)

Carnahan, David

From: Molly Loughney <molly.loughney@gmail.com>
Sent: Wednesday, November 28, 2018 8:30 PM
To: Council, City
Subject: Oppose pay raise for Jim Keene, Palo Alto's current City Manager

Dear City Council,

I have been told that the City is increasing Palo Alto's City Manager Jim Keene's salary right before he retires so that his pension will be based on that higher salary. Hopefully the city will not make such a fiscally irresponsible decision, especially given the current budget situation and Keene's already high salary.

--

Molly D. Loughney Melius

Carnahan, David

From: Annette Rahn <bno21@aol.com>
Sent: Wednesday, November 28, 2018 7:26 PM
To: Council, City
Subject: No pay increase for Keene

Please vote no on any pay increase for Jim Keene. In fact, his pay should be decreased.

Annette Rahn

Sent from my iPad

Carnahan, David

From: Lorraine Menuz <lmenuz@yahoo.com>
Sent: Wednesday, November 28, 2018 6:23 PM
To: Council, City
Subject: Raises

DO NOT GIVE RAISES TO ANY COUNCIL MEMBERS.
Even the idea of contemplating such a raise is obscene.

Sent from my iPhone

Carnahan, David

From: William Xuan <william.y.xuan@gmail.com>
Sent: Wednesday, November 28, 2018 5:54 PM
To: Council, City
Subject: Jim Keene Pay raise

Jim Keene does not deserve the pay raise. If he did he would have to show that he made Palo Alto significantly better place from before he took office. Instead that has not happened, and many problems have gotten worse, congestion, zoning - nobody is happy. Are we rewarding incompetence with extra money? In doing so we're saying 'yes' to a culture of lazy cats who are rewarded simply for being there.

Stop the laziness, and strap up and its time to show that only responsibility and results should be rewarded.

-

William
4049 Middlefield Rd, Palo Alto, CA 94303

Carnahan, David

From: Elaine Johnson <elaine@swagman.com>
Sent: Wednesday, November 28, 2018 5:26 PM
To: Council, City
Subject: No, no, no to a raise for Jim Keene

Dear Palo Alto City Council,

I urge you to vote a resounding NO to a possible pay increase for Jim Keene.

I am just catching up on the amount of his current salary and housing allowance, which I find shocking and extremely excessive. Why in the world is Palo Alto paying such enormous amounts of money to a city employee when we have an unfunded pension liability of over \$600 million and a budget gap this year of \$8 million?

Not only do I urge a no vote on a pay increase for Keene, but once he retires, I urge you to cut the salary for his successor in half. The mayor of Palo Alto should be paid as a public servant, not a king.

Sincerely,

Elaine Johnson, a homeowner in the modest and hard-working Ventura neighbor

Carnahan, David

From: Jo Ann Mandinach <joann@needtoknow.com>
Sent: Wednesday, November 28, 2018 5:20 PM
To: Council, City
Subject: No Pay Raise for Mr. Keene when he's failed to manage his staff

Instead of giving him another raise when he's already the highest paid city employee in the state, how about clawing back the cost of his CIO's non-working systems, his waste of money on traffic calming, the outrageous spending on consultants who don't even know Palo Alto.

Even contemplating giving him MORE of our money when we've got such huge unfunded pension liabilities and have gotten little or nothing in return from high paid staffers while faith in the city government and resident satisfaction has declined so drastically is outrageous and absurd and irresponsible.

Most sincerely,
Jo Ann Mandinach
1699 Middlefield Rd
Palo Alto, CA 94301

Carnahan, David

From: Thomas Clark <thomassampson.clark@gmail.com>
Sent: Wednesday, November 28, 2018 5:09 PM
To: Council, City
Subject: City Employee Compensation

To the city council members:

There is no rational reason why Jim Keene or any city retiree anywhere should receive (more than) full pay plus benefits for life, then not retire but get equivalent employment elsewhere. Compound this with Palo Alto's \$600 million unfunded retirement liability and projected \$8 million deficit, and we have genuine financial irresponsibility riding on the backs of Palo Alto's taxpayers.

Respectfully,

Thomas S. Clark
Palo Alto resident

Carnahan, David

From: Oli <oli_chen@yahoo.com>
Sent: Wednesday, November 28, 2018 4:52 PM
To: Council, City
Subject: No pay increase

Hi,

I'm against pay increase for Jim Keene, Palo Alto's current City Manager who is retiring in a month.

Oliva Chen,

Old Palo

Sent from my iPhone

Carnahan, David

From: Joyce Beattie <jycbyt@gmail.com>
Sent: Wednesday, November 28, 2018 3:42 PM
To: Council, City
Subject: Pay increases for City Leaders

NO!

You already gave Jim Keene a raise, without justification as to deservedness. Come on, Please try to be responsible and represent this City. How can you even think of this when 1) he is retiring in a month? But, even if he had shown himself to be an exemplary civil servant, which is definitely up for debate, we're already over \$\$\$\$\$\$ for unfunded liability of retirement pensions.

How on earth could you even contemplate this?

I am so disappointed.

Joyce Beattie

Carnahan, David

From: gdresden@gmail.com
Sent: Wednesday, November 28, 2018 3:29 PM
To: Council, City
Subject: Pay increase

Dear City Council

I am frankly shocked at the pay that our city leaders have! It would be unconscionable to increase Mr Keene's salary before he leaves. You would be saddling the city with even more unfunded debt. You are supposed to be looking out for the best interests of the city. Please, have the guts to stand up and make a moral choice. Don't give in.

Graham Dresden

Carnahan, David

From: Venky Karnam <venkateshkr@gmail.com>
Sent: Wednesday, November 28, 2018 3:26 PM
To: Council, City
Subject: NO to pay increase for Jim Keene

Dear City Council,

I just heard about City Council's meeting this week about a pay increase for Jim Keene. I am shocked and utterly dismayed!

With a \$8M deficit in our budget for this year, it is the City Council's fiduciary duty to be fiscally conservative and not kick the can down the road. Please vote NO to any further pay increases to Jim Keene.

-Venkatesh Karnam
2771 Waverley St, Palo Alto, CA 94306

Carnahan, David

From: Fran Bennett <franbennett18@gmail.com>
Sent: Wednesday, November 28, 2018 3:09 PM
To: Council, City
Subject: City Manager Salary

DEar sirs,

I wish to register my strong feeling that the city manager's salary is outrageous-as compared to other such salaries in the country. Please do something to control costs,

Alan Bennett
233 Tennyson Ave
p[alo Alto,Ca

Carnahan, David

From: Nam Truong <nvtruong@gmail.com>
Sent: Thursday, November 29, 2018 9:16 AM
To: Council, City
Subject: City Leader Pay Increases

To Whom It May Concern,

With 600 millions in debt, and the pay for leader continues to increase, how long would it take to pay off this monster debt ?

The pay of the leader is already exceeding a record high, the longer we have to pay for this debt the more money the residents will have to pay into interests, and this is a huge waste for the community. At the same time, it also shows that city management doesn't focus enough to do what it takes to help residents lower the current debt, which is a win-win for both, city and residential in a long term.

Hope this makes sense.

Thanks,
One of the Palo Alto residents

Carnahan, David

From: robell <robell999@gmail.com>
Sent: Thursday, November 29, 2018 2:03 PM
To: Council, City
Subject: Pay Hike for Retiring City Manager

As a senior in old Palo Alto, I urge you not to support a pay raise to City Manager Jim Keene's already high salary. One of the several concerns not mentioned in the paper is the demoralizing effect on city employees at the wide salary discrepancy. Please take the fiscally responsible move not grant him the pay increase.

Thank you for considering my request.

Mary Robell
850 Webster St.

Carnahan, David

From: Jeanne Fleming <jfleming@metricus.net>
Sent: Thursday, November 29, 2018 12:17 PM
To: Council, City
Subject: Please vote against raising James Keene's compensation

Dear Mayor Kniss, Vice-Mayor Filseth and Council Members DuBois, Fine, Holman, Kou, Scharff, Tanaka and Wolbach,

I am writing to urge you to vote against raising City Manager James Keene's salary.

Mr. Keene is already one of the most highly compensated City Manager's in California, with a total compensation of close to \$500,000.

Mr. Keene gets six weeks of vacation a year, every other Friday off, a monthly car allowance in excess of \$600, free rein with respect to charging out of town travel expenses to the City, and maximum contributions to his 401(a) account paid in full by the City. Moreover, he owns a home the purchase of which has been heavily subsidized by the tax payers of Palo Alto.

Consider as well the splendid penthouse suite of offices Mr. Keene saw to it that we tax payers built out for him, and the four secretaries he saw to that we hired for him.

Mr. Keene is not undercompensated. He is the luckiest City Manager on earth and, apparently, the greediest.

What possible justification can there be for raising Mr. Keene's salary now, only a few weeks short of his retirement, other than to artificially inflate his pension? This is "pension spiking," and it is a practice so disreputable—and so harmful to the fiscal health of municipalities—that it is outlawed in many places.

Please consider the pocketbooks of your constituents and vote against raising Mr. Keene's compensation

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD
JFleming@Metricus.net
650-325-5151

Carnahan, David

From: David Presotto <presotto@gmail.com>
Sent: Thursday, November 29, 2018 10:49 AM
To: Council, City
Subject: Jim Keene's retirement raise

I just read about the council voting on a raise for the City Manager just before his retirement to increase his retirement pension. This is a nice Christmas present for Mr Keene but a stupid precedent for Palo Alto. Why do we even base pensions on final salary anyways? Why isn't it a sliding scale over last n months paid, similar to social security?

Carnahan, David

From: caryl carr <carylcc@gmail.com>
Sent: Thursday, November 29, 2018 10:40 AM
To: Council, City
Subject: Pay raise for Jim Keene

It is absolutely ridiculous and wrong to give Jim Keene a pay raise one month before he retires. The governor of the state earns \$190K/year, Mr. Keene currently earns \$375K/year, excluding housing allowance. That is more than enough!

--caryl carr
Palo Alto resident (and voter)

Carnahan, David

From: Pat Bartz <pabartz9@ix.netcom.com>
Sent: Thursday, November 29, 2018 4:21 PM
To: Council, City
Cc: Pat
Subject: NO vote on pay raise for city mgr., Mr. Keene

Hello: I'm a tax-paying home owner in the City of Palo Alto for nearly 40 years and find that the level of "service" provided to residents has woefully diminished over the years. To consider providing a pay raise to our current city manager, a non-performer for residents, is ludicrous. If we managed our home budgets like the city does, we certainly wouldn't be able to afford to live here. Pay down the unfunded pension obligation entirely, then come back and talk about pay raises.

P.A. Bartz
713 Oregon Avenue
Palo Alto

Carnahan, David

From: Leonor Delgado <leonor31@sbcglobal.net>
Sent: Monday, December 3, 2018 10:47 AM
To: Council, City
Cc: Leonor Delgado
Subject: Pay Raise for Outgoing City Manager

Many residents of Palo Alto object to a proposed pay raise for the outgoing City Manager, and I join them in this objection. The outgoing City Manager has been responsible for giving the green light and/or advocating for the hiring of out-of-town contractors receiving inflated salaries and frivolous and expensive projects that do not benefit the residents of this city (for example the “interactive wall” in City Hall and the roundabouts that are “an accident waiting to happen”). He has singlehandedly, through refusal to support expenditures and finance hiring and upgrading at the municipal animal shelter, destroyed this institution, handing a public duty over to a private entity that will not have to answer to residents about its practices. He has shown disregard for the helpless among us—the animals—and for residents, especially children, facing critical traffic safety issues.

We do not understand why someone who is about to retire from his position must be rewarded with a hefty pay raise in the last month of his service, a raise that will only ensure more expenditures from the city through an inflated lifelong pension, funds that could be used to remedy real situations around safety, education, and infrastructure requiring the city’s attention. If such a raise is approved for the City Manager, a similar raise should be the standard fare/farewell handshake for all retiring city employees. After all, fair is fair is fair, nothing more, nothing less.

We have become somewhat jaded in our understanding/appreciation of how our elected leaders come to decisions that rubber-stamp these kinds of desires and prejudices. Will 5 of you please object to this latest of such?

Thank you,
Leonor Delgado

Carnahan, David

From: Marie-Jo Fremont <mariejofremont1@gmail.com>
Sent: Sunday, December 2, 2018 7:25 PM
To: Council, City
Subject: Compensation of Palo Alto City Employees

Dear City Council member,

I recently became aware of the salaries of Palo Alto City employees and was surprised to discover salary levels much higher than anticipated at the management level. In terms of government compensation, my benchmark is Governor Brown getting \$200 K per year as he is leaving office.

Given the close to \$600 M unfunded pension liability faced by the City, it seems that the Council needs to take a serious look at the compensation levels and mechanisms of City employees.

Total compensation, which includes salaries, bonuses, benefits, and other compensation mechanisms, is a complex topic. Local cost of living plays a role of course. Attracting talent does as well. However, high compensation levels are typically associated with high risk environments and are typically linked to achieving or exceeding performance objectives.

Working for the City of Palo Alto does not strike me as a high risk environment. Managers do not have to sell products or services (or raise funds in the case of non-profit organizations) nor do they need to attract new customers, make payroll every month, or introduce new products or services every 3 or 6 months to remain in the game.

Having a performance-based component as part of the total compensation is a standard practice for highly compensated employees in our area (be it in the form of cash bonuses or stock options).

Palo Alto is probably not unique in this situation. It is likely that neighboring cities struggle with compensation issues as well. Coming up with a new compensation model is critical for sustainability purposes for Palo Alto and other cities as well.

Thank you for considering my input.

Marie-Jo Fremont

Palo Alto resident

Carnahan, David

From: Debra <debra@vansine.com>
Sent: Friday, November 30, 2018 2:27 PM
To: Council, City
Subject: City Manager pay increase - Vote NO - for Dec 4th meeting

Dear City Council Members,

I am appalled with the idea that the City Manager is asking for yet another pay increase, particularly at this time. As you know he is retiring in a month, and his final pay determines the amount of monthly pension he will receive for the rest of his life (hence a big multiplier effect).

I've been told by a City Council member he currently makes \$375k excluding housing allowance. This is more than any other City Manager in the country except for Santa Clara (which, like Palo Alto, also operates its own utilities but has almost twice the population of Palo Alto). This is also much more than the \$190k salary that the Governor of California receives.

Also it is **your responsibility** to make sure the unfunded pension liability issue is fixed. Jim has been responsible for making this much issue worse, because he is benefiting from this AT OUR EXPENSE. He is not a Palo Altan (he does not own his home, the city of Palo Alto does) and does not care that we have to pay for this mess and his pension for years to come. You as council members will be held accountable for this so please make the RIGHT decision.

Additional context: our city has an unfunded pension liability of over \$600 million. And City Council has yet to close a budget gap in the current year plan of \$8 million, so some tough decisions yet to be made.

You as council members will be held accountable for this so please make the RIGHT decision. **VOTE NO!**

Debra Sine
2332 Middlefield Road, Palo Alto

Carnahan, David

From: Joan Campbell <joancampbell@comcast.net>
Sent: Friday, November 30, 2018 12:27 PM
To: Council, City
Subject: Increase of City officials pay

City Council Members,

As a resident of Palo Alto for many years I oppose the raise in pay of the City Manager who will be retiring in a month. He has been paid handsomely for his years of service and increasing his retirement is not something I care to do with my tax dollars.

I hope BIG Money interests will not sway our leaders into a new approach to the President Hotel grandfather clause. Money can't buy every value we have or can it? Joan Campbell

Carnahan, David

From: Wayne Martin <wmartin46@yahoo.com>
Sent: Friday, November 30, 2018 8:10 AM
To: Council, City
Subject: Outrageous Pension "Spiking" By City Council

Palo Alto City Council

City of Palo Alto

Palo Alto, CA 94301

Elected Council Members:

Giving City Manager Keene a retroactive pay raise on top of his already lavish salary? Really?

This is an outrage. With a salary of over \$300,000, depending on how many actual years of CalPERS agency employment Keene has actually been employed, and depending on the number of years he lives after retirement, he could easily draw over \$10M in pension payouts. Isn't that enough?

Looking at a potential payout for someone exiting the City's employment with a salary of over \$300K, and not a police or fire department employee, such a person could start with a pension payout of about \$240,000 the first year, with that person seeing over \$460,000 a year by year 30 of his retirement. This comes to an average of about \$330K per year. (Remember, someone on Social Security will receive between \$14,000 and \$30,000 per year.)

If the City Council can "spike" this man's salary, then they can spike every employee's salary.

Clearly, those Council Members supporting this "spiking" have no sense of fiduciary responsibility to the taxpayers and voters. Would it be a fair bet that not one of those Council Members prepared to vote for this "spike" have no idea how this additional payout will encumber the City via its already large UAL?

Anyone Council Member who votes for this should be recalled.

