

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: 2/12/2018

Document dates: 1/24/2018 – 1/31/2018

Set 2 of 2

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

Carnahan, David

From: Walter Cannon <walterbcannon@gmail.com>
Sent: Wednesday, January 24, 2018 12:19 PM
To: Council, City; ARB@CityofPaloA
Cc: Cannon Irene
Subject: Cell towers in Old Palo Alto

We urge the City Council and the Architectural Review Board to oppose the installation of the planned Verizon and AT&T cell towers in our Palo Alto Neighborhoods.

Not only are the esthetics and noise level an issue but the health effect data are concerning and the federal guidelines regarding the radiation are over 20 years old.

Stop the cell towers!

Walter B.Cannon, MD
Irène Plattner-Cannon,MD

Sent from my iPhone

Carnahan, David

From: J. Robert Taylor <btaylor@taylorproperties.com>
Sent: Monday, January 29, 2018 1:54 PM
To: Council, City
Subject: Chaucer Street Bridge

Dear Council:

Given the years of discussion about mitigating the flood risk to the City and the comparative lack action by the City to reduce the risk of flooding in the Crescent Park neighborhood, I am requesting the City remove the bridge at Chaucer St.

This will immediately mitigate the risk in Palo Alto of flood damage to a large portion of the CIty at a very low cost. It instantly restores a more "natural" riparian corridor which is VERY important.

When the City constructed this bridge it artificially and without intention created a flood risk to areas of Crescent Park. The City is now well aware that the bridge they constructed creates a significant hazard to both property and welfare of its citizens.

Perhaps prudently the City waited until certain downstream improvements were made that help to reduce and downstream impacts from removal of this artificial impairment of the natural flow of water to the Bay. Those improvements are not substantially completed.

20 years is more than enough for the City and associated agencies to eliminate the bridge. The reroute of traffic will be inconvenient for a short time, but it will adjust quickly. The majority of traffic is just cutting through the neighborhood for no real purpose except to save time.

Long term I would like to see a utilitarian bicycle/pedestrian crossing in order to keep the neighborhood connection, this is something I want but am willing to wait a few years for after the bridge is removed.

Can anyone seriously be against this? If you are I would like to understand why. If you are for it, then I urge you to make a formal proposal to Council to get this done. The costs of doing nothing for another 5 to 10 to 20+ years are too great both in legal costs to the City and to costs to owners/ tenants living in the area.

The bridge could be removed and the riparian corridor naturalized in 2 months this summer. Let's do it.

Sincerely,

J. Robert Taylor
480 Marlowe St
Palo Alto, Ca 94301

Carnahan, David

From: Paul Machado <plmachado@gmail.com>
Sent: Wednesday, January 31, 2018 8:53 AM
To: Kou, Lydia; Holman, Karen; Tanaka, Greg; Fine, Adrian; DuBois, Tom; Scharff, Gregory (internal); Filseth, Eric (Internal); Wolbach, Cory; Council, City
Subject: Evergreen RPP proposal, from neighborhood leadership group
Attachments: Evergeen Park RPP resident memo(1).pdf

To: Palo Alto City Council
From: Evergreen Park residents
Subject: Evergreen Park-Mayfield RPP Program
Date: Public hearing February 5, 2018

Summary

The Evergreen Park-Mayfield Residential Parking Program (RPP) has met expectations, reducing parking congestion on residential streets. During the first six months of the program, there were few problems and no reported complaints. In October, 2017, at the start of the second six-month phase when permits were renewed, there were numerous complaints from businesses who were unable to renew permits or obtain additional permits.

Meetings in December, 2017, and January, 2018, between staff and residents and business owners were very productive and identified the root causes of the problems obtaining employee parking permits, and several recommendations were made by residents and business owners to address these problems. At these meetings, staff agreed with the analysis and proposed corrections. Nevertheless, the staff report contains few of these recommendations and instead remains essentially unchanged from the staff

To: Palo Alto City Council
From: Evergreen Park residents
Subject: Evergreen Park-Mayfield RPP Program
Date: Public hearing February 5, 2018

Summary

The Evergreen Park-Mayfield Residential Parking Program (RPP) has met expectations, reducing parking congestion on residential streets. During the first six months of the program, there were few problems and no reported complaints. In October, 2017, at the start of the second six-month phase when permits were renewed, there were numerous complaints from businesses who were unable to renew permits or obtain additional permits.

Meetings in December, 2017, and January, 2018, between staff and residents and business owners were very productive and identified the root causes of the problems obtaining employee parking permits, and several recommendations were made by residents and business owners to address these problems. At these meetings, staff agreed with the analysis and proposed corrections. Nevertheless, the staff report contains few of these recommendations and instead remains essentially unchanged from the staff proposal drafted prior to these meetings. The staff proposal is based on insufficient information, unsupported assumptions, and offers a “remedy” of increasing the number of employee parking permits which does not address the problems actually encountered and which will act to the detriment of the RPP and the neighborhood. Implementing the staff proposal will not address problems with the RPP and may set an unwarranted precedent that all problems with the RPP should be addressed by increasing the parking density in the residential area.

This memorandum discusses the cause of the problems in the second six-month phase of the RPP, when no such problems were encountered previously, disputes the staff analysis which is based on unsupported assumptions and standards, and makes specific proposals which are intended to address both short term and long term issues with the RPP program.

Discussion

Permitting process

The Evergreen Park-Mayfield RPP pilot began in March, 2017. As noted in their report, staff reached out to businesses, particularly medical and dental offices, to assist them in purchasing employee parking permits when they went on sale. This appeared to be successful, with most businesses obtaining needed employee parking permits. (Indeed, some businesses have indicated that they obtained more permits than they actually needed.) There were no significant complaints.

In October, 2017, when the initial permits expired, the staff did not engage in outreach to businesses. Businesses were not notified of the need to renew permits nor of the deadline to do so. Businesses have noted that they had difficulty renewing permits online. The staff did not exercise any control over the number of permits which a single business could purchase. The result was essentially a “land rush” where the first businesses to apply for permits gobbled them up, leaving the medical and dental offices unable to purchase permits. Several companies in the California Avenue Business District purchased

many more permits in this second phase than they had initially. Many of these permits are in Zones A and B where many of the businesses which were unable to purchase permits are located.

The staff report glosses over the effect of the poor management of permit renewals, leading one to believe that this situation “just happened”. Their previous description of the inability of businesses to renew permits was that this was due to “increased demand”. This is hardly credible. There was no significant change in the number of businesses, the number of employees, or a reduction in parking which would result in any increase in demand.

Parking occupancy survey

The City hired a consultant to conduct a parking occupancy study. This happened one day in October. Some aspects of the results match observations of both businesses and residents, especially in the highly parked areas along El Camino Real. Other results, showing low parking density, are disputed by local residents. It is difficult to extrapolate from a single observation. (This would be like looking outside and saying that it was 55° and sunny in Palo Alto, and using this to make decisions throughout the year.) There is no way to know if the conditions on this particular October day were representative of the other days, or if there were factors which made parking better or worse on this date. We consider this survey to be a questionable basis for any proposed changes. We believe that a survey conducted over perhaps three days would offer much more reliable view of parking in the permit area.

Parking show rate

Without question, not every employee who has an employee parking permit will park their car in the neighborhood every day or for the full day. But, given the haphazard nature of the permitting process and the single parking survey, we question the staff’s reliance on the values in their table. At the stakeholder meetings, some businesses mentioned that they actually received more permits than they needed. There were anecdotal reports that some businesses had purchased and were stockpiling a large number of permits, currently unused, in case they needed them. This not only exacerbates the problem of uneven distribution, it artificially lowers the show rate.

Even using the questionable parking occupancy data in the staff report, the show rate ranges from 20% to 72%. Based on the staff comment at the top of page 8 in the report, where the staff claims that the number of employee parking permits could be increased three-fold (!!!) without impacting the neighborhood, the staff appears to assume the validity of the lowest show rate and ignores the highest show rate.

Parking occupancy standard

The staff proposes a cap of 60% as a parking occupancy cap. Staff has provided no justification for this number and has stated that it is not an established standard either within city planning or traffic management. We do not know how this cap would relate to either resident or business satisfaction with the RPP. We believe that resident satisfaction is the only valid measure that we are aware of. While we might imagine that 100% occupancy would correlate with resident dissatisfaction, and 0% would correlate with resident satisfaction, we have no basis for belief that the staff number, or any other number, represents an acceptable parking occupancy cap. Staff has performed no surveys of RPP residents to find a relationship between satisfaction with the RPP and parking occupancy. Neither have they provided any industry study or standard which supports their proposed number, or indeed, any particular number.

The residents oppose establishing any specific parking occupancy standard, lacking in any supporting evidence, believing that this is arbitrary and capricious.

We are very disturbed by the views expressed by staff that the Evergreen Park and Mayfield neighborhoods are a nearly unlimited parking resource which can be used to offset shortfalls in parking in the commercial districts. The suggestion that employee permits could be increased three-fold and that the City should adopt an inflated parking occupancy target lead us to remind the staff and City Council that the discussion at hand involves a *Residential Parking Permit* program, not a *Commercial Parking Permit* program.

Permanent increase in employee permits

The staff recommends permanently increasing the number of employee parking permits in the RPP by 40. The staff claims that this will satisfy current business needs (which we will address below). This may be true, but it does nothing to address the cause of the problems that businesses encounter. The staff report offers no credible support for an argument that there are insufficient employee parking permits; indeed they make no attempt to make this claim.

The root cause of the inability of businesses to purchase permits is not insufficient permits, but the inconsistent and uneven distribution of the permits. It is difficult to reconcile that there were, from all appearances, adequate employee parking permits during the first six months, and suddenly a significant deficit at the start of the second six months, following permit renewals. Adding permits is a “quick fix” which makes the situation better in the short term, but which will not address the root cause of the business’ problems.

We are very concerned that an increase in the number of parking permits, without addressing the root cause of the permit allocation problems, will set an undesirable precedent. Every imagined (or real) increase in parking demand will be addressed by an increase in the number of employee parking permits. We see foreshadowing of this in the recent staff proposal to reduce the size of the Sherman Ave. garage, where the loss of parking spaces was to be offset by an increase in the number of permits in the surrounding RPP.

New zone structure

The staff proposes to split the current Zone A and Zone B in two, creating six zones instead of four. While we dispute the estimates of parking occupancy, based on an inadequate survey, we support this change. Some residents have expressed the opinion that a better division would be to split the current Zone B along Ash Street, similar to the proposed splitting of current Zone A. This would allow more focus on the El Camino Real business area and the adjacent impacted residential area.

Parking along El Camino Real

El Camino Real and the adjacent Stanford campus are integral and important parts of the parking problems in Evergreen Park and should be part of the solution. Currently there are no restrictions on parking on El Camino Real between College Avenue and Park Boulevard. Drivers going to Stanford or taking CalTrain who had previously parked in the Evergreen Park neighborhood simply moved to El Camino Real when the RPP was created. Where it was previously possible for employees and customers of businesses on El Camino Real to find parking, now all spaces are occupied beginning in the early morning for the entire day.

The staff recommend establishing a 2 hour parking zone along the east side of El Camino Real. While this will help address this problem, local business employees who park in this area will have to move their cars every two hours. The staff doesn't mention the west side of El Camino Real, which, under their proposed change, will continue to be long-term free parking for people going to Stanford.

We support the dentists' recommendation that both east and west side of El Camino Real be incorporated into the Evergreen Park-Mayfield RPP. We believe that the staff's concern that residents will park on El Camino Real in preference to parking near their homes is unfounded. We also cannot understand how incorporating this area into the RPP would result in increases in neighborhood traffic, since, as the staff report mentions, several streets do not have outlets onto El Camino Real.

We also recommend that staff reach out to Stanford to address El Camino Real being used for long term Stanford parking rather than the many parking areas on the Stanford campus. People visiting or working on the Stanford campus should have parking permits for Stanford lots, rather than overflowing into the adjacent neighborhoods.

Employee purchase of parking permits

We recommend that the City only sell parking permits to employers. This matches a recommendation by area dentists. Selling permits to both employers and employees has allowed certain businesses to obtain a large number of permits at the same time their employees obtain a large number of permits. This is one of the causes of the uneven distribution of employee parking permits in October.

Permit distribution

In addition to improving communication between the City and business in the RPP area, including advanced notice (in writing) of permit renewal, we recommend that permits be issued with the following priorities:

- Permits should be issued in zones closest to the business location
- Preference should be given to neighborhood-serving businesses, permit renewals, and businesses which do not participate in the California Avenue Parking Assessment District
- Permits may be issued only to businesses listed in the Palo Alto Business Registry
- Businesses with low income workers are to be given preference
- Businesses with a Traffic Demand Management plan are given lowest priority
- Fair and equitable distribution of permits
 - Based on number of employees per business
 - Avoid concentrations of permits at any one location
 - Consider the number of businesses at any one location

It is our understanding that businesses or buildings which have an established Traffic Demand Management plan should have programs in place which address both traffic and parking. TDMs were adopted in exchange for reductions in building parking requirements. The terms of the TDM should be followed to address parking requirements rather than use RPP employee parking permits.

The staff is encouraged to maintain a listing of the businesses in the RPP area, the number of permits issued to each business, and to maintain a waiting list for permits. This will establish continuity and stability in the employee permitting process which is currently absent.

Exigent circumstances

As a result of the problems in permit distribution, a number of neighborhood-serving businesses, including (but not limited to) medical and dentist offices, have been unable to obtain desired employee parking permits. Evergreen Park residents appreciate the contribution that these businesses make to the neighborhood and believe that the businesses have made a good faith effort to accommodate changes in their businesses as a result of the RPP and to comply with the RPP requirements.

To address these exigent circumstances, the residents propose that the City issue a total of 40 *temporary* employee parking permits, valid until October 1, 2018, to the businesses along El Camino Real which have been unable to obtain permits. We believe that these temporary permits will address the short-term needs of the businesses and allow the staff adequate time to create a permit distribution system which follows the mentioned priorities and fairly distributes the employee parking permits to area businesses.

Summary

Evergreen Park residents agree that the successful Evergreen Park-Mayfield Residential Parking Permit program should be made permanent. The residents support rezoning the RPP area to allow better management. Residents support replacing the current “land grab” permit distribution method, which caused many complaints from neighborhood businesses, with a fair and equitable permit distribution method. Residents oppose any permanent increase in the number of employee parking permits, believing that this is not supported by known facts and current circumstances. Residents oppose the imposition of any arbitrary parking density standard, since this does not have any factual basis. Residents support issuing a number of *temporary* employee parking permits to address exigent circumstances caused by unbalanced distribution of permits.

Carnahan, David

From: David Brunicardi <david.brunicardi@gmail.com>
Sent: Monday, January 29, 2018 3:41 PM
To: Council, City
Subject: First Baptist Church -- CUP

Dear Council Members,

My name is David Brunicardi and I am a direct neighbor of the FBC. Although being a neighbor of the church, and main tenant, the New Mozart Music School, has not always been easy over the years, I have typically avoided contacting the City when things seemed out of compliance and instead tried to resolve things directly with Pastor Rick Mixon. Rick and I have a neighborly relationship and in his own words I have always been a "patient" neighbor. After a meeting with James Keene at his office at City Hall, he said that Rick spoke highly of me in regards to my always trying to find a solution to a problem.

I am writing you today because I feel that I may be able to share some insight into what has been previously been going on at the FBC. It is hard to speak up in a negative light when the subject is a church. But here goes ...

As I discussed with James Keene in the fall, I have never had a problem with iSing, the vegetarian dinner group, and all the other non-profit groups. They are very respectful and I have enjoyed meeting a few of the principals. Where conflicts arose for me was with the for-profit New Mozart Music School.

The school, at this location at least, is a group of independent contractors. Christine the owner is only on site on weekends, and occasionally for an hour or two on a weekday morning, before classes start. In essence there would be 9-10 un-managed instructors who did whatever they felt like. Rick, Christine, and the part-time church manager are not on site when New Mozart classes are being conducted in the evenings.

My family and I front nine of the second floor windows at the FBC. I cannot fully explain how painful it is when one or more instructors feels entitled to perform their lessons with the windows open. It is a grating cacophony and it has occurred hundreds of times over the years, and at any hour. I have video documentation of this even occurring after 10:00 pm., which resulted in me calling PAPD. I also have at least fifty recordings of this violation and have documented decibel-meter recordings showing an average of 85-90dB's. This is well above the stated limit of what the City of Palo Alto has set for sustained sound emanating from a neighboring property. Some of these items I shared with James Keene during our meeting.

These sonic invasions would result in me leaving angry messages for all involved. Rick would get mad at the school the next day, Christine would call or text an apology, but nothing would change. Finally, a few years ago, I donated thousands of dollars to the FBC to upgrade their windows to a dual-pane sound dampening window system. Seemed like a good idea but guess what, the instructors still opened the windows.

When I found out that the church was zoned R-1 and that the New Mozart School wasn't even legally supposed to be conducting business there I couldn't believe it. That's when I contacted the City. That school is an absolute for-profit, neighbors-be-damned entity and it has no place in this location. Wouldn't there even be a case for other for-profits to utilize the space (eg. mortgage brokers, phone repair, etc.)?

In moving forward with the future uses at church I request that you keep in mind that the hundreds of weekly evening users are entirely un-managed by the church and this creates ill will with the neighbors. There is no

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recourse or point person when something goes wrong, allowing simmering tempers to later explode in one way or another.

Please feel free to contact me if you would be interested in a meeting or would like to observe some of my documentation.

Also please understand that I would like for the information I am sharing with you to remain out of the press.

All best,

David Brunicardi

Carnahan, David

From: Keith Ferrell <ferrell.keith@gmail.com>
Sent: Tuesday, January 30, 2018 11:30 AM
To: Kamhi, Philip
Cc: Council, City
Subject: Follow up questions from Southgate RPP meeting

Phillip,

I had a few follow up questions and comments from last night's meeting that I'm hoping you can help me with.

- 1) Can I get a copy of the slides you showed at last night's meeting? I'm most interested in the block by block occupancy and the comparison of neighborhood permit percentages.
- 2) Can I also get a detail of how the parking spaces in Southgate were determined? The May 2017 survey counted 478 spaces. In January 2018, the count was 581 spaces. In the meeting last night you mentioned that the difference was due to not counting El Camino and, I believe, Churchill, is that correct? Jim McFall and I hand counted spaces in 2017 and counted 470, including El Camino and Churchill. The number of spaces along El Camino and Chuchill totals 50 spaces. So, even using the 478 spaces and adding 50, we still are over 50 spaces short of the 581 being quoted. Given that there is a block by block occupancy, there must also be a block by block availability. Can you send me a copy of that?
- 3) Staff continues to stick to that 30% showrate. Before the Southgate RPP goes back before council at the six-month mark, I request that a count be done of the showrate of Southgate RPP employee permits.
- 4) Staff mentioned that the Southgate RPP includes ALL of El Camino Real from Churchill to Park. While that might be how it shows in the city's parking map, there is a gap in the RPP north from Park for approximately 250 feet. There is no signage in that area, and there are cars parking there without permits. In addition, there was a red curb that has since been painted over with white paint (see photos below). The third photo merely shows a lack of RPP signage.
I don't see any of this as being an issue, as it allows 1681 employees that ability to park and does not interfere with any residences. However, I feel staff should refrain from calling this out as part of the RPP when, in fact, it is not being enforced as such.
- 5) There seems to be a fair amount of confusion as to the specifics of the Southgate neighborhood. It would be a good idea if residents, businesses and staff (including council members) to take a tour of the area so everyone is on the same page. It is frustrating to be in the audience of a council meeting and hearing staff and council make statements that are not correct and can be easily clarified/corrected.