Wayne Martin

Palo Alto, CA

Carnahan, David

From: Cecilia <peabodywarner@yahoo.com>
Sent: Thursday, November 29, 2018 10:36 PM
To: Council, City
Subject: No pay increase for city manager

I am told that the PA city manager makes \$375 K per year and a pay increase is being considered. Is this more than any other city manager in the country? Regardless, I think a pay decrease should be in order. I believe that the President of the US makes \$400,000 per year so how do we justify anything close to that?

Thank you,

Cecilia Peabody

Carnahan, David

From: Susan Phillips Moskowitz <susan@mrsmoskowitz.com>
Sent: Thursday, November 29, 2018 7:08 PM
To: Council, City
Subject: Please vote against the raise for the city manager

To the city council,

As a resident of Palo Alto for over 43 years I am familiar with the city council and our many city managers. I have been disturbed by the news about the amount of money he has been paid and he is about to retire. He will get a very generous pension and the city should NOT vote to give him a raise.

Regards,

Susan Phillips Moskowitz
susan@mrsmoskowitz.com
Founder & CEO Mrs. Moskowitz's Munchies LLC
650-275-2510
www.mrsmoskowitzsmunchies.com

Residing and owner at 1941 Tasso St. for over 42 years.

Carnahan, David

From: Barbara Evans <evansbanjo@sbcglobal.net>
Sent: Monday, December 3, 2018 3:29 PM
To: Council, City
Subject: raises

we question the practice of granting raises just prior to retirement.

Joe and Barbara Evans

Carnahan, David

From: Jim Dehnert <dehnert@gmail.com>
Sent: Monday, December 3, 2018 3:20 PM
To: Council, City
Subject: City Manager pension boost

Members of the City Council:

I'd like to simply note my strong objection to a last-month pre-retirement boost to the City Manager's pension (under the cover of a pay increase). Palo Alto already has a huge unfunded pension liability already, and I've seen little indication that it's being taken seriously enough by the council. There's no need to make it worse with a pre-retirement salary increase that the manager will see nothing of _except_ in a higher pension -- he's already going to be very well provided for at his current level. I also suspect that he's had a substantial role in pumping up our overall pension liability as city manager, and don't think that deserves a reward in kind.

Sincerely,
Jim Dehnert

--
--

Jim Dehnert
dehnert@gmail.com

Carnahan, David

From: William Butler <butlerwd@yahoo.com>
Sent: Sunday, November 18, 2018 7:27 PM
To: Council, City
Subject: Rinconada Pool and Masters Team

Dear Council:
I am writing as a concerned citizen.

It is deeply disturbing what Tim Sheeper is doing to the Rinconada Masters Team and Program.

As you know, the Rinconada Masters, founded by beloved coach Carol Macpherson, is a long time community that has used the pool for decades.

With a vague claim in the name of safety, something about not enough life guards on duty during workouts, Mr Sheepers is making a naked power grab to run his own Masters swim program, so he can make more money from his management of the pool.

He did not have the decency to speak with Carol about his concerns or provide constructive feedback or work with her on a solution if the current setup is/was in adequate.

Several of us swimmers are CPR certified, and the pool lies within earshot of the fire station, and while it is under construction, it normally houses trained paramedics. Furthermore, Mr Sheepers employs plenty of people that are trained life guards. There has to be a solution that allows the current setup to work.

It all seems like a really bad plot from a movie.

The reality is that we like the Team and Program as it is. If there is legitimate safety concern, then there should be a dialogue to solve it, not a unilateral termination of an agreement that has been in place for decades.

Bottom line, I am not happy with the way the pool has been run, Mr Sheeper is not Customer or community oriented enough.

This is not his pool, it belongs to us citizens and property taxpayers. He needs to serve us, or stop managing the pool.

Tell him to work out a solution with the Rinconada Masters Team and Program as it is now, and not destroy a community resource for his own enrichment using his vague concern about safety as a dodge. This is very unbecoming.

Thank you,
William Butler

Sent from my iPhone

Carnahan, David

From: kemp650@aol.com
Sent: Sunday, November 18, 2018 5:25 PM
To: Council, City
Cc: LeBlanc, Jazmin; Douglas, Stephanie
Subject: Rinconada Pool Contract - I am a Lap Swimmer with Multiple Concerns about the proposed 5-Year Contract with Team Sheeper

Dear City Council Members,

I am a longtime lap swimmer at Rinconada Pool and a longtime Palo Alto resident.

I have been following the City of Palo Alto Parks and Recreation Department transfer of pool management and operations to the Team Sheeper organization and have multiple concerns about the Rec Department's recommendation to enter into a 5-year contract with Team Sheeper beginning in January 2019.

Team Sheeper's current contract with the City will be ending at the end of next month. Team Sheeper was the one and only bidder on the 5-year contract the Parks and Rec Department put out to bid earlier this year. We swimmers were told the contract would be for 3 to 5 years; I'm not sure why it's all-of-a-sudden a 5-year contract.

My observation is that Team Sheeper has cultivated a cozy and self-serving relationship with Parks and Rec to the exclusion of other stakeholders (namely, the swimmers) and it is no surprise that Parks and Rec wholeheartedly recommends this 5-year contract renewal with the one and only bidder.

Meanwhile, lap swimmers I have talked to and other swimmer groups (masters especially) have little to no trust in Team Sheeper; communications with Team Sheeper management over the past year have been sketchy to non-existent. The pool was closed or late opening multiple times with little to no warning. Other communications about partial pool closings were so confusing that many of us didn't go to the pool, assuming the pool was closed when it wasn't. When the City of Palo Alto ran the pool, one could phone the pool during lap swimming hours and speak to pool staff on-site to confirm whether or not the pool was open; when I tried phoning the pool under Team Sheeper management, no one answered the phone. When I asked a Team Sheeper employee in person whether or not the Team Sheeper front desk personnel at the pool answered the phone during lap swim hours, I was told they didn't because it was 'usually someone asking about lessons'. That leaves me with option of either skipping my swim or going to the pool in person to see whether or not it was open.

In addition, we've heard stories about thefts of personal property (car keys taken out of swimmers' pockets/bags in the locker rooms while they were in the pool swimming and those keys used to get into the swimmer's car and steal personal belongings), but have never heard any words of caution or alerts from Team Sheeper about how to keep belongings safe during our swim (the locker rooms are not monitored because of privacy, making them prime targets for anyone bold enough to walk in and pilfer through people's belongings). The front desk under the Team Sheeper management is not always monitored, so someone can walk in without being noticed while front desk personnel are switching out roles with the life guard on the pool deck, taking a rest room break, etc. Under the old management, access to the pool was through a different gate and access through to the locker rooms was past many swimmers, life guard personnel, etc., so thefts were rarer.

Team Sheeper has told the masters swim organizer that their contract will not be renewed as of January 2019; they gave very little notice and handled the contract cancellation very poorly. Masters swimmers who spoke at the October 23 Parks and Recreation meeting praised the program and said it was for 'everyman'. I am not a masters swimmer, but I sympathize with swimmers who want to approach the sport from any age, condition, etc. My impression of Team Sheeper is that they are targeting a more demanding, high performance and probably younger crowd than the current users, and they were happy to find a safety issue that they could exploit in order to eliminate the program and take it over themselves. In the process, trust in both Team Sheeper and Parks and Rec has been downgraded even more than before.

As for lap swimming concerns, they are as follows:

1. That Team Sheeper will want to mix and match lap swim and masters swimmers during the same times of the day. When the original contract with Team Sheeper was negotiated, both lap swimmers and masters swimmers attended Parks and Recreation meetings in great numbers and voiced their concerns loudly and clearly, and both groups agreed

that they did not want to mix and match: they each want exclusive use at specified times as we've had at the pool for decades. The sample schedule that Team Sheeper included in the presentation to Parks and Rec on October 23 already shows mixing and matching lap and masters swimmers on some of the current masters only days during the week while adding masters swim time slots into the previously lap swim only morning hours on the weekend. The time slots are as short as $\frac{1}{2}$ hour, which is impractical and unlikely to satisfy anyone. Who does that serve except Team Sheeper - more bodies in the water means more money for them.

2. Speaking of more money for Team Sheeper, the materials shared at the October 23 meeting with Parks and Rec also showed a 6.7% increase in fees. At the Snacks with Staff' meetings that the Parks and Rec held with swimmers on October 16th and October 18th, Jazmin mentioned a price increase that would become effective later on and quoted something like 2%. At the October 23 meeting she mentioned a price increase attributable to operating expenses going up, but did not elaborate. We already pay more now than we did when the City of Palo Alto ran the program. If I am going to be hit with a 6.7% increase, what am I getting for it except a lower quality experience should Team Sheeper execute on the mix and match lap and masters swim hours increase? The increased number of bodies in the pool also means more use of the locker rooms and showers and probably waits for showers during popular morning hours when most swimmers are trying to get showered and off to work.

3. The 5-year contract is extraordinary. There should be as many safeguards as possible to avoid Team Sheeper totally taking over the program and implementing all the profit-maximizing tools they have. Shouldn't there be something like 1-year renewals with certain benchmarks and opportunities for feedback before implementing the next one-year renewal? My understanding is that other City of Palo Alto departments grant 1-year contracts, not blanket 5-year contracts. Also, what happened to the 3-year contract option that was mentioned at the March 6 community meeting? Again, the easier path for Parks and Rec is to recommend the 5-year contract which makes less work for them and helps to further solidify the Team Sheeper hold on the operation since who else would want to bid after 5 years?

4. More on the issue of the positive relationship that Parks and Rec has with Team Sheeper: Jazmin characterized the public feedback at the community outreach forum on March 6th 2018 was positive about Team Sheeper's management of the pool. I attended the meeting and would not characterize it as such. In addition, Parks and Rec stated that future meetings would be held with the community, but those meetings never materialized. The lack of transparency and communication between Team Sheeper, the City and the lap swimmers may be due to Parks and Rec's loss of the lap swimmers email list. I find that suspicious and convenient for them. This explains why many/all of us are in the dark about Team Sheeper's proposal and the steps Parks and Rec have been taking to approve it. Even at the Snacks with Staff meeting that I attended on October 16, I provided my email address yet again and haven't heard a peep despite Jazmin saying that they would follow up with me about my concerns (thefts at the pool and poor/unclear/non-existent communications about pool closures).

I am disappointed with the choice our city faces with regard to this 5-year contract with Team Sheeper. They were the only bidder, we not only do not trust Team Sheeper but also now do not trust the Park and Recs Department to accurately represent our issues and concerns. Ultimately, we are worried that our city gem of a community pool will be transformed into a pool more like Burgess pool in Menlo Park, that Team Sheeper also manages - one that is overcrowded and a chaotic and unpleasant experience for lap swimmers – a commercial venue, not a city pool.

Thank you for considering my concerns in making your decision on Monday night, November 19th.

Sincerely,

Susan Kemp

Carnahan, David

From: alemmenes@juno.com
Sent: Sunday, November 18, 2018 4:01 PM
To: Council, City
Cc: ParkRec Commission
Subject: Rinconada pool

Dear City Council and Parks and Rec Commission,

I am a Palo Alto home owner who has been meaning to write this follow up email since the meeting at City Hall on October 23, 2018. Thank you for giving us the opportunity to speak and to hear your questions concerning the possible program changes at Rinconada pool. Life has been busy, but we swimmers still feel just as strongly about the usage of Rinconada pool.

I am a lap swimmer who uses Rinconada pool as one of my only available ways to stay in shape. I have medical issues that keep me from some of my former forms of working out, and swimming is fortunately an ideal and effective route for me. I am currently still working and I am able to swim at Rinconada before heading off to my work day. When I get to the pool, at about 6:20, all 14 lanes are filled, almost always with two swimmers per lane. I swim for about 30 min. and during this time the lanes continue to be filled.

When I retire I hope to continue my lap swimming as a way to maintain my health, fitness and sanity. I am also considering joining the Masters program run by Carol Macpherson of the Rinconada Masters Swim Club. We lead very busy and stressful lives and it is important to have the type of program that fits your needs. Rinconada Masters, as currently exists, is providing just what its members want in a Masters program. This should not be taken away from them. Those who want an extremely competitive program can easily find a group to join in the surrounding area (Stanford, Burgess, Foothill...) that will suit those desires.

Team Sheeper's refusal to allow Rinconada Masters to continue as it is seems to serve some other purpose than to satisfy the people who currently use Rinconada for their Masters swimming. Does Mr. Sheeper have a large, new group of Masters swimmers clamoring to change the program at Rinconada? Couldn't these swimmers join the group at Burgess on a reciprocal basis and leave Rinconada's program alone?

Our lap swim group was alarmed by the fact that Mr. Sheeper is being granted a 5 year contract without making clear what his plans are for the long term usage of Rinconada Pool. We have seen a tentative schedule for January 2019. Is the city comfortable signing a contract that so limits our vision of the future for this valuable public resource? Already it looks as though the Sheeper plan is to crowd out the current Masters program. Is a severely reduced lap swim program next?

Crowding PASA or Master swim times into the lap swim times will defeat the purposes of all. Please maintain Rinconada pool as a community pool that honors the wishes of those who use it.

Thank you for seriously considering the needs and wants of the community of swimmers at Rinconada pool.
Best regards,
Ann Lemmenes

How To Remove Eye Bags & Lip Lines Fast (Watch)

ourhealthpros.com

<http://thirdpartyoffers.juno.com/TGL3142/5bf1fda08bae57da01a71st02vuc>



Carnahan, David

From: Judith Schwartz <judith@tothept.com>
Sent: Monday, November 19, 2018 11:25 AM
To: Council, City
Cc: acribbs@basoc.org
Subject: Masters Program at Rinconada Pool

Dear City Council,

I've swum with Rinconada Masters since the mid 1980s. I've also swum for several years at a time with Menlo Masters so I know Carol Macpherson and Tim Sheeper personally and well. I've competed for both teams. I was the 2011 Menlo Masters Swimmer of the Year and I've been Carol's lane mate for many years. I have strong loyalty and affection for both teams.

I am currently swimming with Rinc as that team's more low key approach is serving me better right now. MM is also a great team with a different, more competitive character and wonderful people (many of whom live in Palo Alto).

I have tremendous respect for Tim who has been unfairly demonized by people who don't even know him. He is a solid, ethical guy who encourages his swimmers to give back to the community. Among the initiatives supported by Menlo Masters under his leadership are a reading literacy program, food drives in Feb., new shoe drives in the fall, donated gifts for kids at Christmas, and a foundation, *Beyond Barriers*, that offers swim lessons to disadvantaged kids. He took on the management of Belle Haven pool in Ravenswood even though it operates at a loss.

Team Sheeper has demonstrated it can do a good job managing an aquatics program with staff with varied skills who will work part-time and seasonally. They have earned the trust of City staff and the Parks and Rec Commission over several years. **I support renewing Team Sheeper's contract to operate the Rinconada pool facility.**

I also support keeping Rinconada Masters at the pool and would hope a compromise can still be achieved with the help of a good independent mediator. As you've seen, Rinc swimmers are enthusiastic supporters of our community group and have loyalty to our coaches. For Carol to lose the Master's team she co-founded would be a huge personal and professional loss. Former Olympian Terri Baxter Smith is the daughter of the other co-founder and provides skillful stroke coaching that I haven't found at any other team. Rinconada is a team with a deep legacy in Palo Alto that continues to provide valuable services, including the Swim for Fitness programs that prepares people to join a masters team.

An excellent program that retains what's unique about Rinconada Masters and judiciously adds selected elements of the Team Sheeper formula and administrative organization, would be a wonderful evolution for the former, complement to Menlo Masters (and the other area teams) and provide a solution that everyone could cheer. The transition could be made seamless for the swimmers and demonstrate local communities can find common ground when we keep the shared goals in mind.

Thank you.

Best regards,

Judith

Judith Schwartz
Palo Alto, CA 94301 USA

Carnahan, David

From: mark weiss <earwopa@yahoo.com>
Sent: Tuesday, November 20, 2018 8:14 AM
To: Council, City
Subject: What's up at Rinconada Pool?

8:12
paloaltoonline.com

Kehillah Jewish High School prepared me for college graduation with 2 degrees in 3 years. LEARN MORE

a resident of Downtown North
21 hours ago

Mark Weiss is a registered user.

According to the staff report, we are charging this guy \$10,000 for the first \$1M in revenue? I'd say keep the pool closed until we figure out why the other 59 RFPs did not bid.

I've rented Cubberley Community Center (and Mitchell Park El Palo Alto room) more than 100 times for music events and pay more than 50 percent of my revenue to the City, guaranteed.

By that measure Team Sheeper, Tim Sheeper should be paying us \$500,000 of the first \$1,000,000 he collects in fees.

What am I missing here?

Also, the idea that we are showing the door to Carol McPherson and Olympian Paly Grad Terri Baxter bothers me.

G f t +

Sent from my iPhone

Carnahan, David

From: Ann Protter <ann.protter@gmail.com>
Sent: Monday, November 19, 2018 10:19 PM
To: Council, City
Subject: Extend existing Team Sheeper proposal for one year

Dear City Council Members,

Thank you for hearing all of us who spoke and/or showed up in support of Carol's Master Swim program.