Thanks
Keith Ferrell



Red Curb outside 1681 El Camino (Sept 2017)



Please Contact the Clerk's Office
to View Additional Pages,
Attachments, or Images Related

Curb painted white outside 1681 El Camino (Jan 2018)



No RPP signage El Camino just north of Park

Carnahan, David

From: Clerk, City
Sent: Wednesday, January 24, 2018 3:43 PM
To: Council, City
Subject: FW: Please Support Castilleja

Thanks,

B-

Beth D. Minor | City Clerk | City of Palo Alto
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650-329-2379 E: beth.minor@cityofpaloalto.org

City Clerks Rock and Rule

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

From: Josee Band [mailto:wordpress@castillejamasterplan.com] Sent: Wednesday, January 24, 2018 2:46 PM To: Scharff, Gregory (internal) <Greg.Scharff@CityofPaloAlto.org>; Kniss, Liz (internal) <Liz.Kniss@CityofPaloAlto.org>; DuBois, Tom <Tom.DuBois@CityofPaloAlto.org>; Filseth, Eric (Internal) <Eric.Filseth@CityofPaloAlto.org>; Fine, Adrian <Adrian.Fine@CityofPaloAlto.org>; Holman, Karen <Karen.Holman@CityofPaloAlto.org>; Kou, Lydia <Lydia.Kou@CityofPaloAlto.org>; Tanaka, Greg <Greg.Tanaka@CityofPaloAlto.org>; Wolbach, Cory <Cory.Wolbach@CityofPaloAlto.org>; Clerk, City <city.clerk@cityofpaloalto.org> Subject: Please Support Castilleja

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

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

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

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

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

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

Sincerely,

Josee Band
jband@castilleja.org

Carnahan, David

From: Elizabeth Wong <elizabethwong2009@gmail.com>
Sent: Wednesday, January 24, 2018 5:52 PM
To: Gutierrez, Samuel; Gitelman, Hillary; Lait, Jonathan
Cc: John L. Flegel; Kent Mitchell; Nicolas A. Flegel; Council, City; Architectural Review Board; Stump, Molly; Keene, James
Subject: Fwd: 620 Emerson St

Dear Mr. Gutierrez,

Regarding your Recommendation for the Replacement of Three On-Site Parking Spaces with Three In-Lieu Spaces for 620 Emerson St (17PLN-00331) which is scheduled for ARB Hearing on Thursday February 1, 2018, please be advised that this replacement is not allowed by Code.

I have requested numerous times to meet with the Director of Planning to discuss this issue and have yet to be granted the courtesy of a meeting. Neither have my requests to meet with you been granted as I have never meet you in person.

Further, when I requested an explanation in writing for granting the Replacement, your explanations were deficient and your justification does not lead to any such conclusion.

Again, I request a meeting with Hillary, Jonathan and you before the scheduled ARB hearing on Feb 1, 2018.

Thank you in advance.

Elizabeth Wong

650 814 3051

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

From: Gutierrez, Samuel <Samuel.Gutierrez@cityofpaloalto.org>
Date: Wed, Jan 24, 2018 at 5:16 PM
Subject: RE: 620 Emerson St
To: Elizabeth Wong <elizabethwong2009@gmail.com>
Cc: "Gitelman, Hillary" <Hillary.Gitelman@cityofpaloalto.org>, "Lait, Jonathan"
<Jonathan.Lait@cityofpaloalto.org>

Hello Elizabeth,

Please let me know what the meeting would pertain to so I can make arrangements and prepare information as needed.

Regards,



Samuel J. Gutierrez | MUP | Associate Planner | P&CE Department
250 Hamilton Ave. 5th Floor, Palo Alto CA 94301

Phone: [\(650\) 329 - 2225](tel:(650)329-2225)

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

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[Permit Tracking – Public Access](#)

From: Elizabeth Wong [mailto:elizabethwong2009@gmail.com]
Sent: Tuesday, January 23, 2018 9:32 AM
To: Gutierrez, Samuel
Cc: Gitelman, Hillary; Lait, Jonathan
Subject: Fwd: [620 Emerson St](#)

Samuel,

I would like to meet with you, Hillary and Jonathan.

Please schedule a meeting as soon as possible.

Thank you.

Elizabeth Wong

650 814 3051

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

From: Gutierrez, Samuel <Samuel.Gutierrez@cityofpaloalto.org>

Date: Tue, Jan 23, 2018 at 9:12 AM

Subject: RE: [620 Emerson St](#)

To: Elizabeth Wong <elizabethwong2009@gmail.com>

Cc: "Gerhardt, Jodie" <Jodie.Gerhardt@cityofpaloalto.org>

Hello Elizabeth,

This project will be going to hearing on Thursday 2/1/2018 (next week). The staff report will be ready by Thursday of this week and will be on viewable on the ARB website. See the link below and once published I will let you know. As far as the meeting you are requesting, can you please clarify what the meeting would be for and who you wish to meet with? In your email you ask to meet with City Staff and Planning Staff, I am not sure who you mean by "City Staff".

ARB Website

<https://www.cityofpaloalto.org/gov/boards/architectural/default.asp>

Kind Regards,

Phone: [\(650\) 329 - 2225](tel:(650)329-2225)



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From: Elizabeth Wong [mailto:elizabethwong2009@gmail.com]

Sent: Monday, January 22, 2018 1:54 PM

To: Gutierrez, Samuel

Cc: Gitelman, Hillary; Lait, Jonathan

Subject: Re: [620 Emerson St](#)

Please notify in writing of any upcoming public hearings on [620 Emerson St.](#), including the ARB hearing. Also alert me in writing of any staff report produced for this project. Please advise me in writing of the earliest date that I can have a meeting with City Staff, including Planning staff.

Please acknowledge receipt of this email.

Thank you.

Elizabeth Wong

[650 814 3051](tel:6508143051)

On Wed, Jan 3, 2018 at 5:43 PM, Gutierrez, Samuel <Samuel.Gutierrez@cityofpaloalto.org> wrote:

Hello Elizabeth,

The initial noticing for the project does not provide as much details as the noticing for the ARB hearing date. As this project is nears the hearing date you will receive a notice with additional details regarding the project, including information regarding parking. Also the staff report which would be available the week prior to the hearing and it would fully discuss the project and what it involves. I believe that would be the best time to have a meeting as the project is still under review.

Kind Regards,



Samuel J. Gutierrez | MUP | Associate Planner | P&CE Department
[250 Hamilton Ave](http://250HamiltonAve), 5th Floor, Palo Alto CA 94301

Phone: [\(650\) 329 - 2225](tel:(650)329-2225)

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

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City of Palo Alto | City Clerk's Office | 1/29/2018 10:06 AM

From: Elizabeth Wong [mailto:elizabethwong2009@gmail.com]

Sent: Wednesday, January 03, 2018 10:12 AM

To: Gitelman, Hillary; Lait, Jonathan

Cc: Gutierrez, Samuel

Subject: [620 Emerson St](#)

Dear Hillary and Jon,

I would like to schedule a meeting with you regarding [620 Emerson St](#). Some of the items that concern me are the elimination of on-site parking in the proposed project and the lack of notification of its status.

Can any work be done inside or outside this building related to the proposed project be done without permits or public hearings? Do you have a schedule of its hearings?

Please let me know when you have time to meet.

Thank you.

Elizabeth Wong

[650 814 3051](#)

Carnahan, David

From: George E. Gray <gray850b@aol.com>
Sent: Monday, January 29, 2018 11:15 AM
To: Council, City
Subject: Fwd: Portola Expedition

Try again

George E. Gray
9720 Oviedo St.
San Diego, CA 92129
858-538-3027
gray850b@aol.com

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

From: George E. Gray <gray850b@aol.com>
To: citymgr <citymgr@cityofpaloalto.org>
Sent: Mon, Jan 29, 2018 10:22 am
Subject: Portola Expedition

The year 2019 marks the 250 year anniversary of the Portola Expedition which was the Spanish group that first saw the San Francisco Bay. They spent five days camped near the Palo Alto Redwood while reconnoitering the bay and before returning to San Diego. Does your city have any plans to celebrate their visit? I realize this is an early question but our organization needs to plan ahead

I am a Stanford Grad. and a Member of Los Californianos, which is a group of the descendants of the Spanish and Mexicans that came to Alto California prior to the end of the Mexican War. In my case, four of the members of the Expedition are among the ancestors of my Stanford coed wife.

Please indicate arrival of this message, even if full response requires longer time. At age 90, I am never sure my e-mails arrive at intended destination.

Thank you for your attention.

George
George E. Gray
9720 Oviedo St.
San Diego, CA 92129
858-538-3027
gray850b@aol.com

Carnahan, David

From: Emily Hung <emilyhung1@gmail.com>
Sent: Thursday, January 25, 2018 12:08 AM
To: David.Rader@pln.sccgov.org
Cc: supervisor.Simitian@bos.sccgov.org; supervisor.wasserman@bos.sccgov.org; supervisor.chavez@bos.sccgov.org; 'Supervisor Yeager'; Council, City; Planning Commission; Dave.Cortese@bos.sccgov.org; David.Rader@pln.sccgov.org; Kristina.Loquist@bos.sccgov.org
Subject: Opposition to the Stanford 2018 GUP from Palo Alto Resident

Dear County Supervisors and Staff,

While the community recognizes the University's great intellectual and cultural contribution to the *broader S.F. Bay Area community*, our small city (Palo Alto) can not be expected to endure the impact and costs of the dramatic infrastructure requirements that would be required to sustain the proposed growth at acceptable traffic, environment and safety levels. Stanford must pay for the requisite infrastructure improvements prior to the approval of the 2018 GUP. The institution is growing well beyond our means. I urge you to stop all further development by Stanford until infrastructure and impact analysis is completed and requirements are placed upon Stanford to fund the necessary infrastructure improvements that would make their GUP proposals truly "**no net impact**" to our community.

Specifically, we find the following concerns with the 2018 GUP:

- Stanford's proposal should not be considered in isolation of the **significant existing transportation and traffic congestion problems** that the City of Palo Alto is already experiencing given the large imbalance between local jobs vs. locally employed residents. This ratio is one of the highest in the country, and contributes to an already existing traffic dilemma in our small residential community.
- University growth should not be considered in isolation given that it is tied to the Stanford University Medical Center (SUMC), the Stanford Research Park (SRP), Stanford Shopping Mall, SLAC, including the development proposed for [500 El Camino Real](#) in Menlo Park (429,000 SF of office, retail and housing). Looking at each site in isolation does not provide a full picture of the cumulative impacts to Palo Alto.
- The GUP claim of "No Net New Commuter Trips" is naive given the millions of square feet of development proposed. [Many reports detail the naive and poorly formed aspects of these claims.]
- The GUP claims that Caltrain usage will offset growth in daily employee road commuting are naive given that Caltrain is already at full capacity and can only practically address a fraction of total employee commuters.
- The GUP totally disregards the looming and alarming transportation and traffic congestion problems that will be created by imminent Caltrain electrification, increased traffic stops, and the likelihood of grade separation construction at various intersections, which will only add to the City's financial and traffic burdens.
- The GUP is absent any rigorous traffic impact analysis along the impacted main and secondary impacted corridors already strained by Stanford-bound traffic, including Embarcadero and University, as well as Churchill and Kellogg avenues.

We need to stop giving Stanford *carte blanche* rights to development in our community without making them carry the fair share of the financial burden needed to fund Palo Alto's transportation infrastructure that their

growth requires. I propose that the County require Stanford to fund the following specific projects to offset their impact ***prior to the approval*** of the Stanford 2018 GUP:

1. Stanford should be required to work with the City on mutually agreeable traffic mitigation solutions.
2. Stanford should be required to fund Caltrain grade separation projects at the Churchill and Embarcadero intersections with Alma given that they're already at capacity and will become unmanageable with the proposed Stanford expansions.
3. Stanford should be required to fund the construction of pedestrian underpasses at Embarcadero Rd and Palo Alto H.S. given the already precarious danger facing students by Stanford-bound traffic, as well as the traffic congestion caused by the existing light.
4. Stanford should be required to fund the expansion from 3-lanes to 4-lanes on the 300 yard stretch of the Embarcadero Road underpass, which already causes gridlock at rush hour and will only be further exacerbated with more traffic flowing inbound/outbound of Stanford.
5. Stanford should be required to pay for the addition of left-turn traffic signals at the intersection of the Embarcadero Road Underpass and Alma road to facilitate the safe onramp/offramp of inbound/outbound traffic to Stanford along the Alma corridor.

Please hold Stanford accountable for these significant infrastructure investments prior to any approval consideration for the 2018 GUP. The City and County can not endure the proposed growth without holding firm to that requirement.

Thank you for your time,

Emily Hung
Palo Alto Resident

Carnahan, David

From: Virginia Fitton <dvinfoson@gmail.com>
Sent: Thursday, January 25, 2018 10:14 AM
To: Council, City
Subject: Proposed Cell Tower at 332 Forest Ave (File 17PLN-00433)

Dear City Council,

We desire to have no new poles erected as is contemplated next door at 332 Forest Ave. and want all equipment placed underground, and no equipment installed that would violate Palo Alto's noise ordinance. Thank you.

Virginia and Donald Fitton
707 Bryant St., #101
Palo Alto

Carnahan, David

From: Warthman Associates <forrest@warthman.com>
Sent: Wednesday, January 24, 2018 2:29 PM
To: Council, City
Subject: Proposed Cell Tower at 332 Forest Ave (File 17PLN-00433)

I live in the residential district that is right across the street from the proposed cell tower at 332 Forest Ave (File 17PLN-00433). I am strongly opposed to having that cell tower built. It will generate noise and look terrible. It does not belong in a residential district. If it needs to go anywhere, put it in a business district.

Forrest Warthman
707 Bryant Street #202
Palo Alto, CA 94301
650-494-8555
forrest@warthman.com

Carnahan, David

From: California High-Speed Rail <news@hsr.ca.gov>
Sent: Monday, January 29, 2018 10:27 AM
To: Council, City
Subject: Proposition 1A Funds Used to Help Purchase BART's "Fleet of the Future"

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



VIDEO RELEASE

January 29, 2018

Ricci Graham
408-277-1086 (w)
408-384-3433 (c)
ricci.graham@hsr.ca.gov

VIDEO RELEASE:

**BART Introduces its “Fleet of the Future”
Proposition 1A Funds Used to Help Purchase New Train Sets**

OAKLAND, Calif. – On January 19, Bay Area Rapid Transit (BART) rolled out what it is calling its “Fleet of the Future” in a ceremony that drew political leaders, everyday riders and stakeholders who have wanted for years for the system to roll out a more efficient rail cars that will ultimately replace cars that have been in use since the system launched service in the September 1972.

The sleek, energy-efficient rail cars drew rave reviews – they are quieter, cooler, more comfortable, and featuring a color-coded digital mapping system that informs riders of next stops. The most notable difference is the trainsets feature three doors on each side of the cars, allowing for more seamless one-and-off boarding and allowing the system to increase capacity. In all, BART spent \$2.6 billion to upgrade its aging, 669-car fleet, leveraging \$140 million in Proposition 1A funds from the California High-Speed Rail Authority (Authority) to round out its funding package needed to purchase the new fleet. Of the \$2.6 billion, the Metropolitan Transportation Commission contributed \$1.76 billion in regional funds, and the Santa Clara Valley Transportation Authority provided \$200 million in funding for BART’s “Fleet of the Future.”

The Authority’s \$140 million investment in BART’s state-of-the art fleet is part of its Statewide Rail Modernization program that is designed to invest billions of dollars in infrastructure and rail improvement investments throughout the state. The funds will strengthen and improve existing rail networks, while also connecting them with the high-speed rail system. Ultimately, BART is working to extend their service to San Jose’s Diridon Station, allowing for a seamless connection to the high-speed rail system that will run from San Francisco to the Los Angeles.



Watch Now

Carnahan, David

From: Bill Schmarzo <schmarzo@yahoo.com>
Sent: Sunday, January 28, 2018 2:42 PM
To: Council, City; William Schmarzo
Subject: Put Castilleja Expansion on the Ballot

The Castilleja Expansion issue extends well beyond just a "neighborhood issue" with the planned closure of a lane on Embarcadero during rush hours and the projected increase in traffic on streets such as Churchill, Coleridge, Bryant, Emerson and Waverley - all streets heavily used by students biking to school and residents biking to work.

Since the City Council does not appear to want to address the CUP and return Castilleja to their limit of 415 students, I recommend that you wash your hands of the issue and put it on ballot as a referendum for all of Palo Alto to vote on.

Let the city determine the appropriate decision because this is not just a neighborhood issue.

Sincerely,
Bill Schmarzo
1550 Emerson St

Carnahan, David

From: jcalvagna@netzero.net
Sent: Monday, January 29, 2018 12:58 PM
To: jfleming@metricus.net
Cc: paloaltoca@mycusthelp.net; Clerk, City; Council, City; Architectural Review Board
Subject: Re: Jonathan Reichental's conflict of interest

Wow, don't know the backstory here but it sounds good! Did you do a PRA request for all correspondence and they tried to talk you out of it? Is Reichenthal a city employee or a consultant? Is the "Joint Ventures Silicon Valley Wireless Communications Initiative Steering Committee" part of a public agency? Can you PRA them too, particularly regarding compensation?

I smell a rat as obviously you do too.

BTW, do you know if Vinculum has a CPCN? What is the authority for ROW occupation rights being claimed?

Jeff

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

From: "Jeanne Fleming" <jfleming@metricus.net>
To: <paloaltoca@mycusthelp.net>
Cc: <city.clerk@cityofpaloalto.org>, <City.Council@cityofpaloalto.org>, "Architectural Review Board" <arb@cityofpaloalto.org>
Subject: Jonathan Reichental's conflict of interest
Date: Mon, 29 Jan 2018 09:20:16 -0800

Dear David Carnahan,

You have requested that I rescind or postpone my request for correspondence to or from Palo Alto's Chief Information Officer and Chief Technology Officer, Jonathan Reichental, on the subject of telecommunications or related to the subject of telecommunications. I must decline to do so because:

- Dr. Reichental serves on the Joint Ventures Silicon Valley Wireless Communications Initiative Steering Committee's service for which he presumably is compensated in some way. Joint Ventures Silicon Valley is funded in part by Verizon, AT&T, Vinculum, Crown Castle and Hammett & Edison firms that are pressing the City of Palo Alto to allow over 100 cell towers be installed next to residents' homes here.

- Serving with Dr. Reichental on the Joint Ventures Silicon Valley Wireless Communications Initiative Steering Committee are:
 - Rick Goetz, Site Acquisition Program Manager at Crown Castle. Crown Castle is currently applying to install cell towers in Palo Alto.
 - William Hammett, President and CEO of Hammett & Edison. Hammett & Edison is an engineering consulting firm employed by Verizon to assist in Verizonâ€™s current effort to install cell towers in Palo Alto.
 - Sharon James, Manager Government Relations at Crown Castle. To repeat, Crown Castle has applications pending with the City of Palo Alto.
 - Angela Kung, External Affairs Manager at AT&T Wireless. AT&T is currently seeking to install more cell towers in Palo Alto.
 - Patti Ringo, President of the California Wireless Association. The California Wireless Association is a telecom industry lobbying group.
 - Randall Schwabacher, Manager Small Cell Deployment NorCal at AT&T Wireless. To repeat, AT&T has applications pending with the City of Palo Alto.
- The Joint Ventures Silicon Valley Wireless Communications Initiative Steering Committee on which Dr. Reichental serves says this about its activities: "We will be contributing to open State and Federal proceedings in order to support changes in law that will encourage faster, cheaper, and more wireless and broadband infrastructure." In other words, this group is pushing to revive California SB649, which would strip municipalities such as Palo Alto of any right to control what a telecom company puts in a Public Right of Way. (The City of Palo Altoâ€™s official position on SB649 was to oppose it.)
- Dr. Reichental reports in his LinkedIn profile that, in 2016, he was named one of the 20 most influential Chief Information Officers in the United States. It is difficult to imagine that he was

invited to serve on the Joint Ventures Silicon Valley Wireless Communications Initiative Steering Committeeâ'a committee controlled (as Iâ€™ve outlined) by the telecom industryâ'for any reason other than to influence Palo Altoâ€™s other senior staff and City Council as they consider the industryâ€™s cell tower applications before them.

I hope this list explains my interest in seeing Dr. Reichentalâ€™s correspondence. And I hope, as well, that it explains why I must decline to rescind or postpone my request for these documents.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD

JFleming@Metricus.net

650-325-5151

Carnahan, David

From: Tom Vlasic <tom@tomvlasic.com>
Sent: Tuesday, January 30, 2018 3:03 PM
To: Gitelman, Hillary
Cc: Council, City; Keene, James; christineshambora@gmail.com; prshambora@gmail.com; wjmcfall@gmail.com; bobstiller@gmail.com; Shepherd, Nancy; Cervantes, Yolanda; Gutierrez, Samuel; Kamhi, Philip; Mello, Joshua; Lait, Jonathan
Subject: Re: Public Information Request re: 1515 el Camino Real, Zoning Conformity

Thank you Hillary. Look forward to your review. I'm sure it will be extremely helpful for all concerned.

Best,
Tom

Sent from my iPhone

On Jan 30, 2018, at 1:18 PM, Gitelman, Hillary <Hillary.Gitelman@CityofPaloAlto.org> wrote:

Hi Tom,

I apologize if I was not particularly articulate at the podium late last night.

When speaking about the two businesses locations in Southgate, I hoped to explain that planning staff retrieved and reviewed documentation showing that commercial uses were legal on those sites at the time of the rezoning to multifamily residential and were allowed to remain (see ordinance #3925 adopted December 1989 and resolution #6260 adopted May 1984). I think I was clear that staff has not spent any effort analyzing the properties further than that. We can do so now and provide you with the results of our investigation as we would to anyone submitting a zoning compliance complaint of this kind.

We will also enter your records request into our system and provide any existing records through that vehicle.

Regards,

Hillary

Hillary Gitelman | Planning Director | P&CE Department 250 Hamilton Avenue | Palo Alto, CA 94301T:
650.329.2321 | E: hillary.gitelman@cityofpaloalto.org

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

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

From: Tom Vlasic [<mailto:tom@tomvlasic.com>]
Sent: Tuesday, January 30, 2018 12:03 PM
To: Council, City; Keene, James
Cc: christineshambora@gmail.com; prshambora@gmail.com; wjmcfall@gmail.com;

City of Palo Alto | City Clerk's Office | 1/31/2018 1:50 PM

bobstiller@gmail.com; Shepherd, Nancy; Gitelman, Hillary

Subject: Public Information Request re: 1515 el Camino Real, Zoning Conformity

Dear Council Members and City Manager,

At last nights council meeting, staff and council members advised, without presenting supporting data, that the medical office uses as they exist today are “legal nonconforming uses.” Pursuant to the public information act I request that the city provide all information that supports this conclusion.

Specifically, the 1989 actions to adopt the comprehensive plan and zoning amendments were taken with a specific requirement that the uses could remain as they “existed at the time of the effective date” of the amendments. Please provide the clear information as to what existed at that time and the tracking the city has done to ensure the current scope of use is essentially the same and consistent with the amendment limitations. Common understanding of “use” includes type of business, number of employees, hours of operation, client visits, parking spaces, delivery conditions, storage of any hazardous materials, etc. Please also identify and explain the reasons for any staff, council, planning commission, etc. interpretations made during the tracking process, including any made recently during the review of the RPP process.

Further, statements were made that the plastic surgeons provide a neighborhood serving use, which I assume means the majority of medical office business comes from the neighborhood. Please provide the supporting information for this conclusion. If there is a definition in the City zoning ordinance that supports plastic surgery as a neighborhood serving use please provide that.

Lastly, comments were made relative to the parking associated with multi family residential use of 1515 being more impactful in the neighborhood than the medical uses. Please provide verification for this conclusion. Specifically, if a multi family use were proposed for the site today, what on site parking requirements would there be and what requirements would there be for transportation management to reduce traffic, reliance on the single occupancy vehicle, etc.

Thank you in advance for your timely and complete response to this request for public information.

Tom Vlasic
Southgate
Sent from my iPhone

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Saturday, January 27, 2018 1:25 AM
To: Loran Harding; Doug Vagim; Mark Kreutzer; Mark Standriff; Mayor; midge@thebarretts.com; mmt4@pge.com; robert.andersen; Leodies Buchanan; David Balakian; bearwithme1016@att.net; Chris Field; Council, City; paul.caprioglio; Cathy Lewis; Dan Richard; Daniel Zack; esmeralda.soria@fresno.gov; francis.collins@nih.gov; Steven Feinstein; Raymond Rivas; fmerlo@wildelectric.net; Greg.Gatzka; steve.hogg; hennessy; huidentalsanmateo; Irv Weissman; jerry ruopoli; Joel Stiner; kfsndesk; kclark; Tom Lang; leager; nchase@bayareanewsgroup.com; newsdesk; nick yovino; pavenjitzhillon@yahoo.com; popoff; rosenheim@kpix.cbs.com; russ@topperjewelers.com; richard.wenzel; Steve Wayte; terry; thomas.esqueda@fresno.gov; dennisbalakian
Subject: Re: State of Calif. grants to deal with dead trees in Sierra

On Sat, Jan 27, 2018 at 1:13 AM, Loran Harding <loran.harding@stanfordalumni.org> wrote:

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Fri, Jan 26, 2018 at 3:25 PM
Subject: Fwd: State of Calif. grants to deal with dead trees in Sierra
To: Loran Harding <loran.harding@stanfordalumni.org>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Fri, Jan 26, 2018 at 1:44 PM
Subject: Fwd: State of Calif. grants to deal with dead trees in Sierra
To: dennisbalakian <dennisbalakian@sbcglobal.net>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Fri, Jan 26, 2018 at 1:18 PM
Subject: Fwd: State of Calif. grants to deal with dead trees in Sierra
To: Loran Harding <loran.harding@stanfordalumni.org>, dennisbalakian <dennisbalakian@sbcglobal.net>, David Balakian <davidbalakian@sbcglobal.net>

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

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Fri, Jan 26, 2018 at 1:01 PM
Subject: Fwd: State of Calif. grants to deal with dead trees in Sierra

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

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

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

Date: Fri, Jan 26, 2018 at 12:59 PM

Subject: Fwd: State of Calif. grants to deal with dead trees in Sierra

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

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

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

Date: Fri, Jan 26, 2018 at 12:53 PM

Subject: State of Calif. grants to deal with dead trees in Sierra

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

Fri. Jan. 26, 2018

Dennis- Here is info. re grants from State of Calif:

<http://www.sierranevadaconservancy.ca.gov/other-assistance/prop1-grantprog>

BTW, that Conservancy website says there are 129 million dead trees in Calif., and 85% of them are in the Sierra. So 110 million there and 19 million elsewhere in state.

<http://www.sierranevadaconservancy.ca.gov/>

On that website, go down to the third item re tree mortality. See the map of Calif. there that shows the number of dead trees per acre in the Sierra from 2006 through 2017. That is interesting. Note that most of it is just north and south of Madera Co. in the Sierra. I mentioned the map to you at the gym but I wasn't sure if you'd seen it.

Here's the map: <http://www.sierranevadaconservancy.ca.gov/our-region/tree-mortality/tree-mortality>

If all of that burns, we are going to risk serious health problems. Last summer was bad in the Central Valley. One day, it wasn't just hazy, you could actually smell the smoke.

Trump was sitting at a table at Davos with some CEOs from various countries and he said that the U.S. is seeking energy independence. He said that "plants are being built all over now to do that". Not sure of what plants he meant. Maybe all those ethanol plants in the Midwest.

Not enough of an issue has been made in the news regarding the health impact on Central Valley residents of burning a huge amount of forest every summer in the Sierra. That should be on the national news. Now do you love the Republicans who own the local TV stations in Fresno? Mums the word!!!! They

should have doctors on the national news talking about what all the smoke is doing to the people trapped in the Central Valley. The smoke gets trapped in the Central Valley and its residents are trapped here to breath it. What are we suppose to do, spend June through October in the South of France? Do you hear public officials raising the alarm? Are they bringing health experts to hold public meetings about it and urge that we clear 110 million dead trees out of the Sierra? The State of California should be raising the alarm about it too. This, the smoke, is a local environmental catastrophe. The drought from 2007 to 2016 killed 110 million trees in the Sierra-Nevada mountains and now those dead trees are tinder for huge fires every summer. They have to be gotten out of there.

There are about 4 million people in the San Joaquin Valley of California with the Sierra range just to our east. These are in Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus and San Joaquin Counties. Eight counties.

There are millions more in what is called the Sacramento Valley, the northern half of that big valley in the middle of California. They are impacted maybe to a lesser extent by the smoke from vast forest fires in the Sierra because there are more dead trees at the southern part of the Sierra. The smoke even gets west into the Bay Area on occasion. But the "Lake fire" a year ago north of SF Bay and then the wine country fire this past fall no doubt put lots of smoke into the Sacramento Valley. Some of that even got down to Fresno.

Remember, if you can smell it, you're breathing it. If you breath it, it goes from your lungs into your bloodstream, and from there to places like your brain and your heart. What does the material in smoke from forest fires do to your pancreas, liver, kidneys, as well as your brain and heart? We should be hearing about that on the local and national news.

Today, KCBS reports that a hearing was held in Sacramento re forest fires. PG and E said "We burn or remove a million trees a year". PG and E or somebody? I am told on good authority that it is indeed PG and E.

On the map above, find Monterey Bay. The City of Monterey is at the south end of it. Fresno is where a line running east from Monterey intersects a line coming south from Lake Tahoe. That's pretty close to the location of Fresno.

LH

Carnahan, David

From: Bob Stillerman <bobstiller@gmail.com>
Sent: Wednesday, January 31, 2018 7:51 AM
To: Stump, Molly; Council, City
Cc: Shepherd, Nancy; 'Tom Vlasic'; 'Jim McFall'; 'Keith Ferrell'; christineshambora@gmail.com; 'Peter Shambora'; Kamhi, Philip; Mello, Joshuah; Keene, James
Subject: RE: Thank you, suggestion, and request for information

Molly,

I much appreciate your clarification. As our team continues to address possible resolutions, it is important to understand the parameters under which the city operates.

Since the crux of the council resolutions on the Southgate RPP are focused on creating accessible parking on ECR, I am simply pointing out that any controls or restrictions that the city is able to institute on ECR at the cited locations that have the effect of creating daytime parking that the business employees and clients/patients can use would alleviate the problem for the businesses. Any solution for the business presumably relieves their need for business permits in our residential area. Since the city was able to institute limited parking on ECR east (4-6pm restrictions), another alternative may be 2 hour restrictions during non-business hours, e.g., 7-9pm. Alternatively, as we discussed by phone, more active enforcement of the 72-hour continuous parking restriction might be an option.

Might you point me to the relevant state law/regulations governing parking on state highways? I'd like to learn as much as I can about the rules we operate under, as well as the process we use in discussions with Caltrans (cf. my request for public information regarding the parking restrictions adjacent to Paly).

Thank you.

Regards,

Bob Stillerman
T: +1-650-326-4800
C: +1-209-483-4800

From: Stump, Molly [mailto:Molly.Stump@CityofPaloAlto.org]
Sent: Tuesday, January 30, 2018 6:19 PM
To: bobstiller@gmail.com; Council, City
Cc: Shepherd, Nancy; Tom Vlasic; Jim McFall; Keith Ferrell; christineshambora@gmail.com; Peter Shambora; Kamhi, Philip; Mello, Joshuah; Keene, James
Subject: RE: Thank you, suggestion, and request for information

Hello Bob –

I write to offer a quick point of clarification for you and your neighbors regarding the legal framework that the City must work within.

In California, the state legislature has reserved for itself all authority to regulate on-street parking, except for limited exceptions where the state has delegated authority to local jurisdictions to adopt specific types of rules. This even applies to streets in residential neighborhoods.

This means the City can only adopt regulations that are expressly authorized in the state code. The state generally allows cities to prohibit on-street parking, but there are very few authorized ways to grant preferences. RPP districts are one of them. For this reason, while neighbors, City Council Members, and City staff may be able to think creatively of other types of preferences or regulations that would suit our local needs, if the state legislature has not authorized the regulation, we cannot put it into place in Palo Alto. I mention this in response to your idea to restrict El Camino Real to parking for employees of nearby businesses. I'm not aware of any state law that would allow the City to impose that type of regulation.

I'll leave it to others to respond, as appropriate, to the other ideas and requests in your email.

Regards,
Molly Stump

From: Bob Stillerman [<mailto:bobstiller@gmail.com>]
Sent: Tuesday, January 30, 2018 4:08 PM
To: Council, City <city.council@cityofpaloalto.org>
Cc: Shepherd, Nancy <nlshep@pacbell.net>; Tom Vlasic <tom@tomvlasic.com>; Jim McFall <wjmcfall@gmail.com>; Keith Ferrell <ferrell.keith@gmail.com>; christineshambora@gmail.com; Peter Shambora <prshambora@gmail.com>; Stump, Molly <Molly.Stump@CityofPaloAlto.org>; Kamhi, Philip <Philip.Kamhi@CityofPaloAlto.org>; Mello, Joshua <Joshua.Mello@CityofPaloAlto.org>; Keene, James <James.Keene@CityofPaloAlto.org>
Subject: Thank you, suggestion, and request for information

Dear councilmembers,

Thank you for your diligence in working through the proposed changes regarding the Southgate RPP earlier this week. I am hoping that the resolutions adopted by the city council lead to satisfied Southgate business owners and residents. The addition of controlled parking on both the west side of El Camino Real (ECR) and the east side of ECR north of Churchill, would provide business owners access to more than the 15 additional permits they were seeking at the council meeting. I wish to point out that any additional controlled parking on ECR does not necessarily need to be part of the Southgate RPP as I don't believe there is a need for Southgate residents to have access to any of the new ECR parking spots, while the businesses could enjoy parking in as close proximity to their offices on ECR as they would have achieved with permits for our residential areas.

I mentioned in my public comment at the beginning of the discussion period on Monday, that the process used by city staff pitted the residents and the businesses against one another. There was no attempt by staff at finding a negotiated solution between the two groups. The stakeholder meetings organized by staff were ineffective, and appeared to be held with the sole objective of being able to say that stakeholder meetings were held. There was no attempt at collaboration, no explanation of the intended purpose of some of the proposed resolutions, and no attempt to bridge any differences.

As the discussion at council went on, it became apparent to me that there was even greater discord, with the addition of the city staff, each group with its own objectives, agenda and desired outcome. It must have been difficult for council members to have had to act as Solomon and arrive at some decision to allow the program to move forward. As we move forward, I would find it more palatable, and can imagine a more acceptable outcome if staff could work as a partner with the parties. Should council find it appropriate to encourage staff to work collaboratively with representatives from the businesses and from the Southgate residential parking committee, there may be an opportunity to work together towards a solution. The objective of such joint work would be a new set of resolutions that

are not divisive, but collaborative. I would much prefer to attend the next council session on this issue and smile as any newly proposed resolutions get support from all three parties.

My request for information:

The most important aspect of the current action plan is to get Caltrans agreement on allowing a state highway to be either zoned for business parking, or added to the Southgate RPP. Because of the significance of this task, I would like to see the Southgate residential parking committee be apprised of all communications, discussions, documents, phone calls and other interactions between the city and the relevant state organizations with respect to proposals for making ECR part of a controlled parking area/zone. I would also like to see all communications, discussions, documents, phone calls and other interactions between the city and the relevant state organizations that took place in the past with respect to the parking restrictions that are currently in place on ECR east, north of Churchill Avenue and up to Embarcadero Road, in particular during the period that staff mentioned Monday evening with respect to Paly students' access to ECR parking. I volunteer to be the recipient of this public information on behalf of the Southgate Residential Parking Committee. I understand that this information can be made available promptly, for my review, under provisions of the California Public Records Act (CPRA). I also understand from my discussions with Molly Stump on Monday of this week, that there is a form that the city prefers to use so that the city clerk can track such requests. I will be filling out that form in addition to this request for compliance with city preferences.

In the event that the desired access to ECR parking is not granted by the state, it will be important to address the many issues that were raised by all parties at the meeting on Monday. Again, I am hoping this can be done in through collaboration.

Thank you for your consideration of these requests.

*Bob Stillerman
Southgate Resident*

Carnahan, David

From: Andrew Mellows <amellows@aol.com>
Sent: Wednesday, January 31, 2018 10:07 AM
To: Council, City
Subject: Ross Road Project

Dear City Council Members,

Council member Tanaka was kind enough to invite a few folk who had written to the council on this subject to a meeting on January 21st. There was good discussion and several of the people present clearly are very concerned about traffic, bike and pedestrian safety in Palo Alto. Three or four had been on committees and have devoted much energy to related activities.

It was clear that I was much more concerned about the Ross Road project than the others present. It is not easy to gather an accurate estimate of the feelings of people who use Ross Road or are impacted by the changes that have been made, are being made and are planned to be made. However, simply by discussing the subject with everyone with whom I come in contact, I can assure you that the vast majority of people feel negatively about the project. Most would describe it as more than required and unnecessarily dangerous in some aspects. The group of people who met with Council Member Tanaka were not by any means representative of the people impacted by the changes on Ross Road.

Please consider my earlier suggestion that we stop the project and finish the features that are in place and check that it is really useful before spending any more money and causing more public concern.

Yours sincerely,

Andrew Mellows

Carnahan, David

From: Les Proceviat <lesvir1@gmail.com>
Sent: Monday, January 29, 2018 6:01 PM
To: Council, City
Subject: Southgate Permit Parking - City Council Meeting Tonight

Attn: City Council Members

I won't be attending the meeting tonight but wanted to voice my concerns regarding increasing the number of parking permits for the businesses near Southgate.