I believe the best solution proposed tonight was:

Please request a one year extension of Team Sheeper's currently existing contract.

Please vote to NOT accept the new RFP bid (next Monday).

- This bid removes Carol as the Master's Coach.
- This bid eliminates the Swim for Fitness program.

The widespread perception among the swimmers is of a lack of transparency. I attended the Park and Recreation Commission meeting when the city (Jazmine LeBlanc) presented the proposal. Each and every commissioner had something negative to say to her - about the process, the timing, the lack of transparency, and/or the lack of trust.

It's up to the City Council to reject the proposal by Team Sheeper. Instead, please offer to extend his existing contract (and subcontracts) for one year. This allows everyone time to address all concerns and issues. And keeps the Rinconada Masters and Swim for Fitness programs intact -- and the swimmers happy.

Thank you,
Ann Protter

COUNCIL MEETING

11-19-18

[] Placed Before Meeting

[] Received at Meeting

To: Palo Alto City Council
Date: November 19, 2018
Subject: Proposed contract with Team Sheeper for Rinconada Pool management

Dear Esteemed Council Members:

WHEREAS: the proposed contract with Team Sheeper is flawed in several important respects as follows:

- The Request for Proposals (RFP) was crafted such that only one potential contractor could respond, namely Team Sheeper.
- Not all stakeholders were consulted. A public forum was held on March 6, 2018 to hear and discuss views of the community. The Rinconada Masters, a significant stakeholder, were not informed of the forum beforehand, and therefore could not attend.
- We were informed on October 16, 2018 that the subcontract between Team Sheeper and the Rinconada Masters would not be renewed. As of January 1, 2019 the Rinconada Masters as an organization would no longer have access to the Rinconada Pool facility, which has been our home continuously since 1973.
- It was recommended at a Parks and Recreation meeting on October 23, 2018 that the proposed contract with Team Sheeper be signed, adopted, and ratified by the City, and that the process had progressed too far to turn back. In fact the process was conducted almost entirely behind closed doors, with very little transparency. The process was highly unsatisfactory, as is the proposed contract.

THEREFORE: We the Rinconada Masters respectfully recommend that the proposed contract with Team Sheeper NOT be ratified by the Council.

FURTHERMORE: We recommend and request that the existing contract, together with all subcontracts, be extended one year through December 31, 2019. During this period the Rinconada Pool facility would continue to operate as it does today.

FURTHERMORE: A transparent process will be initiated to respect all stakeholders in a proposed future contract.

Sincerely yours,

J. F. Shaw *J. F. Shaw* Dan Sheeper *Dan Sheeper* D. Muller *D. Muller* J. P. Ryan *J. P. Ryan*

James F. Shaw, Chair, Advisory Board, Rinconada Masters, current Palo Alto Resident

Timothy R. Groves *Timothy R. Groves*

Timothy R. Groves, Rinconada Masters Member, current Palo Alto Resident

George Elgony *George Elgony*

Lori Myhr *Lori Myhr*

Oleg Milman *Oleg Milman*

Ryan S. G. Bone *Ryan S. G. Bone*

Lindsay Bellon *Lindsay Bellon* Wendy J. Parry *Wendy J. Parry*
D. Muller *D. Muller* John Bailey *John Bailey*
Oleg Ball *Oleg Ball* David Bailey *David Bailey*
Shane Cavanagh *Shane Cavanagh* John Bailey *John Bailey*
Lee Coggeshall *Lee Coggeshall* David A. Levinson *David A. Levinson*
Anne K. Curated *Anne K. Curated* Shale Kid *Shale Kid*

Carnahan, David

From: Wayne Martin <wmartin46@yahoo.com>
Sent: Tuesday, November 20, 2018 2:00 PM
To: Council, City
Subject: Rinconada Pool Issues

Palo Alto City Council

City of Palo Alto

Palo Alto, CA 94301

Re: Rinconada Pool Outsourcing Issues

Not being a pool user, the stories about the Rinconada Masters being booted from the pool are a little hard to follow. Even though there is a fair amount of information in the Staff Report:

<https://cityofpaloalto.org/civicax/filebank/documents/67729>

issued by the City Manager's Office, justifying the approval of the five-year contract to Team Sheeper, it's not clear what exactly is going on, and why this group that claims to have been using the pool for decades is being displaced. One can only hope that the Council has taken sufficient time to investigate the issues and that the final decision benefits everyone.

There are some other issues about this Staff Report, contract and subsequent operation of the pool that need to be brought to the Council's attention. Most notably, the lack of transparency in the operation of the pool by both the City and the contract awardee.

While a goodly amount of "ink" was provided in the Staff Report about compensation—nothing was provided in terms of historical revenue/costs associated with pool operation at this location. The revenue sharing tables range from just over \$1M to over \$5M, without any documentation as to what the revenue levels have been recently, or what revenue levels might be over the life of the contract. Why not?

Staff has failed to require pool use reports from the contract awardee, although presumably this information is available from the monthly payment records. For adequate pool use details to be made available to the public, such requirements should appear in the City's contract. Staff could also generate such a report, perhaps quarterly. There seems to be no such suggestion that the City will make this information available to the public unless forced to do so via a Public Records Request, or a law suit.

It makes no sense for the City not to make the financials of running a City-owned and operated pool readily available in usable formats, such as Excel spreadsheets. At the moment, this information does not seem to be easily discerned from those tasked with managing the pool in the past.

Another point that doesn't seem to be addressed in the Staff Report, or contract, is a defined way for people to register complaints with both the City and the contract awardee about pool operation. These complaints should be listed, and a brief description of the complaint's resolution be made available in the quarterly pool performance and financial report.

Presumably the City has researched the appropriate policy needs for a private-public partnership for a swimming pool. There didn't seem to be much in the way of insurance policy limit justification. It is suggested that some sort of research be referenced in the Staff Report to justify these limits.

The City hires several hundred part-time people who provide training and other needed skills to the many recreation programs offered to the public. This includes people who work in/around the aquatics programs. The Staff Report

indicates a savings of about \$140K, but does not indicate where these savings will be enjoyed. It would seem to have been a requirement of the Staff Report to identify how these savings would be achieved, and how many part-time people would no longer be employed by the City, should that be the case.

One final point—this Staff Report does not seem to embrace the principals of Total Cost of Ownership (TCO) which has been successfully employed in the private sector for decades. Council is encouraged to make pointed suggestions that Staff Reports should move towards reflecting TCO in the future.

Wayne Martin

Palo Alto

Carnahan, David

From: Carol Heermance <cheermance@gmail.com>
Sent: Tuesday, November 20, 2018 6:44 PM
To: Council, City
Subject: Team Sheeper pool contract

To the Palo Alto City Council

Regarding: Rinconada swim program contract with Team Sheeper

We have been residents of Palo Alto and lap swimmers since 1981, and recently attended the Parks and Recreation Commission meeting and the City Council meeting in which outstanding issues with the contract extension were presented.

It is clear that the Masters Team is not happy with the changes proposed in the new contract. The team is an important stakeholder in our community. As lap swimmers, and stakeholders, we do not want our current schedule or available lanes modified. Unfortunately we have not been able to see the proposed changes for lap swimming. It does not make sense to sign a 5-year contract that has many unresolved issues. We urge you to extend the current contract, that includes the existing Masters coach and program, for one more year, during which time these issues can be adequately addressed and the process can be more transparent.

Thank you for your consideration.

Dick and Carol Heermance
208 N. California Ave.
Palo Alto, CA

Carnahan, David

From: Barbara Rieder <barieder@yahoo.com>
Sent: Wednesday, November 21, 2018 1:39 PM
To: Council, City
Subject: Approval of 5-Year Aquatics Operating/Revenue Agreement with Team Sheeper

Council Members and Mayor,

Having read the above Staff Report, I note that concerns I expressed in my October 22 email to you have been clarified. This report likely was not yet available, however, it would have been helpful to stakeholders, to be notified when it was published.

As Team Sheeper grows programming (page 5), informing stakeholders, early, before approvals by City staff (page 6) will avoid or at least minimize the angst that has occurred with this Agreement.

Yes, City staff notified us Spring 2018 about the RFP and auditor. I completed surveys. No, my husband and I (different last names) were not notified about this report until after the 11/19/18 Council meeting. City staff and Palo Alto Swim and Sport have our email addresses.

The Data (page 3) is important for maintaining balanced, shared usage decisions as new programs are introduced.

Regards,

Barbara Rieder & Tony Kooij
1728 Cowper Street
Palo Alto, Ca 94301

Carnahan, David

From: Marilyn Bauriedel <babamarilyn@gmail.com>
Sent: Thursday, November 22, 2018 10:44 PM
To: Council, City
Subject: Proposed 5-year Contract with Team Sheeper for Management and Programming of Rinconada Pool

Dear Mayor Kniss and Council Members:

I have read the Staff Report and draft contract to continue the management of Rinconada Pool for 5 years with perpetual renewal possibilities. I believe you will be postponing this agenda item until December 10 per request of city staff.

I am a 46-year swimmer at Rinconada Pool--the first 3 years as a member of Rinconada Masters under Carol McPherson and Cindy Baxter, and the other years as a regular lap swimmer 2 to 3 times a week.

I am dismayed as are so many other lap swimmers and certainly all the Rinconada Masters swimmers at the unfair characterization of the Rinconada Masters program in the staff report and at the 11th hour termination by Tim Sheeper of any further subcontracting with Rinconada Masters as well as the City's full agreement that this long-time beloved program should be shut out of Rinconada Pool participation other than as swimmers who enroll in whatever masters program Tim Sheeper creates--but without their coach and assistant coach. Further, there is no guarantee in the proposed 5-year contract as we had with the last 2-year contract with Team Sheeper that Tim Sheeper will continue to provide an adequate number of swimming lanes for our lap swimmers at the peak usage times when we are committed to our regular swims. If this contract goes through as proposed, Team Sheeper has free rein for the next five years plus extensions to shape the schedules and number of lanes available without any city oversight and despite any preferences that lap swimmers may have. It would be very difficult for us to see a lane reduction, particularly Tues., Thurs., and Saturday mornings. Having more than 2 swimmers in a lane presents real problems as we are not a team with similar speed and stamina.

Despite claims of soliciting sufficient comments from the stakeholders at the pool that the City staff has made in the Staff Report, I feel that the RFP process was not transparent and that the City's promises last March 6 at a community meeting that I attended that Community Services Department staff would consult with lap swimmers and other stakeholders at separate meetings, including the Rinconada Masters, has not happened. The contract has become a fait accomplit long before the city had a couple of "snack chats" to check up on swimmers' preferences and satisfaction at the pool on Oct. 16 and 18. This is not consulting with the community's regular swimmers. It was also very difficult to obtain the staff report and draft contract, which I think is another transparency problem.

Please postpone action on this contract until stakeholders, especially Rinconada Masters and regular lap swimmers have a chance to be consulted and listened to. There has to be a way (as many Parks & Rec Commissioners expressed at their October meeting at which I spoke) to include Rinconada Masters own program in Rinconada Pool with whatever contract comes into force. The City needs to act in good faith in this matter. I recommend that you grant an extension to Team Sheeper of the current contract for the next year (as Menlo Park has done several times with Team Sheeper), thus continuing Rinconada Masters' participation so that there can be time for meetings and consultations to remedy this situation.

Most sincerely,
Marilyn Bauriedel
3673 South Ct
Palo Alto, CA 94306

In light of th

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Marilyn U. Bauriedel

Carnahan, David

From: JoAn Chace <joanechace@yahoo.com>
Sent: Wednesday, November 28, 2018 2:38 PM
To: O'Kane, Kristen
Cc: Council, City
Subject: Rinconada Pool and Masters

To the City Council and Kristen O'Kane, and to the Editor of the Palo Alto Weekly

The online experience of googling “Palo Alto Aquatics” is jarring. One is welcomed to the site as if CEO Tim Sheeper’s swim school and summer swim camp were what the pool is all about. Text and photos on the welcome page do not even hint that other programs exist at the pool. If one is curious and clicks the “Community Swimming” tab, one will discover that the pool is home to a swim club (PASA), lap swimming, and the Rinconada Masters swim club. Not only does the welcome page mention only CEO Sheeper’s lessons and camp, it also plays up his “proprietary way of teaching.” This web page illustrates why the City should not grant Mr. Sheeper a five-year contract.

The Rinconada Masters swim club has a long community history (since 1973) and a strong community atmosphere. There is no “proprietary” coaching there. All the same, the club has taken all its swimmers to higher levels of skill. It has sustained high achievers, new swimmers, and older swimmers. The spirit of volunteerism is strong in the group. For many years the club has sponsored a regional swim meet in March. The meet is mounted and staffed by volunteers.

CEO Sheeper has refused to renew the team’s contract for reasons of “safety.” He demands that the Masters group add two lifeguards to the deck at all times, to add their vigilance to that of two vigilant coaches. He has never offered evidence that other programs in the area meet this requirement of, in effect, keeping four lifeguards on deck at all times. Word of mouth has it that at the Menlo Park pool, which he manages, this requirement is not met.

The safety issue is a screen. More to the point is this: he has never given the least attention to the Masters team, no meetings, no friendly drop-bys, no trouble-shooting. He announced the non-renewal of the contract as a decision fully made, just over two months before the Rinconada team would be forced out of the pool when its contract ends in January.

He is acting in bad faith. His Masters program differs from the Rinconada one in significant, money-making ways: most of our workouts last an hour and a half. His last one hour. We swim two to a lane. He wants three to six swimmers per lane.

The adult pool at Rinconada Park was a gift of the Stern family. It has belonged to the community since the 1940s. Outsourcing may be the order of the day, but surely the City can manage the managers to whom it gives over prize City amenities. Please persuade Mr. Sheeper to honor the previous contract with the Rinconada Masters club—or don't give him a five-year contract.

JoAn Chace, member of the Rinconada Masters,

1325 Cowper Street

Palo Alto

November 28, 2018

Carnahan, David

From: Kim Atkinson <atkinsonkim@pacbell.net>
Sent: Wednesday, December 5, 2018 10:25 AM
To: Holman, Karen (external); Council, City
Cc: Kniss, Liz (internal)
Subject: 670 Los Trancos private development bordering Arastradero Open Space Preserve

Hello City Council members,

Have you had time to look into the legality or code conformation of the private development taking place at 670 Los Trancos, above Arastradero Open Space Preserve, which is creating a severely negative visual impact on the upper portion of our public park and trails ?

You were sent letters and photographs inquiring about this in mid November.

Is anyone from the city of Palo Alto monitoring this project for adherence to guidelines, and to the agreed upon project that you approved by unanimous vote ?

Thank you for responding, whenever convenient.

Kim Atkinson



Carnahan, David

From: California High-Speed Rail <Northern.California@hsr.ca.gov>
Sent: Friday, November 30, 2018 10:49 AM
To: Council, City
Subject: California High-Speed Rail Authority Northern California Newsletter- November 2018

To view this email as a web page, go [here](#).

Can't see the images? [View As Webpage](#)



Northern California Regional Update

The California High-Speed Rail Authority (Authority) continues its commitment to conduct public outreach. Here are a few updates this month.

[San Francisco to San Jose](#)

[San Jose to Merced](#)

Statewide Update

[High-Speed Rail Authority Responds to State Audit](#)

Last week, the California State Auditor issued a report on the California high-speed rail program that addresses the efficiency and efficacy of the policies and practices employed by the California High-Speed Rail Authority (Authority). The audit was conducted at the request of the Joint Legislative Audit Committee of the California Legislature.

The Authority welcomed the oversight offered by the audit as part of our commitment to ongoing improvement and transparency. Staff cooperated fully with the Auditor's office in its review of the program.

The audit identified a number of areas where they believe that the Authority can improve how we do business. Many of the recommendations address issues we had identified through our own internal reviews and begun taking steps to remedy, including strengthening our management structure and oversight.

As we have done in the past, we will move swiftly to fully implement the recommendations of the State Auditor, and we remain committed to its mission to deliver high-speed rail to California, while also being good stewards of taxpayer dollars.

High-Speed Rail Advances Work in Southern California Board Concurs with Staff Recommended State Preferred Alternatives

On November 15, the California High-Speed Rail Authority's (Authority) Board of Directors marked a major milestone in advancing environmental clearances in Southern California by concurring with the Staff Recommended State Preferred Alternatives for three proposed high-speed rail routes through the region. This action underscores the Authority's commitment to building the full Phase 1 system connecting the Bay Area to Los Angeles, further demonstrating the Authority's objective to position itself to advance additional segments as funding becomes available.

The Board's action was for three project sections: Palmdale to Burbank, Burbank to Los Angeles and Los Angeles to Anaheim. In October, the Board had concurred with the Staff Recommended State Preferred Alternative for the Bakersfield to Palmdale Project Section. While Board concurrence does not represent final approval of alignments and/or station locations it does mark the culmination of an extensive planning, scientific analysis, and community consultation process.