First, I am disappointed that the city would consider making changes to the Southgate Permit Parking Program prior to the 1 year anniversary. It was our understanding that the program would be reassessed at the end of 12 months.

Does the council know the number of employees the 2 business locations currently employ? Do they have the mandatory number of parking spaces required on their premises? Do the businesses encourage carpooling or other modes of transportation? There is parking available on El Camino and more spaces would be free for them to use if the city enforced the RV parking restrictions.

It is frustrating, as a resident, to finally feel relief from the congestion caused by Paly students, Stanford employees and employees of these businesses to now be dealing with the issue again.

Many residents worked hard to get this off the ground and we are very appreciative of the city council's support in approving the RPP. I am concerned, however, that if the additional permits are issued, what happens when that is not enough and they request more? As the population continues to increase, these issues are not going to go away.

I appreciate you thoughtfully considering our concerns.

Thank you,

Virginia Proceviat

Southgate Resident (1555 Escobita Ave.)

Carnahan, David

From: Z <zsarantis@gmail.com>
Sent: Monday, January 29, 2018 6:19 PM
To: Council, City
Subject: Southgate RPP meeting Monday

As a resident of the 1600 block of Portola Ave I am concerned with the request to add more permit requests and to limit parking to 2 hours at the front of their businesses:

My concerns are:

1: It will directly impact the nearest streets to the El Camino frontage if there is no zoning applied to enable the permits to be distributed across the neighborhood: Portola 1600 is very congested already (even with RPP) throughout the day there is overflow parking being experienced from businesses who park for 2hours or less without permits. The egress from El Camino to Portola (El Paso way) is used heavily by the medical center employees and even visiting patients to park, restricting residents from being able to get into their driveway due to the number of vehicles having to park so close together.

I have attached photos of 1600 Portola on an average day, parking congestion is even more pronounced every Thursday as El Camino way is a clearway for the garbage trucks from 8 through 2pm which just pushes the traffic on Portola. Congested streets mean we cannot get into our driveways which in turn creates more parking issues.

2: Due to the narrow streets there are safety concerns that also need to be taken into account with emergency vehicles being able to pass through. I was directly effected when I had a family emergency and the fire truck and ambulance had to park on Miramonte one block away from my house on Portola. It also limits visibility when you have cars on either side and you are trying to cross or reverse out of driveways.

3: Many of the business have employees that live either in Palo Alto/close by, I would like to see a program to encourage alternative forms of transportation just as the Downtown area has with their RPP program. I also like to ask council to look at the original use permits or zoning for the businesses and make sure they have not grown beyond the parking they were required to have and an evaluation by the businesses or city as to how many parking permits they really need

4: I would also like to see the West of El Camino 72 hours parking enforced, One of the frustrations I have heard from the businesses (voiced in the Dec meeting also) is they can no longer park there as its occupied by RV's occupying all day and taking 2 spaces in most cases. I have not seen any enforcements by the police for several months and would like to understand why that's the case, this would be a very simple fix to free up parking spots?

Lastly I am opposed to restricting parking to 2 hours and excluding permit holders from parking in front of the businesses as it would just push parking into the neighborhood.

Regards

Zoe Sarantis
1646 Portola Ave



IMG_0446.JPG



Please Contact the Clerk's Office
to View Additional Pages,
Attachments, or Images Related

Carnahan, David

From: certifiedhypnotist <certifiedhypnotist@yahoo.com>
Sent: Monday, January 29, 2018 11:26 PM
To: Council, City
Subject: Stanford expansion plans

First, thank you for taking a position on the Stanford plans and for supporting a public meeting open to area residents.

It is a strange feature of geography that because of its location most of those most affected by Stanford's development have little to no voice in the matter. When a vote was held on a major plan, those of us who live close to campus in Menlo Park and in unincorporated San Mateo County had no vote. Yet our lives and our ability to function in our daily lives is heavily impacted.

I note that Stanford has a history of gaming their agreements in such a way that the outcomes are not what a reasonable person would expect. One example is their commitment to build a trail on Stanford lands which turned out to be a plan to build a sidewalk along a heavily traveled road. Similarly, evidence was presented at the hearing that they are gaming the count of automobile trips by having people park near campus to be brought in by bus. I also note that the reply of the Stanford representative to County Supervisor Simitian's question about property taxes on off-campus housing Stanford provides to staff was less than frank. She stated that they buy their homes. However a resident of Stanford Acres informed me that Stanford holds title to the land on which, as a tax-exempt institution, they pay no property tax. This is quite different from what we were led to believe.

In light of the enormous traffic impacts and impacts on housing of Stanford development it is essential that there be a definite limit to Stanford buildup. From my point of view any reasonable limit has been passed long ago. Most especially, the building of more offices further increases the jobs/housing imbalance and makes housing ever more unaffordable to lower income workers. The fact that all this building stresses local resources but does not generate normal taxes hurts us all. At the very least they must be made to pay their fair share of the expense of educating the children of Stanford students and employees. It is quite appropriate to ask them to build a school. It is also appropriate to ask that any housing built be affordable to low income workers for whom it seems no provision at all has been made.

I am a Stanford alumna and my son is an alumnus. But the development arm is different in nature and in impact from the academic arm.

Please stand up for the quality of life of people impacted wherever they live. Out of control growth in the human body is referred to as a cancer and many of us feel that Stanford development is out of control.

Gail Sredanovic
2161 Ashton Ave.
Menlo Park CA
94025

City of Palo Alto
Office of the Mayor and City Council

January 29, 2018

Kirk Girard, Director
Department of Planning and Development
Santa Clara County
c/o David Rader & Kavitha Kumar
Santa Clara County Planning Office
70 W. Hedding Street
7th Floor, East Wing
San Jose, CA 95110

RE: Stanford University 2018 General Use Permit Draft Environmental Impact Report

Dear Mr. Girard & Staff,

The City of Palo Alto appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) analyzing Stanford University's proposal to add 2.275M square feet of academic and academic support (non-residential) space and 3,150 dwelling units or beds (1.2 M square feet), and 40,000 square feet of additional building space to their campus between 2018 and 2035. We also want to thank you, Supervisor Simitian, and other County representatives for attending meetings of our City Council and our Planning & Transportation Commission over the last couple of months and for convening related community meetings in Palo Alto.

The City of Palo Alto enjoys a strong partnership with Stanford University and is pleased to offer comments on both the County's Draft EIR and the University's proposal. We look forward to receiving detailed and substantive responses to all of these points. As noted in the letter, a number of the City's early comments for the Notice of Preparation (NOP) have not been satisfactorily addressed in the Draft EIR and remain at issue. Also, many of the City's concerns will require the County to attach meaningful conditions to the ultimate approval action. We would welcome an opportunity to talk further with County and Stanford representatives about the proposed project and conditions of approval, as well as anticipated impacts and mitigation.

Issues of primary concern to the City are briefly highlighted below, and more detailed comments can be found in the attachments.

- A. Open Space Protections. While we understand that the University is not currently proposing development outside the Academic Growth Boundary (AGB), we are concerned that current open space protections (in the form of the requirement for a super-majority vote to amend the AGB) will expire in 2025 and are not proposed for extension or replacement. This is not acceptable to the City of Palo Alto and undermines both the validity Draft EIR and the community's trust that the University and the County will be appropriately protective of our collective open space resources. Palo Alto requests that the County extend the requirement for a 4/5 vote of the Board of Supervisors to 2050. Also, to facilitate the long term planning efforts of the City as well as the County, the City would request that the County require Stanford University to prepare a maximum build-out plan (land use and density) for its future academic and academic support and housing.
- B. Housing. The region's housing crisis will be exacerbated by any project that proposes to add more jobs and more housing demand than housing. We urge the County and the University to reconsider parameters of the current proposal, potentially staging the proposed development as housing is built and transportation solutions are implemented rather than the other way around (i.e. housing & transit then development, rather than development then housing & transit).

The University should be required to increase housing within the campus to reduce its contribution to the regional housing crisis and to reduce commute trips to and from the University. The University should also provide more funding for affordable housing proximate to the campus, and should not be permitted to expand the eligible geographic area for this housing. Funding should include fees charged on new academic and academic-related square footage and should be based on current City impact fees, adjusted over time to reflect inflation and increases in construction costs.

We also call upon the County to partner with the City regarding our Regional Housing Needs Allocations (RHNA) for the 2023-2030 Housing Element cycle. The County and the City were successful in seeking an adjustment whereby the City's allocation was decreased and the County's allocation was increased by 645 units in the 2007-2014 cycle based on a recognition that the University was constructing housing within the City's Sphere of Influence. We ask for a commitment to this kind of adjustment again, and -- if an adjustment is not acceptable to the regional council of governments – we would ask for a commitment that the County would seek to form a “subregional entity” with Palo Alto and one or more other cities for purposes of redistributing the RHNA.

- C. Traffic. Stanford is recognized locally and nationally for its programs to reduce commute trips by single occupant vehicles and the City is grateful to the University for their investments in transit and transportation demand management (TDM). To build on past successes, the City requests that Stanford provide technical and financial support to partner organizations (e.g. local shuttles and Transportation Management Associations), and that the County require Stanford to make some needed adjustments to the University's "no net new commute trips" policy.

As we understand the "no net new commute trips" program, it is aimed at avoiding increases in commute trips in the peak direction by automobiles during one hour per day at defined cordon locations around the campus. Pass through trips that may in fact be drop-offs/pick-ups are deducted, and the University may "meet" its goal by using credits from trip reductions achieved outside the cordon. Without additional detail regarding impacts from all auto trips at the cordon (i.e. not just peak direction trips, and not assuming trip credits), without realistic assumptions of Caltrain capacity now and with the project, without more specific date on the use of Marguerite, and without more specific mitigation measures, the City cannot determine whether the University will effectively address its contribution to cumulative traffic volumes and congestion in our City. We also urge the County to examine use of the peak period, rather than the peak hour for this analysis.

While we recognize the need for flexibility, we urge the County to require explicit and effective mitigation such that the University is required to specify *in advance* a range of possible trip-reduction measures and transit capacity enhancements they will implement as mitigation between 2018 and 2035 and to make contributions to necessary capital improvements at City intersections and grade separations. We would welcome an opportunity to engage in conversations about all of these important issues.

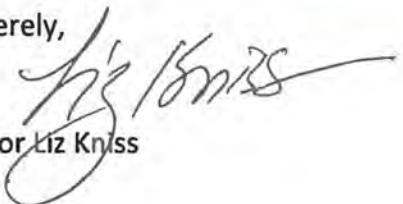
- D. Fire Services. As of the date of this letter, Stanford University is not under a going-forward contract with the City of Palo Alto for fire protection and suppression, or emergency medical services (EMS). Stanford cancelled their contract with the City as of October 2015 and both parties have been extending the contract for short periods of time (6 to 12 months) while attempting to negotiate a successor agreement. Stanford has not identified a viable or sustainable fire protection and suppression and EMS model or provider other than Palo Alto. The University does not have access to the State of California Master Mutual Aid Agreement for fire protection and suppression – access is only available via public fire departments who are participants in the agreement – and would have access to EMS ambulance

transportation services through Santa Clara County Ambulance unless a new contract can be executed in short order.

- E. Upstream Detention & Flooding. The Biological Resources section (but not the Hydrology section) of the Draft EIR identifies capacity and flood issues in San Francisquito Creek (page 5.3-46) and references one or more on- and off-site detention basins being considered by the San Francisquito Creek Joint Powers Authority. The City requests a full review of existing flood issues in both watersheds in which the project is located, as well as documentation of the change(s) in impervious surfaces and runoff volumes. This review/documentation should lead to an assessment of potential off-site flooding impacts for the baseline, project and cumulative scenarios taking into consideration the likely effects of climate change.

Please find additional comments about the Draft EIR and the University's application attached. We would be happy to meet with you, Supervisor Simitian, and representatives of the University if such a meeting would help resolve any of these issues and concerns. If there are any questions regarding the specific EIR comments attached, please contact our Planning Director, Hillary Gitelman at Hillary.Gitelman@cityofpaloalto.org.

Sincerely,



Mayor Liz Kniss

Cc. Palo Alto City Council
 City Manager James Keene
 City Attorney Molly Stump
 Planning & Transportation Commission Members
 Hillary Gitelman/Meg Monroe/File

(Attachments)

Stanford University 2018 General Use Permit
Draft EIR Comments

Introduction to Environmental Analysis and EIR Assumptions

1. **2018 Baseline Assumptions.** The additional development comprising the 2018 Baseline scenario as described on DEIR pages 5-6 to 5-7 is not clearly identified or quantified, and it is not clear whether the 2018 Baseline includes development under construction in adjacent jurisdictions. As a result, it is not clear what development is included in the 2018 Baseline and whether all pending and proposed Stanford development is adequately addressed in the DEIR in either the 2018 Baseline or Cumulative scenarios. The DEIR indicates that the 2018 Baseline includes all remaining academic and support development and housing authorized under the 2000 General Use Permit (GUP) that will be built and occupied at time the County considers approval of 2018 GUP. However, this remaining development is not quantified, and there appears to be conflicting information where quantification is provided. Table 5.15-12 (page 5.15-65) identifies 769,354 square feet of academic space and 416 beds under the 2000 GUP that will be constructed by Fall 2018. However, the DEIR also indicates on page 3-19 that Stanford may not have received project-specific approval for construction of all development authorized under the 2000 GUP when the County considers the proposed 2018 GUP. As part of the 2018 Baseline description in each DEIR topical section, the DEIR states that "nearly all remaining academic and academic support development and remaining housing authorized under the 2000 General Use Permit will be built and occupied at the time of approval of the proposed 2018 General Use Permit," except for the planned Escondido Village (EV) Graduate Residences (2,020 net new beds), which are currently under construction, but not expected to be occupied until 2020.

The City asks that the Final EIR provide a table and map that clearly identifies the size, location and construction timing/status of projects that are assumed for the Baseline 2018 scenario. The EIR should also identify whether any projects in adjacent jurisdictions that are under construction (or that have received a building permit) are included in the 2018 Baseline.

2. **Cumulative Impacts.** The Final EIR should identify cumulative projects and whether the cumulative scenario is based on specific projects or growth projections pursuant to CEQA Guidelines section 15130(b). The basis for the cumulative scenario as described on page 5-8 is not clearly defined, and the reader is unable to discern whether all cumulative development has been addressed in the cumulative analyses, including cumulative growth in neighboring communities. The Transportation and Traffic section has the best summary of the scenarios evaluated in the DEIR (page 5.15-61) and indicates that the cumulative scenario includes completion of development authorized under the 2000 General Use Permit, including the EV Graduate Residences, background growth and reasonably foreseeable projects. Yet neither background growth nor reasonably foreseeable projects are clearly identified.

The City requests that the DEIR provide a clear identification of cumulative projects and/or growth in section 5.0 and that the cumulative scenario include and clearly identify:

- a. Projected growth in Palo Alto and surrounding communities, including growth expected to occur during the life of Palo Alto's adopted Comprehensive Plan and analyzed in a related EIR certified on November 13, 2017; and

- b. All off-campus approved or planned cumulative development on other Stanford University owned lands, including off-site housing, non-residential uses in the East Bayshore area, Stanford Research Park, University Medical Center, the transit center site, projects outside the Academic Growth Boundary, and the Stanford Golf Course.
3. Long-Term Stanford Growth and Protection of Foothills. The County should require Stanford to prepare an updated sustainability study to define the maximum build-out of the Stanford campus, including academic, academic support, housing, and support facilities. If this information is not included in the Final EIR, it should be required by a date certain so that County and adjacent jurisdictions can plan better for the future.

While Palo Alto recognizes and commends Stanford's commitment to the campus' Academic Growth Boundary (AGB), the City has serious concerns regarding future protection of the foothills and requests that the County extend its requirement for a 4/5 vote of the Board of Supervisors to change the AGB to 2050 concurrent with adoption of the 2018 GUP.

Project Description

4. Potential Future Changes in Land Uses or Distribution. The DEIR indicates that additional housing beyond the proposed limit of 3,150 units and/or changes in distribution of academic, academic support, and housing may be requested by Stanford as a condition of the permit, subject to additional environmental review and County approval (pages 1-4 and 3-20). As indicated in the City's letter on the Notice of Preparation (NOP), the City is concerned that the land use intensity identified for each development district not change or increase unless clear performance standards are identified and included as mitigation measures or project conditions of approval. The Final EIR should identify such performance standards. Since for example, the Historic Preservation Alternative emphasizes that new development will be pushed to the peripheral areas around the central campus with potential resulting impacts upon views and tree loss, the flexibility to transfer uses within development areas under the 2018 GUP raises similar concerns. The City requests that the Final EIR provide an assessment of the range and magnitude of potential future changes in the distribution of land uses, potential related impacts, especially related to visual impacts, tree removal, parking and traffic, and identify performance standards to avoid potential impacts.
5. Location of Future Development. Future development locations in the DRAPER district along El Camino Real between the Arboretum and the new graduate housing are not defined. Without better definition of potential building sites, some environmental impacts of the proposed 200,000 square feet of academic and academic support development on adjacent Palo Alto neighborhoods cannot be assessed, such as impacts on views and the visual character of the area, loss of useable open space, tree removal, traffic and circulation associated with parking changes.

Visual and Scenic Resources

6. Impacts to Visual Character of Palo Alto. As indicated in Palo Alto's comments on the NOP, the City is concerned regarding the lack of information on the location/scale of proposed development and impacts to the visual character of areas adjacent to the City. While the DEIR generally references Stanford design guidelines and policies, there is no inclusion or summary of these standards.

- a. The City asks that the Final EIR identify a process for City review/consultation on projects adjacent to the City, including provision of project photo simulations, and to identify specific performance standards to ensure that the visual character of the City is not adversely affected, such as: 1) standards for screening development and/or maintaining vegetated buffer along roads; and 2) specific reference to County or Stanford Design Guidelines that would address building siting, height, scale, architectural features, landscaping, screening, etc.
 - b. To maintain the aesthetic character and open space along El Camino Real, the City requests that the County include a mitigation that prohibits re-distribution of housing or academic square footage to the Arboretum Development District or lands designated "Campus Open Space."
7. Views Along El Camino Real. Of particular concern are impacts to views of the campus along El Camino Real (State Route 82), which provides a view of open space and is a significant value to Palo Alto as a vegetated buffer between the City and the higher density development of the central campus. The proposed development of 200,000 square feet of academic and/or academic support space in the DRAPER development area is not specified, and current required setbacks do not provide adequate buffers. Alteration and/or removal of this open space would substantially alter the visual character of the surrounding area and should be considered a significant impact. Mitigation should be provided to insure that any future development in this area preserve and continuation this open view through the 2018 GUP.
8. Lighting Impacts. The City requests that Mitigation Measure 5.1-4 be modified to include specific performance standards to ensure that future Stanford development results in no offsite illumination into adjacent neighborhoods within Palo Alto.