The Authority anticipates releasing four corresponding Draft Environmental Impact Reports (EIR)/Environmental Impact Statements (EIS) for public and agency review and comment in late 2019/early 2020. These documents will detail the environmental findings for all alignment alternatives including the State Preferred Alternatives.

For more information about the four Southern California project click the button below.

[Click for Project Sections](#)

December Construction Update & Job Numbers

As we come to the close of 2018, the high-speed rail project continues to make significant progress. There are now just under 2,500 construction workers helping to build the nation's largest infrastructure project. Meantime, construction on the San Joaquin River Viaduct now spans across the river, while work on the Cedar Viaduct is coming closer to crossing State Route 99 in Fresno. Check out the latest construction update to read about the progress and see new pictures from the work sites



[Click for Construction Update](#)

JOB NUMBERS AS OF OCTOBER 2018

CONSTRUCTION LABOR WORKERS

2466

CP 1: **1604**

CP 2-3: **634**

CP 4: **228**

The Santa Clara Valley Transportation Authority Going Green



The Santa Clara Valley Transportation Authority (VTA) Board of Directors recently approved the adoption of a Green Building Policy.

In a move that aligns with other sustainability strategies adopted by the Authority, VTA's policy commits to incorporate green building principles into the planning, design, construction, operations and maintenance, renovation and deconstruction of all capital, facility, and joint-development projects on VTA-owned property.

The principles in the policy provide a variety of ways to conserve natural resources, reduce waste, support the local economy, provide healthy indoor environments, and generate long-term cost savings. VTA employees are directed to incorporate green building principles into VTA projects as applicable and to the maximum extent possible.

[Learn More](#)

San Francisco to San Jose Project Section



In October, the San Francisco to San Jose Project Section wrapped up a series of Community Working Group (CWG) meetings. The members received updates about our interagency coordination efforts, compared the two San Francisco to San Jose Project Section alignment alternatives and discussed project elements in each alternative. The meetings included:

- October 14: South Peninsula CWG
- October 22: San Mateo County CWG
- October 24: San Francisco CWG

The Preferred Alternative is scheduled to go to the Authority Board in December 2019. Below is an updated schedule for the San Francisco to San Jose Project Section.

SAN FRANCISCO TO SAN JOSE ENVIRONMENTAL MILESTONES



On November 29, Caltrain and Authority staff met with the Local Policy Maker Group (LPMG). Authority staff presented an update on environmental justice outreach and a summary of the key themes heard at the October CWG meetings. Some of the major highlights included: safety modifications, coordination between Caltrain and the California High-Speed Rail Authority, and connections to other projects. All LPMG meetings are open to the public. If you were unable to attend the November's LPMG meeting in-person, briefing materials will be available on the Authority's website, [here](#), under Local Policy Maker Group.

San Jose to Merced Project Section



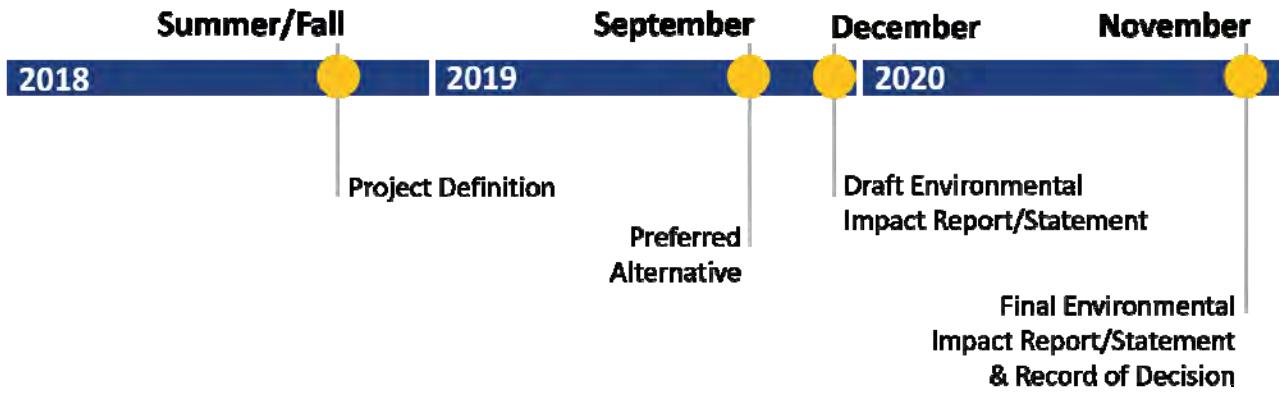
In November, the San Jose to Merced Project Section hosted two Community Working Group (CWG) meetings. Members received updates about our interagency coordination efforts and compared the four San Jose to Merced Project Section alignment alternatives and various project elements in each alternative. As the project team moves closer to a Preferred Alternative, CWG members will be asked to provide feedback on a variety of topics related to that decision that will be covered at the upcoming CWG meetings. The meetings included:

- November 7: Morgan Hill-Gilroy CWG
- November 28: San Jose CWG

All meetings are open to the public. Materials from these meetings can be found on the Authority's website, [here](#), under Community Meetings.

Work continues to advance engineering and environmental analysis toward selecting the State's Preferred Alternative, which will be presented to the Board of Directors in September 2019. Below is an updated schedule for the San Jose to Merced Project Section, including the State's Preferred Alternative as the next environmental milestone.

SAN JOSE TO MERCED ENVIRONMENTAL MILESTONES



If you are interested in inviting us to your community meeting to receive a project update, our team would be happy to coordinate with you. Feel free to contact us here:

Via Email:
san.jose_merced@hsr.ca.gov
san.francisco_san.jose@hsr.ca.gov

Via Phone:
San Francisco to San Jose Project Section:
(800) 435-8670
San Jose to Merced Project Section:
(800) 455-8166

Via Mail:
Northern California Regional Office
California High-Speed Rail Authority
100 Paseo de San Antonio, Suite 206
San Jose, CA 95113

Sincerely,

Boris Lipkin
Northern California Regional Director

SEE MORE AT WWW.HSR.CA.GOV

California High-Speed Rail Authority
100 Paseo de San Antonio, Suite 206
San Jose, CA 95113
northern.california@hsr.ca.gov
(408) 277-1083



This email was sent by: California High-Speed Rail Authority
770 L Street Suite 620, Sacramento, CA, 95814 US

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[**Unsubscribe**](#)

Carnahan, David

From: California High-Speed Rail <Central.Valley@hsr.ca.gov>
Sent: Monday, December 3, 2018 11:28 AM
To: Council, City
Subject: California High-Speed Rail Construction Update for December 2018

To view this email as a web page, go [here](#).



Wrapping up 2018

As we come to the close of 2018, the high-speed speed rail project continues to make significant progress. There are now just under 2,500 construction workers helping to build the nation's largest infrastructure project. Meantime, construction on the San Joaquin River Viaduct now spans across the river, while work on the Cedar Viaduct is

coming closer to crossing State Route 99 in Fresno. Check out the latest construction update to read about the progress and see new pictures from the work sites.

[LEARN MORE](#)

Underneath State Route 180

The State 180 Passageway continues to get deeper. Check out some amazing pictures from below the highway.



[CHECK IT OUT](#)



Concrete Pours

Crews have poured the concrete deck and are working on the back walls and traffic barrier for the bridge over the high-speed rail line at the Avenue 12 grade separation.

[Continue Reading](#)



CP 2-3 Work Progresses

At the overcrossing for Kent Avenue, workers are beginning construction of the bridge deck's support piers.

[Continue Reading](#)



Workers Giving Thanks

This Thanksgiving, workers on the high-speed rail project talk about what the job has meant for them.

LATEST VIDEOS



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contact //

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(559) 274-8975
Toni.Tinoco@hsr.ca.gov

DAN GALVIN
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(559) 490-6863
Dan.Galvin@hsr.ca.gov



CENTRAL.VALLEY@HSR.CA.GOV | BUILDHSR.COM

This email was sent by: California High-Speed Rail Authority
770 L Street Suite 620, Sacramento, CA, 95814 US

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Carnahan, David

From: California High-Speed Rail <info@hsr.ca.gov>
Sent: Monday, December 3, 2018 3:39 PM
To: Council, City
Subject: California High-Speed Rail Finance and Audit Committee Agenda for December 13, 2018

To view this email as a web page, go [here](#).



FINANCE & AUDIT COMMITTEE AGENDA

Finance and Audit Committee Meeting

**December 13, 2018
8:30AM – 10:00AM**

**Department of Healthcare Services
1500 Capitol Avenue Hearing Room 2 (Room 72.167)
Sacramento, CA 95814**

Agenda

- November Meeting Minutes – draft
- Action Items from previous Finance and Audit Committee Meeting
- Financial Reports
 - Executive Summary
 - Accounts Payable Aging Report and Dispute Reports
 - Cash Management Report
 - Administrative Budget & Expenditures Summary by Program
 - Administrative Budget and Expenditures Report
 - Capital Outlay Budget and Expenditures Report
 - Total Project Expenditures with Forecasts
 - Contracts & Expenditures Report

- Projects & Initiatives Report
- Summary of Financial Reports
- Operations Report
- Audits
 - Audit Plan
 - Internal Quality Assessment (IQA)
- Project Update
 - CP 1 Monthly Status Highlight Report
 - CP 1 Performance Metrics
 - CP 2-3 Monthly Status Highlight Report
 - CP 2-3 Performance Metrics
 - Caltrans SR-99 Monthly Status Highlight Report
 - Caltrans SR-99 Performance Metrics
 - CP 4 Monthly Status Report
 - CP 4 Performance Metrics
- Current Issues

SEE MORE AT WWW.HSR.CA.GOV

California High-Speed Rail Authority
770 L Street, Suite 620
Sacramento, CA 956814
info@hsr.ca.gov
(916) 324-1541



This email was sent by: California High-Speed Rail Authority
770 L Street Suite 620, Sacramento, CA, 95814 US

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Carnahan, David

From: Ken Poulton <ken@poulton.net>
Sent: Saturday, December 1, 2018 1:07 PM
To: Council, City
Subject: Castilleja expansion

Please don't allow a Castilleja school expansion. Instead, enforce the existing enrollment cap that they have been violating since 2013.

Once they show they can live up to their agreements for a few years it will be time to consider allowing changes.

I don't live in that area, but I'm disgusted by the way the school flouts the agreement and the council fails to enforce it.

Ken Poulton
Los Robles Ave

From: Arlene Goetze <photowrite67@yahoo.com>
Sent: Thursday, November 29, 2018 12:18 PM
To: Joe Simitian
Subject: Facebook....REASONS TO STOP USING IT

Forwarded by Arlene Goetze, No Toxins for Children, photowrite67@yahoo.com

The Facebook Dilemma

3 Reasons to stop using Facebook

Written by Dr. Joseph Mercola

* November 17, 2018 . Articles@mercola.com

In Brief:

- * As of the third quarter of 2018, 2.27 billion people actively used Facebook, the world's largest social media site, up from 1 billion in 2012
- * Facebook is unique in its ability to monetize the time people use it. During the third quarter of 2018, the site generated more than \$6 per user
- * Ninety-eight percent of Facebook's revenue comes from advertising, which totaled \$39.9 billion in 2017
- * The addition of the "Like" button in 2009 revolutionized the company's ability to gather personal data — information about your preferences that can then be sold
- * The significant danger with giving out personal data is that you're opening yourself up to be a target of manipulation — whether you're being manipulated to buy something you don't need or believe something that isn't true

As of the third quarter of 2018, 2.27 billion people actively used Facebook,¹ the world's largest social media site, up from 1 billion in 2012. On average, each user spends about 41 minutes using the site daily,² down from 50 minutes average in 2016.

Some, of course, spend far more. Teens, for instance, may spend up to nine hours perusing the site, the consequences of which are only beginning to be understood.

As noted by The Motley Fool,³ Facebook is unique in its ability to monetize the time people spend on its platform. During the third quarter of 2018, the site generated more than \$6 per user. For the fourth quarter of 2017, Facebook raked in a total of \$12.97 billion, \$4.3 billion of which was net profit.⁴

Most of this revenue — \$11.4 billion for the fourth quarter alone — came from mobile ads,⁵ which are customized to users' preferences and habits. According to CNN Money,⁶ 98 percent of Facebook's revenue comes from advertising, totaling \$39.9 billion in 2017.

Facebook's Primary Business Is Collecting and Selling Your Personal Data

Facebook has repeatedly been caught mishandling users' data and/or lying about its collection practices. The fact is, its entire profit model is based on the selling of personal information that facilitates everything from targeted advertising to targeted fraud.

Like Google, Facebook records,⁷ tracks and stores every single thing you do on Facebook: every post, comment, "like," private message and file ever sent and received,

contacts, friends lists, login locations, stickers and more. Even the recurrent use of certain words is noted and can become valuable currency for advertisers.

For individuals who start using Facebook at a young age, the lifetime data harvest could be inconceivably large, giving those who buy or otherwise access that information a very comprehensive picture of the individual in question.

Facebook also has the ability to access your computer or smartphone's microphone without your knowledge.⁸ If you suddenly find yourself on the receiving end of ads for products or services you just spoke about out loud, chances are one or more apps are linked into your microphone and are eavesdropping.

In the featured video, "The Facebook Dilemma," Frontline PBS correspondent James Jacoby investigates Facebook's influence over the democracy of nations, and the lax privacy parameters that allowed for tens of millions of users' data to be siphoned off and used in an effort to influence the U.S. elections.

The Early Days of Facebook

The Frontline report starts out showing early video footage of Zuckerberg in his first office, complete with a beer keg and graffiti on the walls, talking about the success of his social media platform. At the time, in 2005, Facebook had just hit 3 million users.

In an early Harvard lecture, **Zuckerberg talks about how he believes it's "more useful to make things happen and apologize later** than it is to make sure you dot all your i's now, and not get stuff done." As noted by Roger McNamee, an early Facebook investor, it was Zuckerberg's "renegade philosophy and disrespect for authority that led to the **Facebook motto, 'Move fast and break things.'**"

While that motto speaks volumes today, "It wasn't that they intended to do harm, as much as they were unconcerned about the possibility that harm would result," McNamee says. As for the sharing of information, Zuckerberg assured a journalist in an early interview that no user information would be sold or shared with anyone the user had not specifically given permission to.

In the end, Zuckerberg's quest to "Give people the power to share and make the world more open and connected," has had far-reaching consequences, affecting global politics and technology, and **raising serious privacy issues that have yet to be resolved.**

For years, however, employees firmly believed Facebook had the power to make the world a better place. As noted by Tim Sparapani, Facebook director of public policy from 2009 to 2011, Facebook "was the greatest experiment in free speech in human history," and a "digital nation state."

However, the company — with its largely homogenous workforce of 20-something tech geeks — has proven to be more than a little naïve about its mission to improve the world through information sharing. Naomi Gleit, vice president of social good, the company's growth team, says they were slow to understand "the ways in which Facebook might be used for bad things."

The Facebook News Feed

One of the key features of Facebook that keeps users engaged is the news feed, described by former product manager on Facebook's advertising team, Antonio Garcia Martinez, as "Your personalized newspaper; your 'The New York Times' of you, channel you. It is your customized, optimized vision of the world."

However, the information that appears in your newsfeed isn't random. From the very beginning, it was driven by a secret algorithm, a mathematical formula that ranked stories in terms of importance based on your individual preferences. This personalization is "**the secret sauce," to quote Martinez, that keeps users scrolling and sharing.**

The addition of the "**Like**" button in 2009 revolutionized the company's ability to gather personal data — information about your preferences that can then be sold for cold hard cash. It also "acted as a social lubricant" and a "flywheel of engagement," Soleio Cuervo, a former product manager for the company, says.

The ability to get feedback through "likes" made people feel like they were being heard, and this ultimately became "the driving force of the product," Cuervo says. However, the "Like" button also suddenly allowed Facebook to determine who you care about most among your friends and family, what kind of content makes you react or take action, and which businesses and interests are truly important to you — information that helps build your personality profile and can be sold.

The Legal Provision That Allowed Facebook to Exist and Flourish

The Facebook news feed was made possible by laws that do not hold internet companies liable for the content posted on their website. As explained by Sparapani, "Section 230 of the Communications Decency Act is the provision which allows the internet economy to grow and thrive. And Facebook is one of the principal beneficiaries of this provision."

Section 230 of the Communications Decency Act basically says an internet provider cannot be held responsible if someone posts something violent, offensive or even unlawful on their site. According to Sparapani, Facebook "took a very libertarian perspective" with regard to what it would allow on its site.

Aside from a few basic common decency rules, the company was "reluctant to interpose our value system on this worldwide community," Sparapani says. Were they concerned about truth becoming obfuscated amid a flood of lies? Jacoby wonders. "No," Sparapani says. "We relied on what we thought were the public's common sense and common decency to police the site."

Real-World Impacts of Social Media

The tremendous impact of social media, the ability to share information with like-minded individuals, became apparent during the so-called "Arab Spring" in 2011, when a Facebook page created by Wael Ghonim, a Google employee in the Middle East, literally sparked a revolution that led to the resignation of Egyptian President Muhammad Hosni El Sayed Mubarak, just 18 days after a Facebook call-out for protest resulted in hundreds of thousands of people taking to the streets.