Air Quality

9. Emissions.
- a) *Project Emissions.* Since the rate and timing of development under the proposed 2018 GUP is not known, the EIR should provide a worst-case analysis of operational emissions with emission calculations of buildout at an earlier year, such as 2025. The EIR also should identify a mechanism to ensure that all measures and programs built into the air emissions model assumptions that may help to reduce emissions, such as electrification of bus and vehicle fleets, are actually implemented with a specified timeframe for implementation.
 - b) *Sensitive Receptors.* Figure 5.2-1 should be revised to clearly identify all sensitive receptors, including residences since there is potential for construction to occur around campus edges, and the nearest sensitive receptors in Palo Alto are within 80 feet of project boundaries.
 - c) *Construction Emissions.* The DEIR indicates that Stanford agrees to use final California Air Resources board Tier 4 standards for all construction equipment, except for chainsaws and pavers, throughout the life of the 2018 GUP. The City asks whether it is feasible/reasonable to assume that the campus construction contractors will be able to acquire and use all Tier 4 Final equipment (except for chainsaws and pavers), and if not the emissions modeling and analysis should be revised. Given the amount of development anticipated, construction activities could be ongoing throughout the period from 2018 to 2035.

Cultural Resources

10. Review of Landscape Elements as Potential Historic Resources. Full historic protection of the Oval, Palm Drive and the Main Gate were not addressed in the DEIR. The EIR should evaluate these areas to determine whether they are historic resources and/or should be considered as part of the Main Quadrangle historic block. If found to be a historical resource pursuant to CEQA, the area(s) should be included in Mitigation Measure 5.4.1(a-e).

Hydrology and Water Quality

11. Groundwater Impacts and Recharge. The section lacks documentation/references for assumptions and conclusions. Impact 5.9-4 does not quantify the amount of increased groundwater use that is anticipated for the 2018 GUP as requested in the City's NOP letter or assess impacts on the groundwater basin and vicinity wells as established in the DEIR's Hydrology Significance Criterion "b." While the impact indicates that project operation could substantially deplete groundwater supplies, there is no supporting analysis, and the mitigation measure presented addresses monitoring of recharge, not impacts to groundwater supplies. Because Palo Alto operates municipal water supply wells in the vicinity, the FEIR needs to provide a full analysis with technical documentation in order to make a significance conclusion, including addressing the following:
- a. Identify whether the project area is within the Santa Clara Valley groundwater basin or different sub-basin.
 - b. Identify other vicinity groundwater wells. Figure 2 of the City of Palo Alto 2015 Urban Water Management Plan indicates that the area adjacent to campus contains groundwater wells.
 - c. Provide annual monitoring of groundwater levels to determine an annual average over a sufficient time to include both wet and dry years.
 - d. Identify the potential amount of increased groundwater use. It is stated that irrigation needs would not change substantially (page 5.9-26) without reference to an actual estimate, and in contradiction with the increase in non-potable water use estimated in Appendix Water Supply Assessment (WSA). The WSA (as summarized in Section 5.16.5) makes an assumption about groundwater demand that is not supported by the record provided in the baseline setting, in which groundwater use is shown to have increased substantially in the last extended drought, consisting of up to 88% of irrigation water demands in FY14-15. Section 5.16.5 (pgs. 5.16-16 and 5.16-17) assumes no change in groundwater supply, and does not apportion the water demand in drought scenarios between surface water and groundwater. This lack of information prevents a meaningful analysis of how much groundwater use could increase, and whether it would exceed significance thresholds.
 - e. Section 5.16.5 asserts with no supporting evidence that Stanford's wells can withdraw up to 1,700 AFY (1.52 mgd) without adversely affecting groundwater conditions. Given the wells have a combined pumping capacity of approximately 4,450 AFY, additional analysis is required to support the impact conclusions. The analysis and determination of 1,700 AFY as the sustainable yield needs to be disclosed and available for public review.
 - f. Most importantly, the EIR should evaluate impacts to adjacent and nearby wells or groundwater basin due to increased Stanford pumping. The multiple dry year scenario

- under full buildout needs to be addressed with respect to groundwater, and whether there could be impacts to adjacent wells or the groundwater basin.
- g. It is unclear under what circumstances groundwater could be used to meet potable demands.
 - h. Assumption that groundwater recharge can only occur in the unconfined zone is not adequately explained or justified.
12. **Storm Water and Flooding.** Some of the storm water from the project area is conveyed through storm drains maintained by the City of Palo Alto that discharge into creeks managed by the Santa Clara Valley Water District (SCVWD). The Draft EIR does not include an analysis that clearly indicates the estimated runoff flows with and without the project and under cumulative conditions, so it is not possible to determine the significance of the impact on these collection facilities. This is of particular concern since the City of Palo Alto's storm drain system, downstream from Stanford, has limited capacity at various locations that can result in localized flooding. Secondly, flows from Matadero Creek discharge into a flood basin located East of Highway 101. This area is protected by a levee that will need to be improved in the future to mitigate for sea level rise. Increased flows into the flood basin would affect the future levee design. The Final EIR must provide existing and proposed runoff calculations from the project area for both the 10-year and 100-year storm event.
13. **Adequacy of Detention Facilities.** The DEIR did not respond adequately to the City of Palo Alto's request in the NOP to provide information on current storm water volumes into the existing detention facilities generated within the Academic Growth Boundary. Further, how would the added flow from the 2018 GUP development affect the current detention capacity in the case of a 10-year and 100-year storm event? Without this information it is difficult to determine the adequacy of current detention basins to meet future needs. The Impact 5.9-6 analysis asserts "the existing detention facilities are estimated to have the capacity for accommodating an additional approximate 57.0 acres (2.48 million square feet) of impervious surfaces in the San Francisquito watershed, and an additional approximate 194.8 acres (8.52 million square feet) of impervious surfaces in the Matadero watershed." However, there is no reference to a specific study, such as the "annual reporting," that clearly documents and quantifies changes in detention capacity as a result of identified flows from constructed projects. This information needs to be provided in the Final EIR to substantiate the DEIR's conclusions on capacity and determination that no significant impact would occur. It is unclear to what degree development under the 2000 GUP (including Escondido Village Graduate Residences) or other development added to establish the 2018 Baseline scenario has already used the additional available capacity. The Final EIR must provide documentation of the change in impervious surfaces and runoff volumes for existing development, development completed as part of the 2018 Baseline, development with the 2018 GUP Project, and cumulative development to adequately assess the impact of increased runoff and the adequacy of detention facilities and conclusion of a less-than-significant impact.
14. **San Francisquito Creek Joint Powers Authority.** Stanford should be required to coordinate and cooperate, including funding, with the San Francisquito Creek Joint Powers Authority to provide meaningful large-scale upstream detention facilities to attenuate and manage flows in San Francisquito Creek.
15. **Flood Impacts.** The City of Palo Alto's NOP comments include a request for records of past runoff volumes for the 10- and 100-year storm flow into Matadero and San Francisquito Creeks. This

information was not provided and is essential to determining the significance of additional storm water flows with the project. The DEIR Hydrology and Water Quality section does not identify existing flood problems, but relies on existing detention facilities to control flows. As indicated above in Comment #12, there is no cited drainage study that documents existing remaining detention capacity or quantifies additional runoff volumes added for baseline, project and cumulative conditions to substantiate the conclusion that no offsite flooding impacts will occur. The Biological Resources section does in fact identify capacity and flood issues in San Francisquito Creek (page 5.3-46) with one or more on- and off-site detention basins being considered by the San Francisquito Creek Joint Powers Authority. The Final EIR must provide a review of existing flood issues in both watersheds in which the project is located, and in conjunction with the above comment, clearly document potential off-site flooding impacts for the baseline, project and cumulative scenarios.

Noise

16. **Sensitive Receptors**. The DEIR reports that residences, schools, hospitals, and nursing homes are considered to be the most sensitive to noise (page 5.11-8), and sensitive receptors are described on page 5.11-25. However, a map showing locations of sensitive receptors is not provided. The DEIR Noise section does reference Figure 5.2-1 in the Air Quality section, which shows sensitive receptors, however, specific residential receptors are not identified. This figure should be revised to clearly identify residential neighborhoods, which are not shown, since there is potential for construction to occur around campus edges, and the nearest sensitive receptors in Palo Alto are within 80 feet of project boundaries.
17. **Construction Noise Mitigation**. DEIR page 5.11-25 states Mitigation Measure 5.11-1, which implements a performance standard, will reduce construction-noise impacts, where it is technically and economically feasible to do so, but also suggests that variances may be permitted. The mitigation measure should specify:
 - How "technically or economically infeasible" will be determined;
 - Who has the authority to grant a variance and the process by which a variance request would be made and reviewed; and
 - That City of Palo Alto should have the ability to review and comment on requests for such variances for projects within 150 feet of their boundaries.

Population and Housing

18. **Existing and Projected Housing**. The Final EIR should clearly identify/quantify existing on-campus student and faculty/staff housing and 2000 GUP units expected to be constructed and added to the 2018 Baseline as well as proposed units in the 2018 GUP. A full accounting is needed in order to confirm that Stanford has met its overall housing linkage/ratio (605 new beds per 500,000 SF of new academic and academic support) and not just for the increment of growth permitted under the project. The City also questions whether this ratio should be increased to require more units per new academic space given the region's housing crisis, or if the housing should be provided *in advance* of non-residential development. Please clarify whether the total campus units include units constructed outside of the academic boundaries that are referenced on page 5.12-3.
19. **Population Estimates and Growth**. Palo Alto has concerns regarding the population estimates used

in the DEIR and population/growth impact conclusions. The DEIR concludes that population induced by the project is consistent with Stanford's historic annual growth rate, but this rate is not identified in the DEIR. The Final EIR should identify the historic annual growth rate and the rate with the proposed project, including the basis for the "Compound Annual Growth Rate" (CAGR) used in the DEIR to estimate Stanford growth for each population. Furthermore, comparison with regional growth rates would be a more appropriate standard of review to ascertain whether or not projected Stanford growth is consistent with or exceeds the historic growth rate in Palo Alto and surrounding communities. The total population resulting from indirect household growth (graduate students/faculty and their families) in Palo Alto should be identified and compared to the City's projected population growth as part of the impact discussion, utilizing the population growth projections included in the City's adopted Comprehensive Plan.

20. Off-Campus Household Formation and Housing Demand. The DEIR (page 5.12-17) estimates the indirect off-site campus housing demand based on off-campus household formation derived from the Stanford Commute Survey, which is not listed in the DEIR references. The City believes that the County should use another source of data or an updated objective and statistically valid survey tool to validate findings of the University's commute survey. The FEIR should clearly identify how the 2,425 off-campus household estimate was derived. Furthermore, the FEIR should also explain the assumption of a net decrease in 102 off-campus faculty households since the project's faculty housing unit count (550) is less than the increase in faculty (789).
21. Secondary Impacts of Growth. While the DEIR estimates the number of new households that would reside off campus, the Final EIR should also clearly identify the secondary population and job growth that would occur in the City of Palo Alto as a result (total number of people per household). The analysis should use an appropriate job multiplier that is verified by comparing to other reliable sources. The Final EIR should clearly address the impacts of secondary population and job growth on traffic, housing demand, public service demand, and public school capacities. This growth is important to quantify for a variety of reasons and raises further questions about the University's current 'no new net trips' policy.
22. Affordable Housing Demand. In its letter of comment on the NOP, the City requested an assessment of housing demand, including existing and future demand by employees and students qualifying for below market rate affordable housing. However, the DEIR does not address the project's demand for affordable units off campus in Palo Alto. It is expected that a significant number of graduate students, postdoctoral researchers and staff would need affordable housing. Taking the Palo Alto number alone, 367 or 5.6% of the City's projected household growth between 2015 and 2040 would be from lower paid Stanford graduates, post-doctoral graduates, faculty and staff. The City would need to provide an additional 2.3% of its housing stock in 2040 for low and moderate income units. This would be in addition to the low- and moderate-income housing need generated by the rest of the City's population and employment. The analysis also adjusts the ABAG household numbers without documentation. For example, the DEIR includes a 2015-2040 period for future household formation, whereas ABAG uses 2010-2040 without a corresponding change in household formation. Further, the estimate of new households assigned to Palo Alto is based on current residency, which should also be documented. Therefore, the additional affordable housing demand generated by Stanford should be more accurately assessed in the Final EIR with regards to impacts on the City's housing supply.

23. Off-campus Affordable Housing Fees. Under the 2000 General Use Permit, Stanford is required to provide one on-campus affordable housing unit or make an in-lieu payment to Santa Clara County for each 11,763 square feet of constructed academic development.
- a. The Final EIR should identify how many affordable units have been constructed on campus and how many have been constructed as a result of payment of in-lieu fees with the 2000 GUP in order to document whether Stanford is meeting its affordable housing requirement. Please indicate projects, number of units and location of affordable housing that have been constructed under this requirement and the number of affordable units that have been constructed in Palo Alto under this program.
 - b. The DEIR states that Stanford will continue contributions to the County-administered off-campus affordable housing program. However, without the analysis to identify affordable housing needs as requested in Comment #20, the extent to which these fees actually meet affordable housing needs is not known, and the finding of a less-than-significant impact is not substantiated. Please consider that impact fees are generally set at levels well below what it actually costs to provide housing. Also, please note that the City opposes any effort to expand the geographic area (six miles) in which the Stanford affordable housing funds are used.
 - c. Stanford should continue to pay a housing development fee for academic and academic support square footage to the County to assist receiver communities with providing housing for this spillover Stanford population. This fee should be based on Palo Alto's adopted fee schedule and should be indexed to inflation and the increase in regional construction costs.
 - d. The basis for the DEIR statement that 900 new graduate student units would equate to approximately 450 affordable housing units that will be credited toward the County's RHNA (page DEIR page 5.12-20) should be explained and substantiated.

Public Services

24. Fire Protection and Emergency Services.

- a. The impact analysis does not identify a specific need for new or physically altered public fire protection/emergency services facilities related to project growth. However, no substantial evidence is provided to support this conclusion. The Final EIR should assess the effect of on- and off-campus growth on response times and other performance criteria identified in the EIR and provide a clear discussion of project impacts – will new or relocated facilities be required at build-out of the project? The effects of the project on fire and emergency services related wildland fires also should be addressed.
- b. According to the DEIR, replacement and improved fire stations would allow the Palo Alto Fire Department to adequately serve growth and buildout in the City. This is based on Stanford's continued annual fair share payment to the City of Palo for fire protection services. Stanford and the City are currently in negotiations for a multi-year contract with automatic renewal for fire and EMS services, but agreement has not yet been reached, and thus, the issue of long-term fire protection service is not adequately assessed in the EIR. The Final EIR should evaluate development alternatives for Stanford if agreement on a fire contract cannot be reached.
- c. The Palo Alto Fire Department requests that the following text be added to page 5.13-1, Add: The PAFD provides fire protection and suppression, and emergency medical service

(EMS), for all areas within the jurisdictional boundaries of Palo Alto in addition to some of the unincorporated land surrounding the city limits, including the project site under a services contract. As of the date of the City's response, Stanford University is not under contract with the City of Palo Alto for fire protection and suppression, and EMS. Stanford cancelled the contract as of October 2015, and both parties have been extending the contract for short periods of time (6 to 12 months) while attempting to negotiate a successor agreement. Stanford does not have a viable or sustainable fire protection and suppression, and emergency medical service (EMS) model or provider other than the City of Palo Alto. Stanford does not have access to the State of California Master Mutual Aid Agreement for fire protection and suppression – access is only available via public fire departments that are participants in the agreement. Stanford would have access to EMS ambulance transportation services through Santa Clara County Ambulance.

25. Police Services Impact. The DEIR analysis of police services concludes that the 2018 GUP would increase demand for service, but would not result in an adverse physical impact from construction of additional facilities. No evidence is presented about the effect of on-/off-campus growth on police and emergency dispatch services provided by Palo Alto or performance criteria for these services. The Final EIR should address impacts of Stanford population growth and new housing on Palo Alto Police Department (PAPD) response times, staffing, facilities, traffic enforcement on City streets, and response in mutual aid situations. The Final EIR should also address indirect impacts associated with increased calls for mutual aid assistance and associated impact on the PAPD performance standards for provision of adequate services. The PAPD has concerns regarding increased calls for PAPD service especially for parking enforcement, traffic enforcement on bordering streets, special sporting and other events, and visiting dignitaries, which should be addressed in the Final EIR. All additional service requests may lead to the need for additional facilities and these should be identified and analyzed. If the University intends to rely on new City facilities, the University should contribute to their cost.
26. Schools Impacts. The DEIR concludes that the project would increase enrollment in local schools, but would not result in adverse physical impacts from the construction of additional school facilities that may be needed in order to maintain acceptable enrollment standards. Of the new housing provided on-campus, growth in school-aged children is associated only with 550 new units of housing for faculty, staff, postdoctoral scholars, and medical residents. The Final EIR should also address student growth from undergraduate and graduate students, and from indirect growth of 367 new households in Palo Alto. Based on the student generation rates presented in the EIR, the project could result in 183 additional students from new households in Palo Alto.

While enrollment data is not presented, the DEIR states that there will be declining enrollment in Palo Alto Unified School District (PAUSD) schools through 2026/27 and given that decline, there should be remaining capacity to accommodate project-generated students. PAUSD disputes this conclusion and we request that the Final EIR be revised to reflect their projections as well as the City's adopted Comprehensive Plan. With these changes, the cumulative analysis will indicate the need for new facilities. The Final EIR should acknowledge the University's contribution to this need, particularly in relationship to the location of new households with school-aged children. Representatives of PAUSD have suggested that concentrating new units along Quarry Road may contribute to the need for a new school in that vicinity.

Recreation

27. **Additional Parks and Recreation Facilities Impacts.**
- a. There is no explanation for why the three-mile radius was used to identify parks and recreational facilities that may be used by Stanford's population. Apparently this was based on a survey of current use by Stanford population. However, the impact analysis and mitigation was limited to the four parks in the College Terrace neighborhood. Table 5.14-2 omits Peers Park, Bol Park, Juana Briones Park, John Boulware Park, Robles Park, Ramos Park, Sarah Wallis Park, Johnson Park, Seale Park, Hoover Park, and Monroe Mini-Park. These parks are within the three-mile radius of campus and should be considered in the EIR and included in any mitigation or compensation. In addition, two parks on leased land from Stanford, El Camino Park and Mayfield Fields, are within the three-mile radius. These lease arrangements and the future of these parks should be described; will they remain in use through the horizon year of 2035 and how long past that date?
 - b. The Final EIR should also consider the impacts on paths through Bol Park that are used for recreation and bicycle transportation by Stanford-residing adults as well as Stanford-residing children attending Terman and Gunn schools. People traveling to/from the Stanford campus use these paths on a daily basis and the impacts of increased use should be assessed.
 - c. The DEIR did not mention the substantial current impact or anticipated future impact of the Escondido Village housing and 2018 GUP by Stanford affiliates and their children on the College Terrace neighborhood library located in one of these College Terrace neighborhood parks.
28. **Recreation Facilities.** The DEIR indicates that Stanford has offered to pay the City for on-campus resident student and faculty use of the four parks in College Terrace. The City believes that the payment offered (\$300,000) is understated because as a one-time fee, it will not address the impact and needed future maintenance at these and other parks caused by Stanford students and faculty and their families over the 17 years of the 2018 GUP. The fee offered fails to address the fact that in one of the heavily used parks there is a neighborhood library impacted by the use of families associated with Stanford. The City Librarian indicates that the renovation costs to expand the current 2,392 square foot building to 4,860 square feet would be (based on Sunnyvale and Newark studies of \$250-385/SF) \$617,000 to \$950,180 for a full renovation to include the entire building for library purposes and meet the anticipated increase in service resulting from the 2018 GUP, particularly from the Escondido Village graduate student/family housing project (2,020 net new beds). Stanford should focus on expanding the amount of park land available to city residents and Stanford users by providing acreage for park use, including making currently leased areas permanent, and funds for ongoing maintenance.