Around the world, it became clear that Facebook could be used to create democratic change; that it has the power to change society as we know it. Alas, with the good comes the bad. After the revolution, conflict in the Middle East spiraled out of control as the polarization between opposing sides grew — and the social media environment both bred and encouraged that polarization.

What's worse, Facebook's news feed algorithm was actually designed to reward polarizing material with greater distribution. The end result played out in the streets, where sectarian violence led to bloodshed.

"The hardest thing for me was seeing the tool that brought us together tearing us apart," Ghonim says, adding, "These tools are just enablers for whomever; they don't separate between what's good and bad. They just look at engagement metrics." **Since the Arab Spring, the rise of fake news has been relentless.**

"Everything that happened after the Arab Spring should have been a warning sign to Facebook," says Zeynep Tufekci, a researcher and former computer programmer. One major problem, she believes, is that Facebook was unprepared to monitor all of the content coming from every corner of the globe.

She urged the company to hire more staff, and to hire people who know the language and understand the local culture in each region Facebook is available. Still, it's unlikely that any company, at any size, would be able to police the content of a social network with more than 2 billion users.

Privacy — What Privacy?

In order for Facebook to go public, it had to be profitable, which is where the selling of user data comes in. By selling the information the platform has collected about you as you move through content and even web pages outside of Facebook, "liking" and commenting on posts along the way, marketers are able to target their chosen market.

While this seems innocuous enough at first glance, this data harvesting and selling has tremendous ramifications, **opening people up to be purposely deceived and misled.**

Zuckerberg, whose experience with advertising was limited, hired former Google vice president of global online sales and operations, Sheryl Sandberg, as chief operating officer. In one interview, Sandberg stresses that Facebook is "focused on privacy," and that their business model "is by far the most privacy-friendly to consumers."

"That's our mission," Zuckerberg chimes in, adding "We have to do that because if people feel like they don't have control over how they're sharing things, then we're failing them." "It really is the point that the only things Facebook knows about you are things you've done and told us," Sandberg says.

Internally, however, Sandberg demanded revenue growth, which meant selling more ads, which led to data harvesting that today exceeds people's wildest imagination.

How to Build an Orwellian Surveillance Machine

By partnering with data brokering companies, **Facebook has access to an incredible amount of data that has nothing to do with what you post online — information on your credit card transactions, where you live, where you shop, how your family is spending its time, where you work, what you eat, read, listen to and much more.**

Information is also being collected about all other websites you're perusing, outside of Facebook's platform. All of this information, obtained by companies without your knowledge, is shared with Facebook, so that Facebook can sell ads that target specific groups of users. As noted by Tufekci, in order for Facebook's business model to work, "it has to remain a surveillance machine."

In short, it's the ultimate advertising tool ever created. The price? Your privacy. Sparapani was so uncomfortable with this new direction of Facebook, he resigned before the company's partnering with data brokers took effect.

The extent of Facebook's data collection remained largely unknown until Max Schrems, an Austrian privacy advocate, filed 22 complaints with the Irish Data Protection Commission, where Facebook's international headquarters are located.

Schrems claimed that Facebook's personal data collection violated European privacy law, as Facebook was not telling users how that data was being used. In the end, nothing happened. As noted by Schrems, it was obvious that "even if you violate the law, the reality is it's very likely not going to be enforced." **In the U.S., the situation is even worse, as there are no laws governing emerging technologies which utilize9 the kinds of data collection done by Facebook.**

Federal Trade Commission Investigates Privacy Concerns

A 2010 investigation of Facebook's data collection by the U.S. Federal Trade Commission (**FTC**) revealed the company was sharing user data with third party software developers without the users' consent — conduct the FTC deemed deceptive.

The FTC also grew concerned about the potential misuse of personal information, as **Facebook was not tracking how third parties were using the information.** They just handed over access, and these third parties could have been absolutely anyone capable of developing a third-party app for the site. Facebook settled the FTC's case against them without admitting guilt, but agreed by consent order to "identify risk to personal privacy" and eliminate those risks.

Internally, however, privacy issues were clearly not a priority, according to testimony by Sandy Parakilas, Facebook's platform operations manager between 2011 and 2012 who, during his time with the company, ended up in charge of solving the company's privacy conundrum — a responsibility he felt significantly underqualified for, considering its scope.

The Cambridge Analytica Scandal

Facebook, with founder Mark Zuckerberg at its helm, faced a firestorm after The New York Times and British media outlets reported Cambridge Analytica used "improperly gleaned" data from 87 million Facebook users to influence American voters during the 2016 presidential election.^{10,11}

Cambridge Analytica data scientist Christopher Wylie, who blew the whistle on his employer, revealed the company built "a system that could profile individual U.S. voters in order to target them with personalized political advertisements" during the presidential campaign.

Parakilas insisted Facebook could have prevented the whole thing had they actually paid attention to and beefed up their internal security practices.¹² Indeed, Cambridge Analytica used the very weakness the FTC had identified years before — a third-party personality quiz app called "This Is Your Digital Life."¹³

The Dark Side of Social Media Rears Its Ugly Head Again

Indeed, the U.S. Department of Defense has also expressed its concerns about Facebook, noting the ease with which **it can spread disinformation.** As noted by former Defense Advanced Research Projects Agency program manager, Rand Waltzman, the significant danger with giving out personal data is that **you're opening yourself up to be a target of manipulation — whether you're being manipulated to buy something you don't need or believe something that isn't true.**

Between 2012 and 2015, Waltzman and colleagues published 200 scientific papers on the potential threats posed by social media, detailing how Facebook and other platforms could be used for nefarious purposes. According to Waltzman, **disinformation can be turned "into a serious weapon" on Facebook, as you have the ability to mislead enormous amounts of people with very little effort.**

Essentially, Facebook allows for the propagation of propaganda at an enormous scale. "It's the scale that makes it a weapon," Waltzman says. Jacoby interviews a young Russian who claims to have worked as a paid social media propagandist for the Russian government, using fake Facebook profiles to spread false information and sow distrust of the Ukrainian government.

The reach of this disinformation was made all the greater by the fact that you can pay to promote certain posts. In the end, **all of the tools created by Facebook to benefit advertisers work equally well as government propaganda tools.** The end result is tragic, as fake news has mushroomed to incomprehensible levels. Taking anything at face value these days is risky business, no matter how legitimate it may appear.

Understand the Risks of Social Media Use

Social media has many wonderful benefits. But there's a dark side, and it's important to be aware of this. **Sen. Ron Wyden (D-OR) has actually drafted legislation to protect consumer information by enforcing strict punishments, including jail time for up to 20 years, for senior company executives who fail to follow the guidelines to protect user data.** As reported by Endgadget:¹⁴

- > "The FTC would add 175 new members to its staff to carry out enforcement and would be given the ability to penalize a company up to four percent of its revenue for its first violation. Companies would also be required to submit regular reports to the FTC to disclose any privacy lapses that have occurred."
- > Companies making more than \$1 billion in revenue and handling information from more than 1 million people and smaller companies handling the data of more than 50 million people would be subject to the regular check-ins. Failure to comply would care a punishment of potential jail time for executives.
- > The legislation would also institute a Do Not Track list. When a consumer joins the list, companies would be barred from sharing their data with third parties or using it to serve up targeted advertisements ... Even if consumers don't choose to join the list, they would be granted the ability to review information collected about them, see who it has been shared with or sold to and challenge any inaccuracies."

Aside from privacy concerns and fake news, **Facebook lurking has also been linked to decreased emotional well-being, and online bullying, social isolation and depression have all become serious problems among our youth.**

The obvious answer to all of these issues is to **minimize your use of Facebook, and be mindful of what you post, click on and comment on while there.** Information is still being gathered on your personal life by other data brokers, but at least it won't be as effectively "weaponized" against you if it's not tied to your Facebook profile.

Carnahan, David

From: Amy Kacher <amyewardwell@yahoo.com>
Sent: Tuesday, December 4, 2018 6:28 PM
To: Council, City
Subject: Fwd: [CPNA] Another night of severe traffic jams

I could re-write what Ben said but there is no point. The traffic was backed up to Dana and Center from University.

Also, tonight from Dana and Center it took me 35 minutes to get to the Baylands Golf Course. I left at 4:20pm and arrived at the course at 4:55. This should Be max 10 minutes.

Sent from my iPhone

Begin forwarded message:

From: Ben Stolpa <jben@stolpa.com>
Date: December 4, 2018 at 5:58:00 PM PST
To: Crescent Park eGroup Post <crescent-park-pa@googlegroups.com>
Subject: [CPNA] Another night of severe traffic jams

For what it is worth - not much, I know.....

Cars are inching along, yet again, bumper to bumper, on Forest from Lincoln Ave. toward Center T-intersection where cars are jammed up with drivers trying to turn left onto Center toward University and, presumably, onto or across US101. The time is now ca, 5:47 PM and this has been going on for a while.

In checking Google maps, there are "red lines" indicating severe traffic all around, including 101, 280, 85 andoh, well, most of the Bay Area.

In re-checking Forest, at the moment, cars are not even progressing..... This time I am not bothering to take any photos. Just look the ones from last time if you want an idea.....same - same.

But, please feel free to verify and then pass on the information to City Hall and City Council and the press and..... go for a nice walk in the rain.

Ben
jben@stolpa.com

--
You received this message because you are subscribed to the Google Groups "Crescent Park PA" group.
To unsubscribe from this group and stop receiving emails from it, send an email to crescent-park-pa+unsubscribe@googlegroups.com.

To post to this group, send email to crescent-park-pa@googlegroups.com.
Visit this group at <https://groups.google.com/group/crescent-park-pa>.
For more options, visit <https://groups.google.com/d/optout>.

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Thursday, November 29, 2018 3:35 PM
To: Doug Vagim; Dan Richard; dennisbalakian; David Balakian; beachrides; bearwithme1016@att.net; huidentialsanmateo; Joel Stiner; nick yovino; Mayor; Daniel Zack; esmeralda.soria@fresno.gov; paul.caprioglio; Mark Kreutzer; Mark Standriff; midge@thebarretts.com; info@superide1.com; terry; Cathy Lewis; Council, City; bballpod; Steve Wayte; steve.hogg; scott.mozier; kfsndesk; newsdesk; kwalsh@kmaxtv.com; nchase@bayareanewsgroup.com
Subject: Fwd: Fresno area hot housing market

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Thu, Nov 29, 2018 at 3:26 PM
Subject: Fwd: Fresno area hot housing market
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Thu, Nov 29, 2018 at 3:24 PM
Subject: Fresno area hot housing market
To: Loran Harding <loran.harding@stanfordalumni.org>

Thurs. Nov. 29, 2018

To all- Fresno is finally becoming a hot housing market, this says:

https://thebusinessjournal.com/report-fresno-among-nations-top-housing-markets-to-watch-in-2019/?utm_source=Daily+Update&utm_campaign=e763943910-EMAIL_CAMPAIGN_2018_11_29_10_07&utm_medium=email&utm_term=0_fb834d017b-e763943910-71619973&mc_cid=e763943910&mc_eid=7afa3a94f3

It won't be hot for long, of course, if we don't get a handle on the wild fires. It will become another Detroit in that case.

LH

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Monday, December 3, 2018 1:35 PM
To: Dan Richard; Daniel Zack; boardmembers; Mayor; Mark Standriff; esmeralda.soria@fresno.gov; paul.caprioglio; kfsndesk; newsdesk; kwalsh@kmaxtv.com; Joel Stiner; dennisbalakian; David Balakian; huindentalsanmateo; bballpod; popoff; hennessy; nick yovino; Mark Kreutzer; Cathy Lewis; terry; Council, City; beachrides; mthibodeaux@electriclaboratories.com; robert.andersen; bearwithme1016@att.net; Doug Vagim; fmerlo@wildelectric.net; Raymond Rivas; Chris Field; steve.hogg; info@superide1.com; midge@thebarretts.com; jerry ruopoli; Jason Tarvin; leager; nchase@bayareanewsgroup.com; pavenjithillon@yahoo.com; russ@topperjewelers.com; Steve Wayte; Tom Lang
Subject: Fwd: HSR Audit, and errant and uninformed attacks

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Dec 3, 2018 at 1:00 PM
Subject: Fwd: HSR Audit, and errant and uninformed attacks
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Dec 3, 2018 at 12:39 PM
Subject: Fwd: HSR Audit, and errant and uninformed attacks
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Dec 3, 2018 at 12:25 PM
Subject: Fwd: HSR Audit, and errant and uninformed attacks
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Dec 3, 2018 at 12:07 PM
Subject: HSR Audit, and errant and uninformed attacks
To: Loran Harding <loran.harding@stanfordalumni.org>

Monday, December 3, 2018

Dan Richard
Chairman of the Board of Directors
California High Speed Rail Authority

Dan- Here is a Fresno Bee article re the fireworks in Sacramento over the auditor's report:

https://www.fresnobee.com/news/local/high-speed-rail/article222399890.html?utm_source=Morning+Roundup&utm_campaign=3764128db3-EMAIL_CAMPAIGN_2018_12_03_04_29&utm_medium=email&utm_term=0_165ffe36b2-3764128db3-78450701&mc_cid=3764128db3&mc_eid=7afa3a94f3

No doubt some of the criticism is valid, but the bulk of the opposition comes from Republicans who want to deny the American people the lavish lifestyle that we provide to the Japanese, Germans and other Europeans and to the Koreans. I think the Republicans are bribed and bribed lavishly to do that.

Seen in that light, the rich Republicans who bankroll the opposition to high speed rail in California are revealed as the borderline traitors that they are. The United States supplies a free military defense for all of Europe, Japan, S. Korea, Taiwan, and a lot of other places, and we have done so since 1945. Those countries then spend their military money on high speed rail, affordable universities, magnificent national health care systems, and a lot more. All over the world, the American people are held in contempt for letting their government kick them around like that. The American political system is now hard-wired to ruin the lives of the American people and to enrich the lives of the people of Europe, Japan and Korea. This total Republican opposition to California high speed rail is emblematic of that perversion.

The Republican scum who are trying to stop California high speed rail rely on the ignorance of the American voters. The schools in the United States are some of the worst in the world, by design. Trump's defense budget is \$716 billion. That of Britain is 50 billion pounds. A U.S. defense budget of \$400 billion would probably be an obscene waste of money. The American people are bled white to pay to defend much of the free-loading world. They get high speed rail, and we get little border-line traitors like Jim Patterson yelling his head off in Sacramento trying to deny HSR to the American people. The American people should wake up to this fraud and remove people like Patterson from our political life. He's a paid hatchet man for the Republicans.

The American people need to take action against the Republican scum who work tirelessly to ruin their lives. We need a political revolution in the United States, if not a real one. Then we need to see our money spent to improve the lives of the American people. I think we have done enough to atone for defeating Germany and Japan in WWII, if that is what this is about.

It is mainly about keeping the population of the Central Valley ignorant and exploitable by the rich Republicans who rule the roost here. To have educated, high income Silicon Valley people buy homes here would be to open the eyes of the poor people who exist here now. To enable people here to get high-paying jobs in Silicon Valley would be to empower them, and the Republicans who own the Central Valley want to keep them powerless.

Again, just consider that we spend \$716 to provide a free military defense for much of the world, many of whom have high speed rail, and the Republicans fight desperately to deny it to the American people. That starts to meet the definition of treason. I have very strong feelings about the Republicans, and I restrain myself from expressing them fully.

Please hang in there, Chairman Richard. You have done an impossible job very well.

L. William Harding
Fresno

Carnahan, David

From: Wolfgang Dueregger <wolfgang.dueregger@alumni.stanford.edu>
Sent: Monday, December 3, 2018 6:45 PM
To: Council, City; Keene, James; Shikada, Ed
Cc: Neilson Buchanan; John Guislin; Paul & Karen Machado; Carol Scott; Christian Pease; evergreen-park-discuss@yahoogroups.com Use THis One
Subject: Fwd: No teamwork for train

Dear City Council and city managers,

it seems Palo Alto has not gotten in touch with its neighbors reg/ a common approach to build a tunnel underneath the majority of our cities along the Peninsula.

Would you think now is maybe the right time to start this work?

thank you

Wolfgang

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

From: **Wolfgang Dueregger** <wolfgang.dueregger@alumni.stanford.edu>
Date: Mon, Dec 3, 2018 at 6:23 PM
Subject: No teamwork for train
To: Wolfgang Dueregger <wolfgang.dueregger@alumni.stanford.edu>

NEWS

No teamwork on undergrounding train

BY EMILY MIBACH
Daily Post Staff Writer

Some Mid-Peninsula residents and council members along the Caltrain corridor have long wanted for the main tracks to be tunneled or trenched, but when Menlo Park's City Council reached out to other councils about the possibility of teaming up to do so, only one city got back to them.