Transportation / Traffic

29. **Traffic Impact Analysis.** Palo Alto recognizes Stanford's nationally-recognized efforts to reduce single occupant vehicle trips since 2001 and its laudable "No Net New Commuter Trips" goal. However, Palo Alto has a number of concerns with the Traffic/Transportation section, including its assumptions and analyses, and questions the effectiveness of the "No Net New Commuter Trips" goal going forward. The City's primary concerns are listed below and are fully articulated in the attached Technical Memorandum from Hexagon Transportation Consultants who reviewed the

DEIR as part of the City's review. The City requests that all of the comments presented in the Hexagon memo be addressed as part of the City's comments on the DEIR. A summary of the City's concerns include:

- a. There are several concerns with the "No Net New Commute Trips" goal's wording and methodology that should be addressed. The three key areas of concern include: the definition of the peak period and the methods of monitoring traffic, the direction of travel to be monitored, and the unlimited use of trip credits to meet the goal. An additional concern is the feasibility of further reducing single-occupant vehicle trips to the extent needed in order to meet the No Net New Commute Trips goal for development in the 2018 GUP. The method and timeframe for traffic counts also is a concern.
- b. Given the current experience based on the 2000 GUP development, there is concern about the trip generation rate being based on traditional peak periods (7 – 9 AM and 4 – 6 PM) that potentially underestimate impacts of project trips given the recent trends of "peak spreading" and the growing level of University trips during off-peak periods.
- c. The analysis relies on public transit to help achieve the No Net New Commute Trips goal. However, some of the assumptions used in the analysis of transit capacity and performance analysis for transit and Caltrain are not entirely accurate may not be achieved, such as expanded Caltrain capacity from five to eight cars by 2035. The EIR should clearly identify current and future ridership, service and capacity of all transit providers (VTA, Catrain, and the Marguerite) to ascertain whether adequate capacity exists to serve the project or whether additional mitigation or improvements will be required. If capacity increases are not fully funded, the EIR should assess impacts with and without these increases.
- d. The project proposes a 2,000 space parking reserve, in addition to constructing all parking for the 2000 GUP. However, expansion of parking is contrary to the University's TDM and trip reduction goals that seek to reduce vehicle trips. The effects of providing additional parking should be assessed.
- e. Further evaluation is needed regarding impacts at specific intersections, including the Caltrain grade separations at Alma and Charleston and freeway segments as discussed in the attached technical memo. The analysis should assess impacts with and without Caltrain grade separations.
- f. The EIR does not address project impacts on off-campus parking and resulting traffic circulation and does not analyze the effects of City programs to manage on-street parking in the vicinity of the campus. Have these programs affected Marguerite bus routes and pushed Stanford parkers to distant neighborhoods? Impacts of Marguerite bus routes themselves should also be considered.
- g. The EIR should explicitly identify the current and future transit and TDM programs that will be relied on to meet the No New Net Commute Trips goal. The effectiveness of these specific programs should be evaluated and they should be monitored as mitigation pursuant to Public Resources Code Section 21081.6.
- h. The EIR should review the option of rerouting the Marguerite through campus to reduce impacts on adjacent City streets.
- i. The City requests that the threshold for the Crescent Park TIRE be re-calculated based on only the "non-diverted" traffic on Hamilton. In other words, the analysis should subtract the existing diverted traffic from Hamilton, calculate a revised threshold, and then see if the trips generated by the Stanford GUP would meet the lower threshold.

30. No Net New Commute Trips. The City of Palo Alto requests that Santa Clara County require Stanford to revise the No Net New Commute Trips policy and adopt a mitigation monitoring program with monitoring by an independent third party to insure that it continues to be effective as development under the 2018 GUP takes place. Members of the Palo Alto community experience traffic congestion on a daily basis that can be attributed to students, faculty and staff of Stanford University. If the County wants evidence of this, it should collect data throughout the day when Stanford is in session, and when Stanford is not in session. The data will show that traffic congestion is noticeably less when Stanford is not in session and validate community members perspective that the current "no net new commute trips" program is not working.

As a legal matter, if the "no net new commute trips" policy is expected to function as mitigation, it should be revised to address all vehicle trips entering and exiting the campus during the peak hours and Stanford should not be able to apply unlimited credits for trip reductions outside the cordon. Certainly the cordon credit area should not be expanded. The County should establish a threshold for both directions of travel, should consider the trips made during a longer peak period, should revise the method for discounting "cut-through" trips, and should set a limit on the number of trip credits that may be used toward achieving the goal.

The County should also identify specific mitigation measures to reduce vehicle trips and the University should be required to implement or fund those measures as well as making fair share payments to operational and capital improvements needed to address its contribution to regional congestion. The effectiveness of all mitigation should be quantified. Also, if the No Net New Commute Trips assumption is changed or cannot be met, the EIR should address whether the analyses regarding criteria pollutant and greenhouse gas emissions and exposure to traffic noise need to be revised as a result of potential increased traffic.

31. Safe Routes to School. The Final EIR should identify and describe the existing safe routes to schools activities, which includes crossing guards at busy intersections. The Final EIR should assess impacts and possible decrease of performance as a result of project traffic in accordance with the Transportation/Traffic Significance Criterion "f" cited on page 5.15-54 of the DEIR.

Currently Palo Alto, the Palo Alto Unified School District, the Palo Alto PTA, and Stanford work cooperatively on making necessary improvements to provide the safe routes to school, particularly for Escondido and Nixon elementary schools, located on Stanford-owned land and heavily attended by children of Stanford families. If an additional school is provided near Sand Hill Road for students living in University housing on that side of campus, this cooperation on safe routes to school should be extended to access to any future school site as well. Currently, Stanford's funding for agreed improvements for safe access to schools has not been fully implemented. The City asks that Stanford create an annual budget based on the agreed work program for future improvements that benefit Stanford faculty, employees, staff and graduate students with children. In addition Stanford should assist the City with the cost of school crossing guards required at major intersections that benefit both children of both city residents and Stanford affiliates.

32. Sharing Costs of Needed Improvements. In the 2000 GUP there were two intersections that Stanford committed to improve regardless of whether or not the No Net New Commute Trips goal was met. The reason for this appears to be based on future projects. In the same fashion, the 2018

GUP should address three projects that are critical to the Palo Alto community based on immediate need and Stanford's future impacts on Caltrain service and capacity.

- a. Stanford should be required to pay its fair share towards grade separations at all rail crossings in Palo Alto in order to increase the safety of the intersections for Stanford commuters, including bicycle, pedestrian and vehicle traffic, and to improve Caltrain service and facilitate ridership increases relied on by Stanford to achieve the "No Net New Commute Trips" goal.
 - b. Stanford should be required to fund and potentially construct improvements to the Palo Alto Intermodal Transit Center to accommodate increased bus and bicycle volumes generated by Stanford's growth and to facilitate the eight car trains that the DEIR indicates will be necessary to meet Stanford's Caltrain ridership demand with the 2018 GUP project.
 - c. Stanford should be required to provide a transit center near the I-280/Page Mill Road interchange to alleviate traffic impacts in Palo Alto. This could alleviate congestion created by traffic to both the academic growth area as well as to the Stanford Research Park.
33. **Bicycle Improvements.** Stanford has offered to contribute to one bicycle improvement in Palo Alto: Bol Park Trail. Despite the figure in the DEIR, the Bol Park Trail has not been designed. Part of the existing trail will be located on a shared pathway parallel to the street on Hanover Street. Currently, improvements on Page Mill Road will result in the installation of a new signal at Page Mill and Hanover Street. However, the improvement to the Bol Park Trail will require modification to this signal for bicycles and pedestrians. The funding offered by Stanford (\$250,000) will just cover the cost of the modification to the signal. Since this trail is a connection between Stanford's main campus and the Stanford Research Park and can be a part of the TDM measures for the No Net New Commute Trips, the City feels that Stanford should make a greater contribution to the project including: dedication of right-of-way under the existing separated pathway on Hanover Street and contribution of funds to make the necessary upgrade of the Hanover pathway so that it meets current bicycle and pedestrian safety standards.

Project Alternatives

34. **Project Alternatives.** While the DEIR includes a Reduced Project Alternative, the City suggests a Phased Alternative that permits new development and student growth only after transit/TDM programs are expanded and housing is constructed to serve the new development.

Miscellaneous DEIR Text Corrections

35. **EIR Corrections.** The Final EIR should make the following corrections.
- a. Page xv: "OEM California Office of Emergency Management" should be deleted (see Cal OES)
 - b. Page 1-33: *Protection and Maintenance of Emergency Service Access and Routes*. That should be changed to include the Palo Alto Police Department (which runs the 9-1-1 center for both Palo Alto and Stanford).
 - c. Page 5.8-30: Change "County OEM" to "County OES"
 - d. Page 5.8-33: References should also include: City of Palo Alto Emergency Operations Plan, available on: http://cityofpaloalto.org/services/public_safety/plans_and_information/ and City of Palo Alto Threat and Hazard Identification and Risk Assessment (THIRA), available on: <http://cityofpaloalto.org/thira>.

- e. Page 5.13-2:
 - Remove: one Rescue truck (at Station 2) for vehicle accidents, hazardous materials and technical rescues, and search and rescue at fires.
 - Modify: two advanced life support ambulances (at Stations 1 and 2) that respond to all medical incidents, and are also included in fire, rescue, and vehicle accidents and hazardous materials incidents, and one cross-staffed ambulance (at Station 4) that responds to medical incidents when the ambulances from Stations 1 and 2 are not available. (City of Palo Alto, 2015).
- f. Page 5.13-3: Modify the sentence to read: In FY 2016, PAFD arrived at 89 percent of fire emergencies within eight minutes, 92 percent of EMS calls within eight minutes, and placed a paramedic at EMS calls within 12 minutes, 99 percent of the time.
- g. In Palo Alto, the Police Department funds 29 crossing guards for the City on school commute routes. (This fact was left out of the text on page 5.13-4.)



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Technical Memorandum

Date: November 13, 2017
To: Stephanie Strelow, Dudek
From: Gary Black, President, and Jane Clayton, Associate
Subject: Review of Stanford 2018 General Use Permit Draft Environmental Impact Report on Behalf of the City of Palo Alto

Hexagon Transportation Consultants, Inc. has reviewed the Draft Environmental Impact Report (DEIR) and the supporting Transportation Impact Analysis prepared for the 2018 General Use Permit (GUP) application filed by Stanford University with the Santa Clara County Planning Office. In order to prepare this letter, we have also reviewed the Project Description and Background Conditions Report included in the 2018 GUP application, the 2015 and 2016 *Stanford University Traffic Monitoring Reports*, and comments made at meetings of the Planning and Transportation Commission (8/30/17 and 11/8/2017) and the City Council (10/16/17). We have conducted this review at the request of the City of Palo Alto and have paid particular attention to the areas included in the City's comment letter for the Notice of Preparation (NOP) related to transportation and circulation. We have also reviewed all of the transportation-related impact findings and the proposed mitigation measures for their adequacy.

The development proposed in Stanford's 2018 GUP application includes 2.275 million square feet of academic and academic support space, 3,150 dwelling units or beds (of which 550 units may be used by faculty, staff, post-doctoral fellows, or medical residents), 40,000 square feet of space for child care centers and facilities for the university's commute alternatives program, and a parking supply reserve of 2,000 spaces. Stanford proposes continuation of the "no net new commute trips" goal included in the 2000 GUP, which is defined as no additional trips above a measured base level during the peak commute time in the campus commute direction (inbound towards campus in the AM peak hour and outbound from campus in the PM peak hour).

Key Areas of Concern

The "No Net New Trips" Goal: Methodology and Feasibility

The 2000 GUP Condition G.4 defines the "no net new trips" goal as "no increase in automobile trips during peak commute times in the peak direction, as counted at a defined cordon location around the campus." That condition also states:

"Stanford shall mitigate the transportation impacts of its additional development and population growth either through a program of 'no net new commute trips' or through proportional funding of mitigation measures for specified impacted intersections."

Hexagon has concerns about the "no net new trips" policy as it is currently defined. The three key areas of concern are the definitions of the peak periods to be monitored, the direction of travel to be monitored, and the unlimited use of trip credits to meet the goal. The DEIR invokes the "no net new

"trips" policy as mitigation for potential impacts. However, Hexagon is concerned that the policy overlooks the following traffic issues.

Lengthening of Peak Period and Definition of Peak Hours: Although AECOM gathers 24-hour cordon count data for 8 weeks every year, the analysis of data to determine whether Stanford has met the "no net new trips" standard is currently limited to the hours of 7:00 – 9:00 AM and 4:00 – 6:00 PM. There is abundant evidence throughout the Bay Area that these traditional peak periods have lengthened, and, in fact, the traffic counts conducted at study intersections for this DEIR were conducted during the hours of 7:00 – 10:00 AM and 4:00 – 7:00 PM. In its NOP letter, the City specifically requested that the EIR identify the peak travel periods for the campus using these 24-hour cordon counts, but this was not done. At a minimum, the peak periods used for monitoring cordon counts should be consistent with the peak periods used for the intersection counts conducted for the DEIR (7:00 – 10:00 AM and 4:00 -7:00 PM).

Hexagon's spot review of the raw cordon count data in the 2015 and 2016 *Stanford University Traffic Monitoring Reports* indicates that the AM peak hour frequently occurs after the 7:00 – 9:00 AM period. Similarly, the PM peak hour frequently occurs after the 4:00 – 6:00 PM period. However, for the purposes of determining whether Stanford has met the goal, any peak hour volume that does not occur during those defined two-hour periods is ignored. The interpretation of "peak commute time" in the goal should be modified for the 2018 GUP so that if, for example, the greatest volume of vehicle trips in the evening occurs between 5:30 - 6:30 PM, then that is the volume that should be used as the basis for monitoring whether or not Stanford has met the standard.

One of the likely reasons why there appears to be a disconnect between Stanford's achievement of the "no net new trips" standard and the community's experience of increasing levels of congestion may be that there are higher levels of Stanford-related trips throughout the day or during much longer periods during the morning and evening than was true in 2001. Therefore, it is critical that a fresh analysis of the peak periods of travel to and from the campus be conducted and that recommendations for future cordon counts be based on that analysis.

Direction of Travel: The "no net new trips" standard currently applies only to the peak direction of travel: inbound towards campus in the AM peak hour and outbound from campus in the PM peak hour. As the university constructs more on-campus housing for students, faculty, and staff, the volume of traffic in the "counter-commute" direction will also increase. Figure 4 of Part 1 of the TIA shows the change in proportion of resident and non-resident peak hour trips between 2015 and 2035, indicating that resident trips are projected to be a larger percentage of total trips in the future.

Under the 2018 GUP proposal, the volume of "counter-commute" travel could increase substantially, but Stanford would still be deemed to meet its goal as long as the "commute" direction did not increase (or was offset by trip credits). In its NOP letter, Palo Alto requested that the DEIR include an analysis of direction of travel, but this was not done.

Even if Stanford meets the "no net new trips" standard as it is currently written, it would be possible for the development proposed in the 2018 GUP to have intersection impacts that should be mitigated. The DEIR overlooks the possibility that intersection impacts may result from vehicle trips in the other direction (outbound from campus in the morning and inbound in the evening). The EIR should address this issue and propose a means of mitigating any impacts that may be caused by increases in traffic leaving campus in the morning and entering campus in the evening.

Trip Credits: The 2000 GUP specifies that the County will recognize participation by Stanford in off-campus trip reduction efforts and credit reduced trips toward attainment of the goal. Stanford has not met the PM peak hour 2001 cordon count threshold (3,591 trips) in certain years, but has been able to meet the "no net new trips" standard by taking credit for its off-campus trip reduction efforts within a defined geographic boundary (the cordon credit area).

Stanford could continue to increase the number of trip credits it claims in the future as a way of dealing with rising cordon counts through the life of the 2018 GUP. The fact that in 2015 Stanford claimed 844 trip credits, equal to 23.5% of the 2001 "trigger" value for the PM peak hour, raises a question as to whether there should be a limit or cap placed on the percentage of trip credits that may be taken during the life of the 2018 GUP in order to meet the standard. For example, Stanford proposes to take trip credits every year after providing funding for bicycle facility improvements in Palo Alto and neighboring jurisdictions (in Chapter 8 of the DEIR).

This concern is heightened by the large number of potential problems concerning the trip credit methodology that were raised in the *2016 Stanford University Traffic Monitoring Report*. No fewer than nine issues have been raised by the consultant preparing the report for the County. Hexagon believes these issues should be addressed and resolved as part of the EIR process since they are central to the "no net new trips" methodology. Hexagon also believes that trip credits should only be granted for actual trip reductions, not predicted reductions.

Hexagon notes that the monitoring reports do not provide any information on the various measures for which credits have been claimed each year, only the total number of credits claimed. In its NOP letter, Palo Alto requested greater transparency in the cordon count and trip credit reporting.

Feasibility of Mode Split Required to Meet Standard: On page 5.15-156 of the DEIR, the drive-alone mode share is given as 43.2% in 2015, which would need to be reduced to 36.5% to meet the "no net new trips" standard for the 2018 GUP development (assuming no trip credits are taken).¹ The University has been successful in reducing single-occupant trips to levels much lower than the County average. However, the TIA (Figure 2 of Part 1) indicates that SOV mode share is approximately 50% and has been flattening out in recent years, indicating that additional reductions may be difficult to achieve. Given the environmental characteristics of the commute shed of Stanford affiliates, such as land use density, transit availability, and other factors, it is likely to be challenging to reduce that mode share by an additional 6.7%.

The TIA (Part 1, pp. 10-11) includes the following strategies expanding Stanford's TDM programs in order to meet the "no net new trips" standard under the 2018 GUP:

- Commuter buses
- Expand local bus service and first/last mile connections (Marguerite shuttle)
- Improve key bike facilities to reduce road stress for cyclists on access routes to campus
- Parking fees and policies
- Student vehicle prohibitions

However, it is an exceedingly ambitious goal to construct 2.275 million square feet of academic and academic support space and 3,150 new beds/units and to not increase peak hour vehicle volumes at all. After many years of a highly successful TDM program, all of the "low-hanging fruit" is gone,

¹ The TIA indicates that the drive-alone mode share was approximately 50% in 2015. The Background Conditions Report also states that the drive-alone rate is 50% (page 4.47) The difference between the two percentages given for the 2015 drive-alone mode share (43.2% and 50%) should be explained.

and it may prove difficult to persuade many of the remaining SOV drivers to change modes. Stanford should explore what it will take to achieve a 36.5% SOV mode share (no net new trips) with real-world examples.

If the “no net new trips” standard is not met under the 2018 GUP, then Stanford has proposed that it be “given the option of achieving No Net New Commute Trips by funding other entities’ trip reduction programs before applying such funds to its proportionate share of intersection improvements.” Ways in which the funding provided could be programmed as consistently over multi-year periods as possible should be explored, rather than on an annual basis with large dollar amounts in some years and no funding at all in other years, depending on the preceding year’s monitoring report. Successful trip reduction programs require consistent funding to be most effective.

2015 Cordon Counts and the 2018 GUP Trip Generation Rate

The trip generation rates for the new development proposed in the 2018 GUP are based entirely on the 2015 cordon counts conducted as part of the County’s annual monitoring process regarding the “no net new trips” standard. To the extent that the 2015 cordon counts do not accurately capture the number of vehicle trips generated by the campus during the AM and PM commute times, the trip generation estimates for the proposed growth will be correspondingly underestimated, which should be corrected in the Final EIR.

Identification of “AM peak hour” and “PM peak hour”: As discussed above, the number of peak hour trips presented in the 2015 *Stanford University Traffic Monitoring Reports* is the peak hour volume during the periods of 7:00 – 9:00 AM and 4:00 – 6:00 PM. However, due to the lengthening of peak commute periods throughout the region and the widespread use of flextime schedules, the peak traffic volume within that window of time may not actually be the peak traffic volume if a longer or different peak period were considered. The DEIR did not address the issue of changes in the peak commute times, even though the City requested such an analysis and it is key to the trip generation estimates used in the DEIR; this should be considered in the Final EIR.

“Hidden” vehicle trips: The 2015 cordon counts may also underestimate Stanford’s existing trip generation if there are vehicle trips that are not counted. The City’s NOP letter asked the DEIR to study the extent to which Stanford commuters are avoiding cordon counts by parking on local streets in adjacent city neighborhoods. The DEIR addresses this concern on page 5.15-176, and Figure 5.15-21 shows that there are Residential Parking Permit programs in place in all the Palo Alto residential neighborhoods adjacent to campus. However, two of these programs did not exist when the 2015 cordon counts were conducted (Evergreen Park – Mayfield and Southgate). The DEIR should have included some estimate of off-campus parking.

The DEIR also notes that there is very little on-street parking that is not time-restricted adjacent to campus, with the exception of approximately 150 parking spaces on the Stanford side of El Camino Real. The DEIR states that:

“These on-street spaces are essentially filled before the traditional peak hour of 8:00 – 9:00 AM. Thus, drivers using these spaces are not traveling during the peak hour, and therefore are not parking in this location to avoid cordon counts.”

Since the cordon counts begin at 7:00 AM, the fact that these spaces are filled by 8:00 does not mean these drivers aren’t avoiding cordon counts. As noted above, Hexagon suggests that the cordon counts be re-evaluated to determine the actual peak hour, and these spaces should be included.

Another potential issue with the 2015 cordon counts is related to the exclusion of vehicles that enter campus and then leave it within 15 minutes, because they are considered cut-through traffic that is not generated by Stanford. Because of this, if a Stanford affiliate is dropped off or picked up on campus, the vehicle that enters campus to drop them off in the morning or leaves campus after picking them up in the evening is excluded from the cordon count, even though that trip is clearly a Stanford-generated trip. An evaluation of the cordon locations where a vehicle entered and where it exited campus would help identify some of these trips and distinguish them from actual cut-through trips. The Final EIR should account for this issue.

Analysis of Transit Capacity and Performance

The City's NOP letter requested that the DEIR evaluate transit performance and efficiency as it relates to site design, mobility, and access. A map showing transit priority areas for nearby transit agencies (Figure 5.15-10) and a map showing areas within a 5-minute walkshed of Marguerite stops with headways of 15 minutes or less (Figure 5.15-22) were included, but they do not show the location within the 2018 GUP area of key points of development proposed in the 2018 GUP. The EIR should include further discussion about optimal land use and site design to support an effective and efficient transit system on campus.

The City's NOP letter also requested that the demand, capacity, and utilization of Caltrain, connecting transit services at the Palo Alto Intermodal Transit Center (PAITC), and the PAITC itself be studied. The DEIR does not include a capacity assessment of the PAITC at all, including its bus bays, layover facilities, and the operational impacts of an expanded Marguerite service on other transit providers, which should be addressed in the Final EIR.

The capacity analysis of Caltrain includes a key assumption that the trains will include eight cars by 2035, rather than the current five cars. The Caltrain electrification/modernization project now underway does not include funding for extending platforms so that 8-car trains could be utilized. To make the capacity analysis consistent with the electrification project, it should not be assumed that the infrastructure improvements necessary to run 8-car trains will be operational by 2035. If train capacity were constrained by the existing 5-car maximum, then there would be a significant impact to this transit service. Hexagon suggests that an appropriate mitigation measure would be to make a fair share contribution to the platform retrofit needed at the PAITC to permit lower level boarding, which would speed up dwell time.

The DEIR asserts that transit capacity is not a potential impact under CEQA, but we disagree. Since a project can be found to cause a significant impact to transit if an element of it would conflict with an adopted policy regarding public transit or decrease the performance or safety of transit facilities, then operating extremely crowded trains would qualify as conflicting with an adopted policy and as reducing the performance of the service from the rider's point of view. Transit services generally have adopted policies or standards regarding load factor (how many riders they can accommodate per bus or per car). If a load factor is exceeded by a large amount, then the service is no longer comfortable or convenient. Such a load factor would clearly also have secondary impacts on mode choice.

Aside from how the issue is treated under CEQA, there is also a basic operational issue that relates to Stanford's ability to achieve the "no net new trips" standard. If achieving the standard would require an increase in the transit mode share, as conservatively assumed by the DEIR analysis, but the capacity is simply not available on the trains to handle the increased ridership, then the standard would probably not be achieved. This could be the case if the assumption regarding 8-car

trains is changed to 5-car trains. The analysis should be re-assessed in light of these considerations in the Final EIR.

Requested Parking Reserve of 2,000 Spaces

Stanford has requested approval of a 2,000 space parking supply reserve, for which it does not seek initial authorization because it seeks to discourage automobile ownership and use. However, Stanford proposes that it be able to seek Planning Commission approval to construct parking spaces from that reserve under any of three defined circumstances.

One of the proposed circumstances for increasing the parking supply is meeting the "no net new trips" standard. There is an obvious contradiction here: if Stanford is meeting the standard, why would it need up to 2,000 additional parking spaces? Clearly, additional parking supply would make it increasingly difficult to meet the standard in the future.

There are two obvious ways in which Stanford could meet the "no net new trips" standard and yet still need 2,000 more parking spaces by 2035. One is that the standard can now be met through an unlimited use of trip credits. Stanford could meet the standard through services and facilities that reduce SOV trips off-campus, but still need additional parking for new trips to campus generated by the development proposed in the 2018 GUP. The second relates to the lengthening of the peak period. If an increasing number of trips are made outside the peak periods as they are defined (7:00 – 9:00 AM and 4:00 – 6:00 PM) under the 2000 GUP or if the trips made in a single peak hour no longer represent as large a percentage of daily traffic as has been true historically (because traffic is more evenly spread over a much longer period of time), then Stanford would need additional parking to accommodate those trips – even though the standard, as currently monitored, has been met. The EIR should address this issue directly and define a more stringent qualifying circumstance for purposes of allowing construction of 2,000 more parking spaces or eliminate this circumstance from the request.

Review of Impacts and Mitigation Measures

Hexagon evaluated all transportation-related impact findings in the DEIR to determine their adequacy. The DEIR's analysis of every study intersection was reviewed carefully, to ensure that all potential mitigation measures at impacted intersections were included. The following sections address each impact evaluation about which Hexagon has comments or questions. Impact discussions – and specific intersection impacts – about which Hexagon has no comments or questions are not included.

Level of Service Threshold for Unsignalized Intersections

DEIR: The DEIR states on page 5.15-57 that "None of the applicable jurisdictions have an officially adopted significance criterion for unsignalized intersections. For purposes of this analysis, significant impacts are defined to occur when the addition of project traffic causes:

- The average intersection delay for all-way stop-controlled intersections or the worst movement for side-street stop-controlled intersections to degrade to LOS F, and
- The peak hour traffic signal warrant from the California Manual of Uniform Traffic Control Devices (CA MUTCD) to be satisfied at an unsignalized intersection already operating at LOS F."

Hexagon Comments: The City's threshold for non-CMP signalized intersections is LOS D, and the City's practice has been to apply that threshold to unsignalized intersections as well. The

significance criteria for impacts at unsignalized intersections have been cited in several TIAs in recent years as when the project causes a movement to degrade to LOS E or F and the peak hour signal warrant is met. This issue concerning Palo Alto's impact criteria is relevant to the unsignalized study intersection of Bowdoin Street / Stanford Avenue in the DEIR, which is discussed further below.

The following section addresses all of the study intersections within Palo Alto where a significant impact was found and where Hexagon had comments, plus the intersections of I-280 Southbound Off-Ramp/Page Mill Road, I-280 Northbound Off-Ramp/Page Mill Road, and Bowdoin Street/Stanford Avenue.

Intersection Impacts (2018 and 2035 Conditions)

I-280 Southbound Off-Ramp and Page Mill Road (#13)

DEIR: Proposed mitigation measure for 2018 impact is "Contribute fair share funding toward the installation of a traffic signal." However, on page 5.15-92, the DEIR references the *Page Mill Expressway Corridor Study Report* and notes that the improvement concept is for this intersection is "a roundabout, with traffic signal at the I-280 NB Ramps intersection, and a third eastbound and westbound through lane on Page Mill Road to the east of the I-280 Northbound Ramps intersection." The DEIR says the Project's fair-share funding towards a traffic signal at this intersection "may be applied toward a roundabout."

Hexagon Comments: Stanford should contribute its fair share of the roundabout and other improvements that have been agreed upon by the three agencies (Santa Clara County, City of Palo Alto, and Town of Los Altos Hills) for this intersection. Providing fair share funding towards a traffic signal is insufficient, since that is not the intersection modification that has been agreed upon.

The DEIR does not find an impact at this intersection under 2035 conditions. The LOS calculation sheets in Appendix F of the TIA indicate that a traffic signal is assumed at this intersection under 2035 conditions, even though Appendix E of the TIA indicates that the lane configuration and traffic control (all-way stop control) are the same as under 2018 conditions. All changes in roadway network assumptions should be stated clearly in the text of the report, and all tables and figures should be consistent with any noted changes.

The intersection should be evaluated under 2035 conditions with all-way stop control and with a roundabout, not with a traffic signal, since the timing of the roundabout construction is uncertain.

I-280 Northbound Off-Ramp and Page Mill Road (#14)

DEIR: No impact is found at this unsignalized intersection under 2018 or 2035 conditions. Under 2018 conditions, the intersection operates at LOS E both with and without the project, and the increased delay is one second. Because signal warrant analyses were only conducted for unsignalized intersections operating at LOS F, no signal warrant analysis is included in Appendix G of the TIA.

For the 2035 evaluation, Appendix E of the TIA shows no change to the lane configuration or traffic control at this intersection, although the LOS calculation worksheets indicate that a traffic signal is assumed under 2035 conditions.

Hexagon Comments: In general, any changes in the roadway network (lane configurations, traffic controls, signal phasing, etc.) between 2015 and 2018 or between 2018 and 2035 should be clearly stated in the TIA and the DEIR and all appendices should be consistent.

Because the intersection is already operating at LOS E during the AM peak hour and the increase in delay on the stop-controlled approach is only one second, there would not be a significant impact even if the more stringent LOS D standard were used for unsignalized intersections.

Junipero Serra Blvd – Foothill Expressway and Page Mill Road (#17)

DEIR: The proposed mitigation measure at this intersection for both the 2018 and 2035 impacts is "Contribute fair share funding toward installation of an overlap signal phase for northbound and southbound right-turning vehicles and widening of southbound Junipero Serra to two lanes between Stanford Avenue and Page Mill Road to align with the existing designated right-turn lane." The text on page 5.15-92 notes that this would allow southbound right-turning vehicles additional queuing space so southbound through vehicles do not block the right-turn lane. Under 2018 conditions, there would still be a significant and unavoidable impact even with this mitigation measure, although under 2035 conditions, this measure was found to reduce the impact to a less-than-significant level.

Hexagon Comments: The mitigation measure proposed is reasonable, but ignores the other changes that have been proposed for this intersection. The *Page Mill Expressway Corridor Study Report* recommends the addition of a third eastbound and westbound through lane on Page Mill Road between the I-280 interchange and Porter Drive (just east of Page Mill Road), as noted on Page 5.15-124 of the DEIR. Measure B does not provide sufficient funding for the entire Page Mill corridor project, including modifications to this intersection, so it would be reasonable for Stanford to make a fair share contribution to it. Because the DEIR's proposed mitigation does not fully mitigate the Project's impact at this intersection, a fair-share contribution to the Page Mill widening (possibly HOV lanes) at this intersection should also be included in the mitigation measure, in addition to the proposed changes to the Junipero Serra approach.

Bowdoin Street and Stanford Avenue (#34)

DEIR: No impact is found at this unsignalized intersection under 2018 or 2035 conditions. Under 2035 conditions, the intersection operates at LOS D without the project and at LOS E with the project during the PM peak hour. Because signal warrant analyses were only conducted for unsignalized intersections operating at LOS F, no signal warrant analysis is included in Appendix G of the TIA.

Hexagon Comments: As noted previously, the City's practice has been to use LOS D as the impact threshold for unsignalized intersections, even though there is no formal policy statement regarding unsignalized intersection impact criteria. If a more stringent LOS D threshold were to be used and if the peak hour signal warrant were met, then the project would result in a significant impact at this intersection. The Final EIR should include signal warrant analyses on Palo Alto unsignalized study intersections operating at LOS E.

If the finding of no significant impact were to be changed to a finding of significant impact (based on LOS E in the PM peak hour and a signal warrant analysis), installing a traffic signal at this location would not be recommended as a mitigation measure, due to its fairly close spacing with other signalized intersections on Stanford Avenue, at Peter Coutts Road and at Hanover Street. The City's preferred approach to this intersection would be a roundabout or a treatment other than a signal at this location.

El Camino Real and Embarcadero Road (#48)

DEIR: Significant impact found in 2035, but not 2018. Proposed mitigation measure is "Contribute fair-share funding toward the addition of a second northbound left-turn lane." Page 5.15-131 of the

DEIR notes that VTA's Bus Rapid Transit (BRT) project has proposed a separate bus lane on El Camino Real, but not through this intersection. The DEIR concludes that it is not possible to determine what, if any, effect this mitigation measure would have on the BRT since there is no final design available.

Hexagon Comments: As part of the Preferred Scenario selected for Palo Alto's Comprehensive Plan Update, queue jump lanes (not exclusive bus lanes) in the curbside lane have been proposed for transit on El Camino Real. Is there be adequate right-of-way for both an additional northbound left-turn lane and queue jump lanes? Would it be possible to implement both? The DEIR notes that the City is "currently designing bicycle improvements at this intersection."

Alma Street and Charleston Road (#58)

DEIR: Significant impact found under both 2018 and 2035 conditions. Proposed mitigation is "Contribute fair-share funding toward the addition of a designated northbound right-turn lane and installation of an overlap phase for the northbound and southbound right-turn movements." The impact would remain significant and unavoidable after implementation of this mitigation.

Hexagon Comments: As part of the Preferred Scenario selected for Palo Alto's Comprehensive Plan Update, grade separation between Charleston Road and the Caltrain tracks has been proposed. Because the DEIR's proposed mitigation does not fully mitigate the Project's impact at this intersection, a fair-share contribution to the grade separation project should also be included in the mitigation measure.

Freeway Impacts (2018 and 2035 Conditions)

DEIR: The DEIR states that the project would result in significant and unavoidable impacts on four freeway segments under 2018 conditions and on 11 freeway segments under 2035 conditions. The impacted segments are on SR 85 and I-280. No specific mitigation measure is proposed, although it is noted that to the extent that vehicle trips are reduced to achieve the "no net new trips" standard and through applying any fees from exceeding the standard to alternative programs that reduce vehicle trips, the project's contribution to freeway congestion would also be reduced.

Hexagon Comments: The freeway segment analysis does not follow the methodology set forth in VTA's *TIA Guidelines* or in C/CAG's guidelines. According to VTA's *TIA Guidelines* (page 44), a freeway segment is said to have an impact if the level of service falls from LOS E or better to LOS F. If the segment is already operating at LOS F, then a project has an impact if the number of new trips added by the project is more than 1% of the freeway capacity.

Instead of referring to the level of service on the study freeway segments, the DEIR uses volume-to-capacity ratios (v/c) for both the 2018 and 2035 conditions. The TIA states there would be an impact if a project causes a freeway's v/c ratio to increase from less than or equal to 1.0 to greater than 1.0. If the segment is already operating at a v/c ratio greater than 1.0, then there would be an impact if the number of new trips added by the project is more than 1% of the freeway capacity. If the freeway evaluation used level of service instead of v/c ratio, there may be more freeway impacts than have been identified in the DEIR.

A few cities in Santa Clara County have identified contributions to regional freeway and transit facilities as mitigation measures for significant freeway impacts. VTA has developed a structure for a program of Voluntary Contributions to Transportation Improvements, which can be used by local agencies when preparing development agreements. The County has the opportunity to require

such a contribution to regional facilities in its development agreement as an additional condition if the "no net new trips" goal is not achieved.

VTP 2040 includes four highway projects that are relevant to the impacted freeway segments on SR 85 and I-280 and could be considered as candidates for a fair-share funding contribution for the freeway impacts identified in the DEIR. A contribution to improvements at the Palo Alto Intermodal Transit Station would also be appropriate to consider.

Freeway Ramp Operations

DEIR: The DEIR notes that ramp queuing is not considered an environmental impact, but rather an operational consideration that is managed over time by Caltrans and local jurisdictions. The ramp analysis is presented for information purposes only.

In the text following the Existing, 2018, and 2035 off-ramp queuing evaluations, it is noted that the left-turn queue at the I-280/Page Mill Road southbound off-ramp would exceed the pocket storage length, but that the queue would be served within the total ramp storage and would not spillback into the freeway mainline.

Hexagon Comments: Regarding the I-280/Page Mill Road southbound off-ramp, the text is somewhat misleading. An extremely long exit lane is provided on I-280 for this off-ramp, and the queue extends a long way into that lane during the AM peak hour. Due to the length of that exit lane, it is true that through traffic is not blocked on the freeway, but the DEIR implies that there are no problems at this location since the "queue would be served within the total ramp storage." A more detailed description of existing and future conditions at this off-ramp is warranted. This off-ramp is analyzed as an all-way stop controlled intersection under 2035 conditions, even though the intersection analysis assumed the intersection would be signalized by 2035. As discussed above, the proposed improvement at this location is a roundabout.

Construction Impacts

DEIR: The DEIR finds that construction traffic would cause a significant impact and that it would be reduced to a less-than-significant level with the proposed mitigation measure.