In June, Menlo Park Mayor Peter Ohtaki sent letters to the mayors of Palo Alto, Atherton, Mountain View, Redwood City and Sunnyvale, to see if they were interested in teaming up to tunnel or trench the train tracks.

While Redwood City and Atherton officials got back to Menlo Park, saying they would be interested in talking about the possibility, Redwood City is the only one that is interested in coordinating their plans, according to Senior Transportation Engineer Angela Obeso. However, when the Redwood City

Mid-Peninsula cities taking different routes

council discussed what to do regarding the Whipple Avenue train crossing, there was not a lot of support to trench or tunnel the train due to the cost.

But during the Oct. 1 Redwood City Council meeting, the council was interested in coordinating efforts between cities in order to make sure commuter's rides are not like roller coaster rides as a train travels below or above a street, as Vice Mayor Diane Howard put it.

Tonight, the Menlo Park City Council will hear a report from Obeso on the plans for a train bridge at Ravenswood Avenue and the attempt to work with other cities on a tunnel or trench.

Talk but no money

Atherton officials told Menlo Park that while they're interested in meeting



TRAIN IN A TRENCH — An aerial view of construction of a train trench in Menlo Park in 2016. Photo by Brian Gruhl.

on the topic, they are not interested in contributing any money, because the town has other priorities, according to a report from Obeso.

Sunnyvale and Mountain View were not interested in pursuing the trench or tunnel option as both cities have already decided what to do with their rail crossings. However, Mountain

View officials said they are interested in discussing the future of the Caltrain corridor.

Palo Alto officials did not respond to Ohtaki's letter; however, the city has long been studying what to do with the train tracks at Charleston Road and Meadow Drive, Churchill Avenue and Palo Alto Avenue.

THE UPDATE FROM PAGE 1

Seattle yesterday. The 49ers fell to 2-10 with a 24-17 loss to the Rams.

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Saturday, December 1, 2018 12:37 PM
To: dennisbalakian; David Balakian; Doug Vagim; Steve Wayte; Joel Stiner; Mark Standriff; steve.hogg; Steven Feinstein; scott.mozier; shanhui.fan@stanford.edu; midge@thebarretts.com; Mayor; Mark Kreutzer; mthibodeaux@electriclaboratories.com; huidentalsanmateo; robert.andersen; bballpod; beachrides; bearwithme1016@att.net; Leodies Buchanan; Cathy Lewis; paul.caprioglio; Council, City; Dan Richard; Daniel Zack; esmeralda.soria@fresno.gov; fmerlo@wildelectric.net; Chris Field; Raymond Rivas; hennessy; info@superide1.com; jerry ruopoli; Jason Tarvin; kfsndesk; kwalsh@kmaxtv.com; leager; newsdesk; nchase@bayareanewsgroup.com; pavenjitdhillon@yahoo.com; popoff; russ@topperjewelers.com; terry; Tom Lang; nick yovino; yicui@stanford.edu
Subject: Fwd: Salaried workers beware: GM cuts a warning to all.

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Sat, Dec 1, 2018 at 12:23 PM
Subject: Salaried workers beware: GM cuts a warning to all.
To: <loran.harding@stanfordalumni.org>

Saturday, Dec. 1, 2018

To all- An informative article worth reading about GM's cuts to its salaried workforce, with broader implications than for GM or even for the auto industry:

<https://client.schwab.com/secure/cc/research/markets/markets.html?path=/research/Client/Markets/NewsStory&docid=600-28AP> FINANCE ffa0fd2ace934f31bb1beaeb4bf314e-1

Note how this can impact whole regions.

LH

Carnahan, David

From: Jacques Laventure <joqfit@icloud.com>
Sent: Tuesday, December 4, 2018 3:38 PM
To: Council, City
Subject: Get fit Eat Well Palo Alto

Hello

This is Jacques I'm head of community engagement of Get Fit Eat Well , I would like to invite an elected official in Palo Alto to be a model city. This initiative is free for the public and for the city. We will provide the staff and support to make sure their is success. Pilot is between 2 - 8 weeks.

I can be reached at 424-362-5029

<http://getfiteatwell.org/mayor/>
<http://getfiteatwell.org/event-details/>

Best in health,
Jacques Laventure
<https://www.linkedin.com/in/jacques-laventure-737288111/>
<http://veganchef.co/>

Sent from my iPad

Carnahan, David

From: Nadia Naik <nadianaik@gmail.com>
Sent: Thursday, November 29, 2018 4:04 PM
To: Council, City
Cc: De Geus, Robert; Shikada, Ed; Elizabeth Alexis; Megan Kanne; Parag Patkar; Mandar Borkar; Goodwin Eileen; Keene, James; Chris Logan; Dave Shen; Philip Burton; Carrasco, Tony; Inyoung Cho; Greg Brail; Levin, Adina; etty.mercurio@aecom.com; millette.litzinger@aecom.com; Kari Hodgson; Patricia Lau; Penny Ellson
Subject: Grade Separation Suggestion: Alternate Viaduct Design

Dear City Council,

As we consider viaduct alternatives, I wanted to send along another idea for a viaduct that has a lower profile - a "U-shaped grade separation."

The full details are available here:

<https://caltrain-hsr.blogspot.com/2015/11/the-u-shaped-grade-separation.html>

Nadia Naik

Carnahan, David

From: Wally <wallybru@comcast.net>
Sent: Wednesday, November 28, 2018 3:06 PM
To: Council, City
Subject: Is residence construction slowing down?

I noticed that several residential construction projects in Professorville are not making progress. Is this due to funding issues for the owners or to the President's policies on immigration? Are the workers abandoning any of the projects because of deportation fears? Or maybe it's just a slow down because of the holidays.

Sent from my iPad

Carnahan, David

From: Eric Horodas <ehorodas@greystonehotels.com>
Sent: Monday, December 3, 2018 11:08 AM
To: Council, City
Subject: Large Vehicle Parking in front of 3400 El Camino Real

Dear Madam Mayor and Members of the City Council:

I am writing to you both as a concerned citizen and as the Managing Partner of the company that owns and operates the Creekside Inn located at 3400 El Camino Real, Palo Alto. In recent months, recreational vehicles have been parking on a 24 hour basis on El Camino Real directly in front of the Creekside Inn. While we have deep compassion for our fellow citizens who are homeless, or who are forced to live out of recreational vehicles, we implore the City of Palo Alto to find a more suitable place for these people to park and reside for all the reasons stated below.

The parking of these recreational vehicles appears to violate the Palo Alto Municipal Code, Section 10.44.020 which prohibits any person from parking oversized vehicles, trailers, or camper shells upon streets or alleys located within a residential zone or public facility zone between the hours of two a.m. and six a.m..

In addition, since the individuals residing in these recreational vehicles often lack proper sanitation facilities and refuse disposal, on many mornings, we find feces and garbage on our property which can only have come from the residents of these recreational vehicles. These activities, in addition to being a health hazard, violate Section 5.20.030 of the Palo Alto Municipal Code which prohibits any person from throwing, dropping or leaving refuse upon private property.

Finally, as these recreational vehicles are often parked very near to the entrances and exits from our property, they pose a safety hazard, particularly for our guests, customers, vendors and employees attempting to exit from our property onto El Camino Real as it is very difficult to see any oncoming traffic without pulling their vehicles onto El Camino Real. This presents a real danger of a collision between an exiting vehicle and on coming traffic. We note that Section 10.47.020 of the Palo Alto Municipal Code provides the City Manager with authority to establish streets or portions thereof as "no large vehicle parking zones".

Again, we have deep compassion for our fellow citizens who are homeless but equal concern for the health and safety of our guests, customers, vendors and employees. Accordingly, we are requesting immediate action by the City of Palo Alto to prevent and prohibit large vehicle parking on El Camino Real and Matadero Road.

Thank you for your attention to this matter.

Eric Horodas
President & CEO

Phone - 415-915-0438
Cell - 415-999-9802

ehorodas@greystonehotels.com

155 Montgomery Street, Suite 404
San Francisco, CA 94104

greystonehotels.com



Carnahan, David

From: Sam Arsan <sam@arsanrealty.com>
Sent: Monday, December 3, 2018 4:44 PM
To: Council, City
Subject: Please approve 429 University Ave at today's council hearing

Please approve [429 University Ave](#) at today's council hearing.

Sam Arsan
Arsan Realty
[801 Woodside Road, Suite 11](#)
[Redwood City, CA 94061](#)
[650-322-3143](#)
BRE [00932410](#)

Sent from my iPad

Carnahan, David

From: Adrienne Van Gorden <vangorden_adrienne@cusdk8.org>
Sent: Monday, December 3, 2018 4:31 PM
To: Council, City
Subject: Policy on Living in RV's

Dear Council Members,

I live in the Echelon condo complex on East Meadow and East Meadow Circle. There are many RV's parked on East Meadow Circle with people living in them. I have been wondering what the policy/code is in regards to living in RVs, and if it's currently being enforced. Please tell me, or send me in the direction of where I might find it.

Thank you!

Adrienne
3712 Feather Lane

Sent from my iPhone

Carnahan, David

From: Pat Marriott <patmarriott@sbcglobal.net>
Sent: Monday, December 3, 2018 4:07 PM
To: Council, City
Subject: President Hotel

Council Members,

The President Hotel “process” reminds me of the wheeling and dealing that went on between city employees and developer John Arrillaga in 2013 – without Council’s knowledge or approval. That led to a Grand Jury report in 2014: “The City of Palo Alto’s actions reduced transparency and inhibited public input and scrutiny on important land use issues.” <https://tinyurl.com/y72fnfn6>

City Manager James Keene responded: “We have already acknowledged that the public process around 27 University could have been better, ... the City’s intention was always to try to guide the preliminary project in a better direction...”

Better for whom?

A Weekly editorial at the time called it “a half-hearted mea culpa. ... While it acknowledges some sloppiness and poor judgment in keeping information from the public, the City of Palo Alto’s defensive draft response to a highly critical and embarrassing grand-jury investigation hardly paints a reassuring picture of lessons learned.” <https://tinyurl.com/yaxledmb>

Clearly, Keene and his staff did not learn from the experience. They’re still playing power brokers, working behind the scenes with big developers to the detriment of residents. The President’s new owners are now holding tenants hostage in order to get a special deal from the city.

There’s an established process for project applications and reviews, all open to the public. Until Council sets explicit rules prohibiting private staff conversations with developers, transparency is a thing of the past and municipal codes are worthless.

I urge you to

- Be aware that the zoning code requiring consistent use of existing buildings was the law when Adventurous Journeys Capital Partners purchased the property. If the code should be changed for future uses, study the ramifications and proceed as you would with any other code changes.
- Maintain the downtown development cap.
- Clearly define the rules of engagement between developers, staff and council members: no closed-door sessions allowed.
- Provide ethics training to city staff.

Thank you,

Pat Marriott Palo Alto property owner

Carnahan, David

From: ying ou <yingcou@yahoo.com>
Sent: Monday, December 3, 2018 10:34 PM
To: Council, City; Clerk, City
Cc: Architectural Review Board
Subject: Reverse its approval of the Verizon/Vinculums Cluster 1 cell towers in Palo Alto

Dear City Council members:

I am a resident of Palo Alto (address: 371 Carolina Ln). I am writing regarding the cell tower, Vinculums/Verizon Cluster 2 Public notice near my home.

I am a scientist (with a PhD in Environment toxicology from U of Washington, Seattle), specialized in understanding the impact of environmental exposure on human health.

I myself am very sensitive to wireless exposure. I would always get severe headache when I talk using cell phone. I also have small children at home, who is particularly sensitive to the hazard of wireless exposure. I am writing this letter to ask Council 1) to reverse its approval of the Verizon/Vinculums Cluster 1 cell towers 2) plan the alternative site which should be in a commercial area or near a park/train instead of near the home with small children living in them and the 3) to halt the cell tower application review process until there has been a full investigation of Jonathan Reichental's actions.

I saw this public notice in front of our home, this is definitely not acceptable. We will continue to fight for this with potential legal action until this has been resolved.

Thank you for the consideration.

Ying Ou and Michael Wu (for my children, Nathan Wu and Roye Wu)

Carnahan, David

From: Arlene Goetze <photowrite67@yahoo.com>
Sent: Monday, December 3, 2018 10:20 AM
To: press_harris@harris.senate.gov; Cindy Chavez
Cc: mike wasserman; owp@ceo.sccgov.org; Sherri Terao; Councilmember Don Rocha; marc Berman; Karina Perez; district2@sanjoseca.gov; district5@sanjoseca.gov; dave cortese; poet.laureate@ceo.sccgov.org; CooperTeboe; lgbtq@ceo.sccgov.org; bnc@cob.sccgov.org; district6@sanjoseca.gov; Rombeck, Janice; tyler.haskell@bos.sccgov.org; Rokhanna Info; paul. pereira; cindy chavez; senator.hill@senate.ca.gov; Grant Davis; donaldrochasupervisor2018@gmail.com; piu@doj.ca.gov; district10@sanjoseca.gov; district7@sanjoseca.gov; Councilmember Chappie Jones; assemblymember.salas@assembly.ca.gov; Siliconvalleycf Info; Sam Liccardo; Ken Yeager; district8@sanjoseca.gov; district4@sanjoseca.gov; joe simitian; john.mcalister@mountainview.gov; librarytrusteesboard@sunnyvale.ca.gov; Clerk, City; Holman, Karen; Sunnyvale Public Library; tkirby@ci.sunnyvale.ca.us; msatterlee@losaltosca.gov; nandrus@sunnyvale.ca.gov; dlofranco@sunnyvale.ca.gov; Council, City; caitlin.gilleran@panoramaenv.com; citycouncil@mountainview.gov; City Mgr; esd@ci.sunnyvale.ca.us; Berman, Marc; tania.treis@panoramaenv.com; Schmid, Greg; sustainability@cupertino.org
Subject: SMARTPHONES--Ruining a generation of kids

Forwarded by Arlene Goetze, NO Toxins for Children, photowrite67@yahoo.com

Are Smartphones Destroying a Generation?

Written by Dr. Joseph Mercola, from articles@mercola.com
* November 20, 2018

STORY AT-A-GLANCE

- * **Kids spend an inordinate amount of time on their smartphones, communicating with friends (and possibly strangers) via text, Twitter and Facebook, and work to keep up their Snapstreaks on Snapchat**
- * **Abrupt changes in teen behavior and psychological health emerged around 2012. Post-millennials spend more time alone, engaged in online socialization rather than face-to-face; they drive less, date less, have less sex and have poorer social and work skills than previous generations**
- * **Rates of teen depression and suicide have dramatically risen since 2011, and data suggest spending three hours or more each day on electronic devices raises a teen's suicide risk by 35 percent**
- * **Between 2007 and 2015, the suicide rate for 12- to 14-year-old girls rose threefold; the suicide rate among boys doubled in that same time frame**
- * **Data reveal the more time teens spend online, the unhappier they are. Those who spend more time than average on activities that do not involve their smartphone are far more likely to report being "happy"**

by Dr. Mercola

As a lover of technology, it pains me to see what technological advancements are doing to our youth. In a previous article for The Atlantic,¹ Jean Twenge takes a deep dive into how smartphones, with 24/7 access to internet and social media, are affecting post-millennials' mental health.

The article, which is well worth reading in its entirety, is adapted from Twenge's book

"iGen: Why Today's Super-Connected Kids Are Growing up Less Rebellious, More Tolerant, Less Happy — and Completely Unprepared for Adulthood — and What That Means for the Rest of Us."

Children today cannot even fathom a life pre-internet — a life where school work involved visits to libraries and phone calls required you to stay in one spot, since the telephone was attached to the wall. Kids spend an inordinate amount of time on their smartphones, communicating with friends (and possibly strangers) via text, Twitter and Facebook, and work to keep up their Snapstreaks on Snapchat.

Even toddlers are proficient in navigating their way around a wireless tablet these days. Twenge discusses the online habits of Athena, a 13-year-old Texan, saying:

> "She told me she'd spent most of the summer hanging out alone in her room with her phone. That's just the way her generation is, she said. 'We didn't have a choice to know any life without iPads or iPhones. I think we like our phones more than we like actual people.'"

Rise of the iGeneration

Twenge, who has studied generational differences for two and a half decades, notes that a generation typically becomes defined by changes in beliefs and behaviors that gradually and naturally arise along a more or less natural continuum. The post-millennial generation, however, is radically different. Twenge notes "abrupt shifts in teen behavior and emotional states" emerged suddenly around 2012.

Millennials, distinguished by a pronounced individualistic streak, stand in sharp contrast to those following, in whom the drive for independence and individualism has virtually vanished.

> "At first I presumed these might be blips, but the trends persisted, across several years and a series of national surveys," Twenge writes. "The changes weren't just in degree, but in kind. The biggest difference between the millennials and their predecessors was in how they viewed the world; teens today differ from the millennials not just in their views but in how they spend their time.

> **The experiences they have every day are radically different from those of the generation that came of age just a few years before them.** What happened in 2012 to cause such dramatic shifts in behavior? ... [I]t was exactly the moment when the proportion of Americans who owned a smartphone surpassed 50 percent.

> The more I pored over yearly surveys of teen attitudes and behaviors, and the more I talked with young people like Athena, the clearer it became that theirs is a generation shaped by the smartphone and by the concomitant rise of social media.

> I call them iGen. Born between 1995 and 2012, members of this generation are growing up with smartphones, have an Instagram account before they start high school, and do not remember a time before the internet."

Today's Teens — Physically Safer but Psychologically Vulnerable

According to Twenge, the social impact of smartphones and tablets "has not been fully appreciated, and goes far beyond the usual concerns about curtailed attention spans." Perhaps most importantly, smartphones have changed the way teens interact socially, and has significant ramifications for psychological health.

Teens today are far less likely to want to get a driver's license than previous generations, and a majority of their social life is carried out in the solitude of their bedroom, via their smartphones. As of 2015, 12th-graders spent less time "hanging out" and socializing with friends than eighth-graders did in 2009.

While this makes them physically safer than any previous generation, this kind of isolation does not bode well for mental health and the building of social skills required for work and personal relationships.

In fact, today's teens are also far less prone to date than previous generations. In 2015, 56 percent of high school seniors dated, nearly 30 percent less than boomers and Gen Xers. Not surprisingly, sexual activity has also declined — down by about 40 percent since 1991, resulting in a 67 percent drop in teen pregnancy rates. Avoiding the drama and heartbreak of those early love experiences has not had a positive effect on emotional health, however.

Rates of teen depression and suicide have dramatically risen since 2011, and data suggest spending three hours or more each day on electronic devices raises a teen's suicide risk by 35 percent. Between 2007 and 2015, the suicide rate for 12- to 14-year-old girls rose threefold — a gender trend that can in part be blamed on a rise in cyberbullying, which is more common among girls. The suicide rate among boys doubled in that same time frame.

> **"It's not an exaggeration to describe iGen as being on the brink of the worst mental health crisis in decades,"** Twenge writes, adding that "Much of this deterioration can be traced to their phones ... There is compelling evidence that the devices we've placed in young people's hands are having profound effects on their lives — and making them seriously unhappy."

Depression Risk Rises in Tandem With Increased Screen Time

Data from the annual Monitoring the Future survey reveals the more time teens spend online, the unhappier they are, and those who spend more time than average on in-person relations and activities that do not involve their smartphone are far more likely to report being "happy." Results such as these really should come as no surprise. Spending time outdoors has been scientifically shown to dramatically improve people's mood and significantly reduce symptoms of depression.²

Interestingly, it doesn't matter what type of screen activity is involved. **They're all equally likely to cause psychological distress. Between 2012 and 2015, depressive symptoms among boys rose by 21 percent. Among girls, the rise during that same time was a whopping 50 percent** — a truly remarkable increase in just three years' time.

> "If you were going to give advice for a happy adolescence based on this survey, it would be straightforward: **Put down the phone, turn off the laptop and do something—anything—that does not involve a screen,**" Twenge writes.

Many Teens Exhibit Compulsive Obsession With Their Smartphone

Many, both children and adults, are also exhibiting signs of addiction to their electronic devices. Remarkably, many even sleep with their smartphones right next to them in bed, or directly under their pillow — a trend that is bound to cause severe harm to both their mental and physical health.

The radiation alone is a significant hazard and is known to disrupt sleep, but the blue light from the screen, plus the beeping and pinging when messages and other notifications come in are bound to interrupt sleep as well.

This does not even factor in the influence of cellphone microwaves influencing melatonin, which regulates your sleep-wake cycle. When your melatonin production is disrupted, it can have long-term health effects, as shown in a 2013 study³ in which the U.S. government collaborated with the Egyptian Foreign Ministry to assess the effects of cellphone radiation on the central nervous system.

They found that **exposure to cellphone radiation for just one hour a day for one month caused rats to experience a period of delay period before entering rapid eye movement deep sleep — a phase necessary for restful sleep.**

Another study⁴ published in 2015 found that 1.8 GHz frequencies affected rats' circadian rhythm and decreased their daily production of melatonin. Superoxide dismutase and glutathione peroxidase (which help prevent cellular damage) were also decreased. Low melatonin is actually used as a marker for disturbed sleep.⁵ Until I personally addressed the ELF (electrical fields) in my bedroom, I could not get my deep sleep levels into healthy ranges.

It comes as no great surprise then that sleep deprivation among teenagers rose by 57 percent between 1991 and 2015. Many do not even get seven hours of sleep on a regular basis, while science reveals they need a minimum of eight and as much as 10 hours to maintain their health. Twenge writes about the habits of those she interviewed:

> "Their phone was the last thing they saw before they went to sleep and the first thing they saw when they woke up ... Some used the language of addiction. 'I know I shouldn't, but I just can't help it,' one said about looking at her phone while in bed. Others saw their phone as an extension of their body — or even like a lover: 'Having my phone closer to me while I'm sleeping is a comfort.'"

Internet Addiction — A Growing Epidemic

Dependence or addiction to a digital device hooked to the internet affected 6 percent of the world population in 2014.⁶ This number may not appear to be significant on the surface, but consider that 6 percent of the world population was over 420 million people and that estimate has likely sharply risen in the last three years.⁷

Comparatively speaking, according to the United Nations Office on Drugs and Crime, 3.5 to 7 percent of the world population between 15 and 64 years had used an illicit drug in the past year.⁸

The percentage of those addicted to the internet may actually be higher as only 39 percent of the world in 2014 had access to the internet,⁹ driving the real percentage of those addicted to 15 percent. Symptoms of addiction are similar to other types of addiction, but are more socially acceptable. The authors of the study found an internet addiction (IA) is:¹⁰

> "... [G]enerally regarded as a disorder of concern because the neural abnormalities (e.g., atrophies in dorsolateral prefrontal cortex) and cognitive dysfunctions (e.g., impaired working memory) associated with IA mimic those related to substance and behavioral addiction. Moreover, IA is often comorbid with mental disorders, such as attention deficit hyperactivity disorder and depression."

Reach Out Recovery identifies conditions that may trigger internet addiction or compulsions, including anxiety, depression, other addictions, social isolation and stress.¹¹ Internet activity may stimulate your brain's reward system, much like drugs and alcohol, providing a constant source of information and entertainment. While each person's internet use is different, the results may be the same. Long-term effects may include:

Irritation when someone interrupts your interaction online Difficulty completing tasks Increasing isolation

Experiencing euphoria while online Inability to stop despite the consequences Increasing stress

Google Would Like You to Keep On Using

It should come as no surprise that companies that make money when more people spend more time and money on the internet are consciously trying to manipulate your behavior. Former Google product manager Tristan Harris revealed how digital giants are engineering smartphone apps and social media feedback to get you checking and double-checking online.¹²

However, while internet use is more socially acceptable, digital companies aren't the only businesses using neurological and psychological strategies to increase their profit margins.¹³ Behavior patterns are often etched into neural pathways,¹⁴ and when those behaviors are also linked to hormone secretion and physiological responses, they become even more powerful.

In fact, Harris describes the reward process of using a smartphone as "playing the slot machine."¹⁵ And, Google has discovered a way to embed that reward system as you use the apps on your phone. This process is so important to digital corporations that **Apple turned down a new smartphone app for their store that would help people to reduce their use of the internet and their smartphones.**

In the video above, Harris describes a process known in programming circles as "brain hacking," as they incorporate knowledge of neuropsychology into the development of digital interfaces that boost interaction. For instance, getting likes on Facebook and Instagram, the "streaks" on Snapchat or cute emojis on texts are all designed to increase your engagement and desire to return.

Harris describes it as a race to the bottom of the brainstem where fear and anxiety live, two of the most powerful motivators known to advertisers. Both advertisers and computer software developers are using these techniques to write code that will engage your attention.¹⁶

Wireless Technologies Wreak Havoc With a Child's Health and Well-Being

In 2011, the World Health Organization's International Agency for Research on Cancer declared cellphones a Group 2B "possible human carcinogen"¹⁷ related to the microwave radiation emitted from the phone. **Even cellphone manufacturers place warnings on their products to keep them at least 1 inch from your body.**¹⁸

A systematic review and meta-analysis¹⁹ published in PLOS One in 2017 also warns that there's a "**significant positive association between long-term mobile phone use (minimum, 10 years) and glioma.**" Overall, **cellphone use for at least one decade was associated with a 2.22 greater odds of developing brain cancer.** Such findings have gained strength with the publication of two lifetime exposure studies^{20,21} on animals, both of which confirmed an increased risk of brain tumors.

While cancer is certainly a long-term concern, there are more pressing health effects associated with chronic, round-the-clock electromagnetic field (EMF) exposure.

Research^{22,23} by professor Martin Pall, Ph.D., **reveals a previously unknown mechanism of biological harm from microwaves emitted by cellphones and other wireless technologies**, which helps explain why these technologies can have such a potent impact on mental health specifically. Embedded in your cell membranes are voltage gated calcium channels (VGCCs), which are activated by microwaves.

When that happens, a flood of calcium ions is released, which stimulates the release of nitric oxide (NO) inside your cells and mitochondria.

The NO then combines with superoxide to form peroxynitrite, which in turn creates hydroxyl free radicals — some of the most destructive free radicals known to man — which in turn decimate mitochondrial and nuclear DNA, their membranes and

proteins. The result is mitochondrial dysfunction, which we now know is at the heart of most chronic disease.

Excessive EMF Exposure Can Trigger Anxiety, Depression and Memory Problems

The reason excessive EMF exposure is associated with depression and neurological dysfunction, including dementia, is because your brain has the highest density of VGCCs in your body. The pacemaker in your heart and male testes are also high-density areas, and EMF exposure has been linked to cardiac arrhythmias and infertility as well. I simply do not believe bathing a fetus in EMFs in utero is a good idea.

Without fully understanding the mechanisms involved, studies have linked excessive exposure to EMFs to an increased risk of both depression and suicide.²⁴ Addiction to or “high engagement” with mobile devices can also trigger depression and anxiety, according to recent research at U. of Illinois.²⁵

According to Nicholas Carr, author of the book, “**The Shallows: What the Internet Is Doing to Our Brains,**” **millennials are experiencing greater problems with forgetfulness than seniors.²⁶** This is the “dark side” of neurological plasticity that allows your brain to adapt to changes in your environment. This type of plasticity is one way your brain recovers after a stroke has permanently damaged one area.

A loss of white matter,^{27,28} reduced cortical thickness^{29,30} and impaired cognitive functioning³¹ are other brain structure and functional changes that have been demonstrated from long-term internet use. It is impossible to ignore that these devices are changing your brain structure, and the experience is also increasing exposure to microwave radiation and large amounts of blue light at night, thereby impacting your child’s body’s ability to produce melatonin.

So, if your child or teen is showing signs of anxiety or depression, please, do what you must to limit their exposure to wireless technology. Teach them more responsible usage.

At bare minimum, insist on their turning off phones and tablets at night, and to not sleep with their phone beneath their pillow or directly near their head. Really try to minimize the presence of electronic devices in their bedroom and, to protect everyone in your household and instill the concept of “off times,” shut down your Wi-Fi at night.

PLEASE share this with families with young children.

For footnotes, see articles@Mercola.com

'Are Cellphones destroying a Generation'

Carnahan, David

From: mark weiss <earwopa@yahoo.com>
Sent: Monday, December 3, 2018 8:27 PM
To: Council, City
Subject: Ventura

Hey, if Cary Templeton is now a commissioner she should Give up her seat on the Ventura ad hoc group creating room for Lakiba Pittman, the alternate, who is also former HRC chair and lifelong neighborhood griot.
(I attended the interviews and person and believe Ms. Templeton vowed to do self when asked.)

See also

<https://www.paloaltonline.com/news/2017/11/17/as-redevelopment-looms-one-homeowner-stands-firm>

Mark Weiss

Hereabout since 1974, and knew many Ventura school alumni

Sent from my iPhone

December 3, 2018



Dear City Council,

As you consider the future of parking and transportation for residents and employees in Palo Alto, please note the attached US Census data and attached minutes from the Planning and Transportation Commission meeting of May 30, 2018 showing there is no trend beyond the margins of error of reduction in car ownership. There is also not evidence that low income residents do not have cars. Indeed, low income residents often have multiple jobs and need a car to get to, from, and among employment locations.

The parking reductions for the so-called "car light" project at El Camino Real and Page Mill Road (former VTA lot) were supposed to be an experiment from which we should evaluate how well it worked and create policy based on actual results. That project is not yet built, yet alone been occupied. As such, there is no data from this experiment, and yet the Council is considering expand this concept more broadly.

People eat out more or get take out, or it is claimed by pundits that there is such a trend. Does that mean we should have dwelling units without kitchens? There is no trend of reduced car ownership, so being able to park a car should come with a place to live. If someone does not have a car, then they should be able to sublease their parking space to others who need one.

Sincerely,
Arthur M. Keller
Palo Alto

**US Census Bureau — American Community Survey — Table B08501 —
employees in Palo Alto, CA**

Year	2017	2016	2015	2014	2013	2012	2011	2012-2016	2009-2013	2005-2009
Dataset	1-Year	5-Year	5-Year	5-Year						
Employees	101,060	101,091	94,005	95,742	92,286	94,246	81,195	95,882	87,230	77,791
Car, Truck or Van										
Drove Alone	70.8%	73.4%	73.5%	73.9%	72.9%	72.4%	73.9%	72.7%	73.4%	76.1%
Carpooled	11.3%	9.1%	9.2%	11.0%	11.8%	10.8%	10.9%	10.7%	11.0%	9.1%
Public transit (excl. taxis)	7.8%	8.9%	9.0%	7.1%	6.2%	8.5%	6.0%	8.1%	6.3%	5.4%
Walked	2.5%	2.6%	1.7%	1.5%	2.5%	1.8%	2.3%	2.1%	2.5%	2.4%
Taxi, bicycle, motorcycle, or other	3.8%	3.1%	3.7%	4.2%	3.6%	4.2%	3.8%	3.6%	3.9%	4.2%
Worked at home	3.7%	2.9%	2.9%	2.3%	2.9%	2.1%	3.1%	2.6%	3.0%	2.8%

US Census Bureau — American Community Survey — Table S0801 —
Palo Alto, CA residents

Year	2017	2016	2015	2014	2013	2012	2011	2012-2016	2009-2013	2005-2009
Dataset	1-Year	5-Year	5-Year	5-Year						
Employed Residents	31,690	31,852	30,883	34,075	30,553	30,368	30,282	31,439	30,191	27,201
Car, Truck or Van	65.4%	69.6%	70.1%	74.3%	71.1%	73.1%	69.3%	71.8%	70.9%	74.3%
Drove Alone	58.1%	65.5%	64.1%	65.8%	66.9%	64.4%	63.7%	65.2%	64.6%	68.9%
Carpooled	7.2%	4.0%	5.9%	8.4%	4.1%	8.7%	5.6%	6.6%	6.3%	5.4%
In 2-person carpool	6.7%	2.4%	4.7%	7.1%	3.1%	8.0%	5.4%	5.4%	5.6%	4.7%
In 3-person carpool	0.6%	0.6%	0.9%	1.1%	1.0%	0.1%	0.1%	0.8%	0.1%	0.4%
In 4-or-more person carpool	0.0%	1.0%	0.3%	0.3%	0.0%	0.5%	0.1%	0.4%	0.3%	0.3%
Workers per car, truck, or van	1.06	1.04	1.05	1.06	1.03	1.07	1.04	1.05	1.05	1.04
Public transit (excl. taxis)	6.3%	5.2%	5.0%	4.7%	5.3%	6.0%	6.9%	5.3%	5.3%	4.1%
Walked	5.4%	6.2%	3.8%	5.2%	5.8%	4.3%	5.3%	5.0%	5.8%	5.6%
Bicycled	10.0%	7.8%	11.4%	7.3%	8.4%	9.5%	10.1%	8.8%	8.6%	7.1%
Taxi, motorcycle, or other	1.3%	1.8%	0.9%	1.9%	0.6%	0.8%	0.1%	1.2%	0.7%	1.0%
Worked at home	11.7%	9.3%	8.9%	6.6%	8.9%	6.4%	8.3%	7.8%	8.6%	7.9%
Worked in Palo Alto	33.9%	32.8%	31.8%	32.8%	35.5%	32.0%	38.2%	33.1%	37.0%	36.9%
Worked outside Palo Alto	66.1%	67.2%	68.2%	67.2%	64.5%	68.0%	61.8%	66.9%	63.0%	63.1%
No vehicle available	1.8%	1.4%	4.9%	1.3%	1.2%	3.4%	1.8%	2.5%	2.2%	2.2%
1 vehicle available	23.3%	19.6%	24.5%	22.6%	21.6%	22.3%	24.7%	21.5%	22.5%	18.0%
2 vehicles available	45.0%	46.9%	46.6%	39.7%	51.5%	45.2%	47.1%	47.1%	48.5%	47.3%
3 or more vehicles available	29.9%	32.1%	24.1%	36.4%	25.7%	29.0%	26.4%	29.0%	26.9%	29.0%



CITY OF
PALO
ALTO

Planning & Transportation Commission

Action Agenda: May 30, 2018

Council Chambers
250 Hamilton Avenue
6:00 PM

Call to Order / Roll Call

6:05pm

Chair Lauing: Ok good evening. I'd like to call to order the May 30th Planning and Transportation Commission meeting and please ask role to be called? Ok, thank you.

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

Chair Lauing: Are there any speaker cards for oral communications on items not on our agenda?

You have one coming. OK is (interrupted)

Mr. Jonathan Lait, Assistant Director of Planning: Item One.

Chair Lauing: That's for Item One.

[Commission moved to Item Three of the agenda]

Mr. Weiss: How much time is oral communications, two minutes or three minutes?

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Waldfogel: [unintelligible – off mic]

Vice-Chair Monk: Are you... everyone is lite up.

Commissioner Waldfogel: Ok while you guys are sorting that out (interrupted)

Mr. Lait: Well at any bit I think Commissioner Waldfogel [unintelligible].

Commissioner Waldfogel: This in on my 5-minute clock. I want to thank everyone that came out to speak tonight. If I had more time I would list everyone's name but thank you all for commenting. I also want to thank Staff for taking on a hard problem and trying to approach it analytically but I think that the Packet Page 57, the Fehr and Peers memo probably says this best. There's a [unintelligible] near the general ten trends is towards slightly higher transit use and slightly lower vehicle ownership but all the trends are small and a question for Jane is if you look at this table on Packet Page 57 that is a quote is from the American Community Survey. It's the percent of household with zero vehicles. Do you see that column? I don't have another reference page. I'm sorry I only have the Packet Page. This is on your May 11th memo.

Commissioner Summa: [off mic] Page Two of [unintelligible] memo.

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Waldfogel: So, when you talk about trends relative to that table in the sentence beneath that table. Are you aware of the margin of error that the census reports for those data points?

Ms. Bierstedt: We did not report a margin of error and that's why we said there's like hardly any difference.

Commissioner Waldfogel: Yeah but if I told you that the census reports plus or minus 1 percent margin of error would you still say that there's a trend in that column?

Ms. Bierstedt: I would say that's why I always use the word slightly. It's just that there's hardly anything to add.

Commissioner Waldfogel: Well but a slightly... I mean is there any trend if the difference in the numbers is smaller than the margin of error?

Ms. Bierstedt: No.

-
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Commissioner Waldfogel: Ok so it would be more correct to say that there's no trend in the data.

Ms. Bierstedt: There's no... that would be... I would agree.

Commissioner Waldfogel: That would be a more correct statement. Ok, great. The other point is in your shared mobility services paragraph are you familiar with UC Davis Institute of Transportation Studies Research Report UCDITSRR17-07?

Ms. Bierstedt: I did see it.

Commissioner Waldfogel: And is that... are the findings in that report consistent with your statement about... I mean even the statement TNC enable a car free or car light lifestyle. Where they consistent... is that consistent with the findings in the UC Davis report?

Ms. Bierstedt: We did not compare that for this. These are just some kind of things to think about in the future that... like there's no data to support what's going on in the future.

-
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Commissioner Waldfogel: Well sure but I mean you know we can all imagine fairy dust but I'm trying to stick to what we know from actual studies and actual neighborhoods. If we're going to use numbers we should use numbers in a correct way. Would you agree with that?

Ms. Bierstedt: That's correct and so I do not think that we unfairly characterized anything in here.

Commissioner Waldfogel: Ok I think you just agreed that your statement that slightly lower rates... I mean or trends is something that's not substantiated by the numbers.

Mr. Lait: What we reported was that we didn't have the margin of error reported in Table One and then (interrupted)

Commissioner Waldfogel: Right but this is a memo from Fehr and Peers.

Ms. Bierstedt: But [unintelligible] if it's 1 percent. That's... I think we're just splitting hair so I'm not going to argue with you on that.

Commissioner Waldfogel: No, it's not splitting hairs because there's no trend.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Ms. Bierstedt: But that's no trend slightly lower I think are... it's (interrupted)

Commissioner Waldfogel: Well I think they're (interrupted)

Ms. Bierstedt: Saying... it's not saying much of a difference but thanks.

Commissioner Waldfogel: Well it is saying something different so but you would agree with the statement that there's no trend?

Ms. Bierstedt: We already... I think we went over that.

Commissioner Waldfogel: Ok great that's a good starting point. The other data questions (interrupted)

Mr. Lait: I'm sorry I just want to understand that point though for my clarification. So, I just want to raise that question that you had asked Commissioner Waldfogel. Do we know what the margin of error is in Table One? Is that data that we know?

Commissioner Waldfogel: Yeah, it's in the census... it's in the census... it's in the... I just looked at it in the census report. It's plus or minus 1 percent.

-
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Mr. Lait: Ok so you're reporting that it's 1 percent.

Commissioner Waldfogel: Yeah, I'm reporting that the margin of error is bigger than the change in the data points which is... mean that the data points aren't really... you know we're doing something that's not [unintelligible - crosstalk]

Mr. Lait: I just wanted to know where the margin of error came from.

Commissioner Waldfogel: Well that's great. One other question for you and I think this one is directed to Staff but if we look at Packet Page 14. Actually no, we can also do this from your... I think you have the same chart in your presentation. Go to Page 7 of your presentation. This is Chart Three of trends in car ownership. So, if you add up in the downtown district the percent of two plus vehicle households and the percent of one vehicle households what percent do you get just looking at that Chart Three?

Ms. Eisberg: Sorry you're adding the 6 percent and the 32?

Commissioner Waldfogel: No, I'm adding the two plus and the one so how many households have vehicles?

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Ms. Eisberg: Twenty-three.

Commissioner Waldfogel: What?

Ms. Eisberg: You're adding the 21... I'm sorry I'm not following what you are asking.

Commissioner Waldfogel: I'm asking you add... so what percent of households have two plus vehicles in the downtown district?

Ms. Eisberg: Sixty-two percent.

Commissioner Waldfogel: And what percent have one vehicle?

Ms. Eisberg: Thirty-two percent.

Commissioner Waldfogel: So, what is the sum of how... what percent of households have one or more vehicles in the downtown district?

Ms. Eisberg: Ninety-four.

-
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Commissioner Waldfogel: Ninety-four percent.

Ms. Eisberg: Right.

Commissioner Waldfogel: Ok so we're saying that roughly one parking space per household is a floor?

Ms. Eisberg: One parking space per household is (interrupted)

Commissioner Waldfogel: Would be a floor on whatever formula that we have. I mean you know any formula that comes to less than one per household would not be consistent with the ACS Census data.

Ms. Eisberg: This suggests that of the household surveys 94 percent of households have one or more vehicles available (interrupted)

Commissioner Waldfogel: Correct.

Ms. Eisberg: To them.

-
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Commissioner Waldfogel: Yeah. Thanks.

Ms. Eisberg: I thought it was a math quiz. Sorry I mean the numbers didn't add to 100.

Commissioner Waldfogel: Yeah, we didn't talk about margin of error there.

Ms. Eisberg: No, no I mean we didn't report that no.

Chair Lauing: Ok we're going to move onto the next one. Commissioner Summa is lit.

Commissioner Summa: Thank you, everyone, for coming out and welcome for those of you from the members of the public that don't often or have never come to speak at Council... the Planning Commission sorry, before and thanks to Staff. And thank you Commissioner Waldfogel I was also interested in the very questions you asked but I also had questions about... that was the main one and really to amplify that even downtown which is our most transit-rich area, 96 percent of the people have at least one car. And we don't know how many have three or four but anyhow another question I had was about stakeholder group and I think some of the members of the public brought this up. And why it was... there was one resident and who was the resident and where did the resident live and how was that resident chosen?

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 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

I'm Jim Levison, a Rinconada Masters swimmer for the past 36 years, having joined the team when I moved into my Palo Alto home.

As a business person I need to know 1) how well has the current vendor fulfilled the terms of the contract, 2) what are the users' evaluations of the products or services provided by this vendor and 3) what terms should we retain or change in any future contract? I suggest the City Council and the pool community need these answers regarding the current contract. Therefore, both the Council and the public need time to review the completed 2018 Team Sheeper report before making a final decision or approving a new contract. This report was due in October but won't be available until later this month. It was also past due in 2017.

In addition, as taxpayers we should have answers to:

1. During the 2017 approval process, the Aquatics Department forecast \$125,000 of 2019 revenue sharing paid to the City. Therefore, Team Sheeper will need to collect pool fees of \$2.5 Million next year, which seems unlikely based upon the 2017 Team Sheeper report. What is the City's current 2019 revenue forecast and how does it compare to the actuals from 2017 and 2018? How will the City make up any short fall?
2. During the same approval process, Aquatics forecast 2019 operating pool costs of just \$60,000. Does this include all operating, non-operating and capital costs? What were total 2017 and 2018 costs? What are the current forecasted 2019 costs? How will the City cover any expenditures over the \$60,000?
3. When the Masters Team subcontracted directly with the City, the City received \$15,000 to \$20,000 annually while having very limited responsibilities and costs to manage this relationship. In 2018, the Masters will pay Team Sheeper almost \$20,000, of which it appears the City will receive \$200. I assume the economics are the same for PASA. How is giving up 99% of the revenue, with no incremental decrease in associated pool costs, a good financial decision for the City or its taxpayers? Should the City consider going back to subcontracting directly with the Masters and PASA?

~~12/3/18~~

[] Placed Before Meeting

 Received at Meeting

December 3, 2018

RE: MOTION TO DENY APPROVAL AND EXTENSION FOR 429 UNIVERSITY

Dear Palo Alto City Council,

You have been asked to evaluate the current set plans for 429 University Avenue. The ARB and Director of Planning, Jonathan Lait, have recommended that the plans be denied. These plans should be denied because they violate the City Council Motion from February 6, 2017. The Motion states the "approval is subject to the actual Project matching Option 1 as described by Staff."

- The submitted plans do no match those previously approved by council
- The contentious Fourth Floor is 16% larger and more visible from the street
- Landscaping on First Floor has been completely removed and reduced by 35% on Fourth Floor

We urge you to uphold the denial and reject any further extension of timeline. The Applicant was already allowed a one-year extension and has had three years to develop these plans which have now been denied. An extension sets a bad precedent for future developers to violate city ordinances.

Sincerely,

Michael Harbour, MD, MPH

on Behalf of the Neighbors and Community to Protect Kipling St



Original Plan
Submission



"Actual" Final
Submission

Bill Lockett R. MCINTOSH MASTERS

0-1

RINC 1210 PITCH 01.txt

COUNCIL MEETING

12/3/18

[] Placed Before Meeting

[x] Received at Meeting

CITY MEETING

GOOD EVENING.

[] Placed Before Meeting
[x] Received at Meeting

THANK YOU FOR THE OPPORTUNITY TO SPEAK.

I HAVE BEEN SITTING THROUGH SEVERAL OF THESE ORAL PRESENTATIONS ABOUT RINCONADA POOL OVER THE PAST FEW WEEKS AND HAVE A FEW COMMENTS.

IT SEEMS TO ME THAT IT MIGHT BE MORE UNDERSTANDABLE FOR THE CITY TO JETTISON A LONG TIME COMMUNITY ASSET SUCH AS THE RINCONADA MASTERS PROGRAM, IF THE ECONOMICS OF THE ARRANGEMENT WERE MORE ADVANTAGEOUS TO THE CITY. BUT, FROM WHAT I HAVE BEEN HEARING, THAT DOES NOT SEEM TO BE THE CASE.

UNDER THE AGREEMENT WITH TEAM SHEEPER, THE CITY'S TAXPAYERS WILL CONTINUE TO PAY FOR ALL OF THE POOL'S MAINTENANCE AND CAPITAL UPKEEP, WHILE TEAM SHEEPER WILL PAY FOR STAFFING COSTS - IN SOME CASES - AND YET KEEP 99% OF THE REVENUE GENERATED BY THE POOL. THE CITY GETS 1%.

THESE ARE STRIKING NUMBERS. WHEN I WAS THE TEAM'S TREASURER JUST TWO YEARS AGO WE PAID THE CITY 30% OF OUR REVENUES.

SO, WHY IS THE CITY STAFF SO STRONGLY SUPPORTIVE OF THIS CONTRACT, WHEN IT APPEARS THAT THE MAIN BENEFICIARY OF THIS ARRANGEMENT IS TEAM SHEEPER?

Bill Linton RINCONADA MASTERS P. 2

RINC 1210 PITCH-02.txt

IT ALSO SEEMS TO ME THAT THE BEST WAY FORWARD HERE IS NOT TO GIVE TEAM SHEEPER EVERYTHING IT WANTS, AS SOME MEMBERS OF THE CITY STAFF APPEAR TO FAVOR, BUT TO BALANCE THE INTERESTS OF THE EXISTING COMMUNITY OF RINCONADA POOL USERS, INCLUDING RINCONADA MASTERS, WITH THOSE OF TEAM SHEEPER.

GOOD FAITH COLLABORATION WILL BE THE KEY TO FINDING SUCH A BALANCED WAY FORWARD. CLEARLY, IT WILL TAKE SOME EFFORT FOR RINCONADA MASTERS AND TEAM SHEEPER TO CLEAR THE AIR AND FIGURE OUT A WAY TO WORK TOGETHER.

FROM EVERYTHING I HAVE SEEN AND HEARD, RINCONADA MASTERS STANDS READY TO MAKE THIS EFFORT. I HOPE THAT TEAM SHEEPER DOES AS WELL.

REGARDLESS, I IMPORE THE CITY COUNCIL, AS THE BODY REPRESENTING ALL PALO ALTANS, TO MAKE SURE THAT ALL PARTIES MAKE THAT EFFORT.

THANK YOU.

To: Palo Alto City Council
From: Hans Borock

12/4/18 5PM MEETING
Topic #2 - Conference w/Labor Negotiations

COUNCIL MEETING

12/4/2018

[] Placed Before Meeting

X Received at Meeting

CALIFORNIA CONSTITUTION

ARTICLE IV LEGISLATIVE [SEC. 1 - SEC. 28]

SECTION 17.

The Legislature has no power to grant, or to authorize a city, county, or other public body to grant, extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or to authorize the payment of a claim against the State or a city, county, or other public body under an agreement made without authority of law.

(Sec. 17 added Nov. 8, 1966, by Prop. 1-a. Res.Ch. 139, 1966 1st Ex. Sess.)

ARTICLE XI LOCAL GOVERNMENT [SEC. 1 - SEC. 15]

SECTION 10.

(a) A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law.

(b) A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.

(Sec. 10 amended June 8, 1976, by Prop. 14. Res.Ch. 5, 1976.)

November 28, 2018

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO FURTHER REDUCE RATES FOR AGRICULTURAL CUSTOMERS (A.18-11-013)

Summary

On November 20, 2018, Pacific Gas and Electric Company (PG&E) filed its 2019 Rate Design Window (RDW) application with the California Public Utilities Commission (CPUC). The application is focused on agricultural customers. Its goal is to reduce the number of customers highly impacted by previously approved rate increases by offering new and modified rate plan options.

Background

In PG&E's 2017 General Rate Case Phase II application, the CPUC approved simplified default and voluntary rate plans for agricultural customers. These rate plans are currently scheduled for implementation on a mandatory basis by March 2021. If approved, this application would modify rate plans even further to reduce bill impacts. If approved, the changes included in this application will replace previously approved rate plan changes. Customers will be able to evaluate and choose from modified rate plan options. In addition, PG&E will provide online tools to help customers decide which rate plan is best for them.

How will this application affect agricultural customers?

There is no request to increase rates in this application. However, if approved, the new rate plans will impact bills for agricultural customers as rate design changes are implemented and customers make decisions about their rate plans. The new rate plans will reduce the number of highly impacted customers estimated to receive bill increases. Highly impacted is defined by both a percentage and a dollar amount. In order to fall into this category, bill increases would have to exceed both 7% and \$100 per year. The new rate plans will also provide flexibility for agricultural customers to select a rate plan that works best for them.

Bill impacts will vary based on how much energy customers use, when they use it, and which rate plan they select.

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**. Para más detalles llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**. For TTY, call **1-800-652-4712**. 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
2019 RDW Application (A.18-11-013)
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 DEC - 4 PM:58
CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE

CPUC process

This application 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 California Public Advocates Office (CalPA) may review this application. CalPA 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. CalPA has a multidisciplinary staff with expertise in economics, finance, accounting and engineering. For more information about CalPA, please call **1-415-703-1584**, email PublicAdvocatesOffice@cpuc.ca.gov or visit CalPA's website at www.publicadvocates.cpuc.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.ccpuc.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.ccpuc.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 contacting the CPUC, please include the application number (2019 RDW Application; A.18-11-013). All comments will be circulated to the Commissioners, the assigned Judge and appropriate CPUC staff and will become public record.