Hexagon Comments: The City has expressed concern about the difficulty that its emergency responders have in meeting their response time targets when there are frequent lane closures or roadway detours due to construction. A new system for emergency responders is being implemented that will identify the best route for responders to take, based on current information about the roadway network. The mitigation measure should be revised to require the University to inform the City of all roadway changes immediately, so that the system is kept current at all times.

Transit Impacts

DEIR: The DEIR finds that the project would result in a less-than-significant impact on public transit based on (a) an analysis of transit delay and (b) the fact that "The proposed 2018 General Use Permit does not propose infrastructure changes outside the Project site and, thus, would not interfere with the ability of transit agencies to modify or expand service."

Hexagon Comments: The DEIR takes a very narrow view of whether the project would conflict with an adopted policy, plan, or program regarding public transit, or would otherwise decrease the performance or safety of such facilities. The DEIR does not present the analysis of transit capacity

as part of the impact analysis, but addresses that topic separately. See comments regarding the transit capacity analysis of Caltrain under "Key Concerns" above.

The City requested additional transit-related data and analysis in its NOP letter. Although some of the requested additional information regarding transit has been provided, the following requested items are not covered in the DEIR:

- Boardings, speed, and frequency of individual Marguerite lines;
- An evaluation of transit performance and efficiency as it relates to site design, mobility, and access;
- An assessment of the capacity, access, and operations of the Palo Alto Intermodal Transit Center (PAITC), including a capacity assessment of bus bays, layover facilities, and potential operating impacts to other transit providers using the PAITC, especially if Marguerite service is expanded.

The Final EIR should provide this requested additional data and analysis regarding services and facilities that serve Stanford-affiliated transit patrons.

Residential Streets

DEIR: The DEIR finds that the project would not substantially increase intrusion by traffic in nearby neighborhoods and that there would be a less-than-significant impact. Traffic impacts on residential streets were estimated using the Traffic Infusion on Residential Environment (TIRE) methodology. The threshold for an increase in traffic that would be noticeable to residents is a 0.1 increase in the index. The analysis was conducted for the College Terrace and Crescent Park neighborhoods, and the minimum daily volume increase required to increase the Index by 0.1 was calculated for a few roadway segments.

Hexagon Comments: In general, the TIRE methodology is somewhat problematic in evaluating traffic diversion impacts for a number of reasons. One reason is that it is based on average daily traffic (ADT), not peak periods of traffic, and sometimes residents are most sensitive to increases in traffic during commute hours when diversions are most likely to occur. Hexagon acknowledges, however, that no other tools have been developed that are widely considered superior to the TIRE index. The TIRE index uses a logarithmic scale, such that as ADT increases, larger proportional increases in additional project-related traffic are required in order to result in an increase to the index.

The DEIR notes that "on a daily basis Hamilton Avenue (just west of Lincoln Avenue) carries about 16% of the combined volume (University Avenue plus Hamilton Avenue); however, between 4:00 – 7:00 PM, it carries about 67%." This clearly indicates that a large amount of traffic is already being diverted to Hamilton during the PM peak period. Because of that diversion, ADT is already higher than it otherwise would be on Hamilton. And, because of that higher ADT, the number of additional vehicle trips needed to trigger a 0.1 increase in the TIRE index is also much higher than the amount required to trigger a change on the streets evaluated in the College Terrace neighborhood. For example, Table 5.15-28, "Crescent Park Neighborhood TIRE Index Results," shows that 1,025 additional vehicles per day would be needed on Hamilton Avenue (between Hamilton Court and Lincoln Avenue) to increase the index by 0.1, given that the daily traffic volume is 3,700. In other words, ADT would have to increase by 28% to trigger a 0.1 increase in the TIRE index.

What this boils down to is that because Hamilton Avenue already experiences a large amount of diverted traffic, the additional diverted traffic resulting from the 2018 GUP development is insufficient to cause a significant impact under the TIRE methodology. In fact, even if the estimate

of 121 project-generated trips on the above-referenced segment of Hamilton Avenue were doubled or tripled, it would be considered a less-than-significant impact, since it would still be well below the threshold of 1,025 trips. Although some residents may take issue with this finding, the DEIR applies the TIRE methodology correctly.

Emergency Access

DEIR: The DEIR finds that the project would not result in inadequate emergency access. This finding is based on the fact that the proposed 2018 GUP "would not result in any infrastructure changes outside the project site, and thus would not create fixed physical barriers to, or impede, emergency access."

Hexagon Comments: The rationale for this finding refers only to infrastructure changes outside the project site, but the DEIR should also consider any changes on campus due to the 2018 GUP development that would impede emergency access. In its NOP letter, the City asked that the DEIR evaluate impacts to response times for fire, rescue, and emergency medical services. This is not provided in the transportation (or public service) sections of the DEIR, and should be addressed in the Final EIR.

Bicycle and Pedestrian Facilities

DEIR: The DEIR states that the 2018 GUP would not result in a significant impact to bicycle and pedestrian facilities because it "would not result in any infrastructure changes outside the Project site and would [not] preclude implementation of planned bicycle or pedestrian facilities and, thus, would not create hazardous conditions where none exist today."

The DEIR used StreetScore, a proprietary methodology of Fehr & Peers, to evaluate Quality of Service (QOS) of bicycle and pedestrian facilities. The proposed intersection mitigation measures are evaluated for secondary impacts to bikes and pedestrians using StreetScore, and none were found to have a significant secondary impact.

Hexagon Comments: The StreetScore methodology used by Fehr & Peers is a newly developed tool and is not widely accepted as a standard evaluation tool in the traffic engineering community. Hexagon notes that the ratings do not seem to be that sensitive to lane geometry changes. In some cases, the rating given to bicycle or pedestrian facilities does not change at all as a result of the proposed mitigation measure. In other cases, adding a lane does not affect the Quality of Service because the intersection is already at the worst rating (4) and the mitigation measure is deemed to "maintain but not exacerbate current uncomfortable conditions." This is the equivalent of saying that if an intersection is already at LOS F that additional trips can't make it worse – which is clearly not permitted under the intersection impact criteria. In such cases, the Final EIR should address ways in which the bicycle and/or pedestrian facilities can be modified to improve conditions for cyclists and pedestrians as well as motorists.

DEIR: A bicycle capacity analysis of campus gateways was conducted (pp. 5.15-167 – 169), but not as part of the impact discussion. Peak hour bicycle volumes were converted into cyclists per minute to provide an indication of how intensely the campus gateways are being utilized. The analysis concluded that the anticipated growth in bicycle commuters under the 2018 GUP would not exceed capacity at these gateways.

Hexagon Comments: The City's NOP letter states that "the DEIR should identify critical intersections on bicycle routes that currently have inadequate integration of bicycle facilities and determine needed improvements." However, the DEIR does not address this. In addition to the

gateway capacity analysis, the design of bicycle facilities and their integration with routes used by Stanford commuters should be addressed. For example, Embarcadero Road is a daunting corridor for cyclists, but the analysis just says there's adequate capacity at the gateway on Galvez Street south of Arboretum Road, which is on the campus. Other corridors may also have issues.

The Final EIR should address the access routes used by bicyclists, not just the campus gateways, and should expand the analysis to include safety, comfort and connectivity, as well as capacity. In order to meet the "no net new trips" goal, Stanford will need to further increase the bicycle mode share. One of the strategies put forth in the TIA for expanding the TDM program is to identify key improvements that would directly reduce the road stress for cyclists on access routes to campus, which should be included as part of the EIR.

DEIR: Separate from the impact discussion (i.e., not offered as a mitigation measure), The DEIR notes that Stanford will provide improvements to bike and pedestrian facilities on unincorporated land near Escondido and Nixon schools.

Hexagon Comments: The list of potential improvements suggested on page 5.15-112 of the DEIR should be reviewed to confirm that they reflect the most recent ideas regarding needed improvements for Safe Routes to School for these schools. The University should continue to coordinate with the City and the Palo Alto Unified School District to define and implement improvements that reflect the most recent Safe Routes to School recommendations. In addition, because development on campus can result in large bursts of new school children as residential projects are completed, it's important that the University remain responsive when new demands for school travel are generated by new development. .

DEIR: Stanford also proposes in Chapter 8 of the DEIR to fund specified off-site bicycle improvements in Palo Alto, East Palo Alto, Menlo Park, and unincorporated San Mateo County. Stanford would apply for trip credits towards the "no net new trips" goal based on these bicycle facilities in all future years after the facilities are constructed. The proposal for Palo Alto is to connect existing facilities at Bol Park and the Stanford Perimeter Trail. "The improvements would be installed along Hanover Street, which would provide a continuous route through southern Palo Alto neighborhoods and the Stanford Research Park to the Stanford campus. (DEIR, p. 8-4)" Stanford would contribute up to \$250,000 in funding towards the design and implementation of bicycle improvements in the Hanover Street corridor, "which is the full estimated cost of these improvements".

Hexagon Comments: The proposal to provide better connectivity between the Stanford Perimeter Trail and the Bol Park Path makes good sense, since the Bol Park Path is a heavily used facility and provides a route from campus to Terman Middle School and Gunn High School. However, the specific details of the improvements proposed in the DEIR have not been accepted by the City as the most critical modifications needed to improve this bike corridor. Further, some of the specific elements of this project, as listed on page 8-4 of DEIR, may already be covered by the recent agreement between the City and the County regarding improvements at the intersection of Hanover Street and Page Mill Road. Stanford representatives should coordinate with Palo Alto staff to better define this project and ensure that it does not include elements that are already covered by the \$3.2 million agreement with the County but does include funding for elements that are still critically needed for upgrading this bikeway.

On-Campus Parking Supply and Off-Campus Restrictions

See comment under Key Concerns above.

DEIR: Stanford wants to exclude parking spaces at EV charging stations from the count of parking spaces allowed under the 2018 GUP. The rationale is that these spaces require turnover, such that other spaces are needed for the same cars when they are not charging.

Hexagon Comments: Since the number of EV charging stations is likely to increase substantially by 2035 as EV ownership rates increase, this will not be a trivial number of parking spaces in the future. Signs at charging stations say that "Vehicles Must Be Actively Charging" to park in these spaces, but how is that enforced? If someone parks their car at an EV charging station and plugs it in, do enforcement staff look to see if it is actively charging? How long do people have after their car is charged to move it? In many public garages, it is common for EV drivers to leave their cars parked in the space all day long, even if it does not take all day to charge it.

Additional Comments

This section includes additional issues noticed by Hexagon and not addressed in any of the preceding sections.

2018 GUP, Background Conditions Report, page 4-58: Intersection improvements identified as mitigation measures for the 2000 GUP were divided into two tiers. A condition of the 2000 GUP "required Stanford to construct Tier 1 intersection improvements regardless of whether Stanford achieved the 'no net new trips' goal." A two-tier approach may also make sense for the 2018 GUP, with a condition of approval that requires a fair-share contribution towards improvements at the Palo Alto Intermodal Transit Station in order to accommodate 8-car trains for Caltrain service. The County could require such a contribution regardless of whether Stanford achieves the "no net new trips" goal because increased Caltrain capacity is so critical to further reductions to the SOV mode share and the projected increases in Caltrain ridership.

TIA, Part 1, Figure 5 , "Stanford University Employee Mode Share," provides information about the modes used by commuters coming from different geographic subareas. The information is extremely useful, but also raises questions about survey design and validation. For example, the figure shows a number of people walking from the North Bay (Marin, Napa, and Sonoma Counties). Stanford should continue to refine its survey process. Also, East Palo Alto is not identified in any of the geographic subareas. East Palo Alto should be identified on this figure and in Tables 7 and 8.

TIA, Part 1, Table 7, "Percent of Stanford Affiliates (Driving) by Geographic Area": The table indicates that Sunnyvale and Santa Clara are north of campus and would use Alpine Road and Sand Hill Road to access the campus from I-280. Was this error only made on the table or did the trip distribution and assignment actually incorporate this error?

TIA, Part 2, pages 103-104: The TIA states that "adjustments were made to the survey data to account for a known bias in the surveys. More detail on how these biases were adjusted for can be found in the 2018 GUP TIA Part 1." Part 1 does not include detail on these adjustments. This information should be added to the TIA.

TIA, Part 2, page 134: A reference is made to "C/CAG's bus routes." This should be corrected to read "SamTrans's bus routes."

Carnahan, David

From: June <junewangy@gmail.com>
Sent: Sunday, January 28, 2018 10:30 AM
To: Council, City; Howard, Adam
Cc: 'jennie chan'
Subject: Tennis Courts in Mitchell Park

Hi,

We heard that the city was considering converting the tennis courts 5-7 in Mitchell park and the practice walls in the front to courts for pickleball. We are strongly against this and we would like to let you know.

First, ever since people started playing pickleball on the tennis courts, the tennis players, the recreational players and the young kids who are taking lessons, have already felt the shortage of available courts. However, we have always felt that the courts belong to all Palo Alto residents and we should share the courts with others. In fact, we had felt the tennis people and pickleball people had coexisted quite well. We think this sharing should continue.

Second, these three courts are preferred by many tennis players. Not only because they are well maintained but also because they have shades. Many old players easily get exhausted when playing under the sun. We don't want to deprive them of this more desirable playing condition.

Third, the hand ball and tennis practice walls in the front are essential to us, tennis players. It not only gives individuals the place to practice and improve their games. But more importantly it serves other two groups of people: first, the kids, either very young or grown, to learn to play tennis; second some people who want to just get some exercises. If you walk around the place in the afternoon, this will be quite obvious.

Thank you for your attention.

Kaizhi Yue and June Wang

Carnahan, David

From: Barbara Gross <barbara.ellen.gross@gmail.com>
Sent: Wednesday, January 24, 2018 3:46 PM
To: Keene, James; Shikada, Ed
Cc: Council, City; Chop Keenan; Russ Cohen; Kleinberg, Judy
Subject: The Chinese think Palo Alto is dumpy | TechCrunch

for your consideration:

although this article may not be the definitive prospective of palo alto, i find it interesting that the opinions expressed have been cited in several sources

i am sending this as an informational piece that palo alto has many things going for it - and yet we are not bullet proof

regards, barbara gross

<https://techcrunch.com/2018/01/20/the-chinese-think-palo-alto-is-dumpy/>

The Chinese think Palo Alto is dumpy

Posted 6 hours ago by [Danny Crichton \(@DannyCrichton\)](#)



Good news! The great [Raw Water Story of 2017](#) is finally over. Google tells me [that searches went up ten-fold over the raw water craze](#), but thankfully, humans seem to have filtered out any more stories or follow ups. Silicon Valley can rest easy.

But wait! There is another crisis brewing, and it isn't the animal fecal matter in your algae water.

Over the past few days, we've seen the creation of a brand new genre of tech press article which might be called "the Chinese are really bored with Silicon Valley."

(My sources tell me the Albanians are also bored with the Valley, but no one apparently cares what they think these days. Albania is in Africa, right?).

Apparently, and this is true because [the Wall Street Journal reported on it](#), Palo Alto looks kind of dumpy.

Color me as shocked as the green of this fungal H2O. Dumpy? Have they *seen* the Persian rug store on University?

As the Journal describes a group of Chinese founders visiting the Valley, "To many in the group, northern California's low-rise buildings looked shabbier than the glitzy skyscrapers in Beijing and Shenzhen." Finally, someone noticed.

But it wasn't just the WSJ that got in on the action. [Bloomberg also wrote its own version of the story](#), which emphasized the growing financial opportunities and career options on the Chinese mainland compared to the U.S. From the article: "Yet the search for returnees has spurred a thriving cottage industry. In WeChat and Facebook cliques, headhunters and engineers from the diaspora exchange banter and animated gifs."

Banter *and* animated gifs. My god the Valley is screwed.

This whole trend piece genre is kind of weird, particularly in the context of the other Silicon Valley freakout this week, which was Mike Moritz' editorial in the *Financial Times* [lambasting the laziness of Silicon Valley and how hard the Chinese work](#). Plus, Moritz and his "western eye" points out, the Chinese reuse teabags!

So basically, "The Chinese" living in Silicon Valley are sending animated gifs, bantering, and complaining about shabby Palo Alto buildings all the while dreaming of moving to Asia to reuse teabags and not see their children.

And people say journalism is dead.

Now, I am being flippant (if you hadn't noticed, you might want to delete your angry tweet from a couple of paragraphs ago). There really is an important trend that people should be paying attention to when it comes to global worker mobility and particularly the mobility of Chinese tech workers.

But it is deeply amusing to me to see the fear of a brain drain in a region that has probably drained more brains from the rest of the world than any other place.

China has much to be proud of in its tech sector. The so-called BAT companies — Baidu, Alibaba, and Tencent — are together worth more than a trillion dollars today. Transportation services startup [Didi Chuxing's most recent valuation is pegged at \\$56 billion](#), and news content platform [Toutiao's valuation is approaching \\$30 billion](#). There are dozens of Chinese unicorn startups according to CBInsights, second only to the United States.

The broader ecosystem is even more compelling. [Venture capital dollars are large](#) and are starting to rival Silicon Valley levels. The number of startups is also huge, and China is probably home to more tech startups than all ecosystems but the Valley (and maybe the Valley, too, depending on how you count).

Plus, the government is putting its money where its mouth is. Back in 2008, the Chinese government launched the [Thousand Talents plan](#) to recruit 1,000 overseas researchers to the mainland. Those recruitment programs have expanded and continue unabated. Furthermore, the government has placed [immense weight on artificial intelligence in its national strategy](#), and will put billions of dollars to work in related industries.

In short, China together has some of the most interesting, fastest-growing technology companies in the world right now, and is also giving them the royal treatment. It is hardly surprising then that given the tremendous growth in its domestic startup ecosystem, overseas Chinese engineers would start to look back toward China for their next career steps.

For all of the concerns of the press that there is a new brain drain in Silicon Valley, I think we can rest easy. Despite Palo Alto's shabby look, lack of mobile payments, and lack of face-

recognition software, America still has many, many desirable qualities. It's safe and clean. Corruption is reasonably rare. Universities are still the best in the world. The bureaucracy around running a business is reasonably simple and well-trodden. Freedom of speech and expression is also strong.

It's important that America doesn't rest on its laurels, but neither should we go into full crisis mode to change a system that has produced some of the most impactful companies in the world. Maybe a few more Chinese are leaving Silicon Valley these days. Maybe. That sounds like both a warning, and an opportunity to build and heal the tech divide between two great powers. Maybe both sides can drink some raw water from the Yangtze River.

Carnahan, David

From: Jeff Hoel <jeff_hoel@yahoo.com>
Sent: Saturday, January 27, 2018 4:27 PM
To: Council, City
Cc: Hoel, Jeff (external); UAC; CAC-TACC; ConnectedCity
Subject: TRANSCRIPT & COMMENTS -- 01-22-18 Council meeting, Item 14, Upgrade Downtown Project

Council Members,

On 01-22-18, you considered an Item 14 about the Upgrade Downtown Project.

Agenda:

<https://cityofpaloalto.org/civicax/filebank/documents/62863>

Staff Report:

<https://www.cityofpaloalto.org/civicax/filebank/documents/62851>

Please see, below the "####" line, a transcript of this item, with my comments (paragraphs beginning with "####").

I was most interested in the part of this project having to do with the conduit for fiber. I think that since this particular proposed conduit for fiber is ridiculously expensive and serves no known purpose, Council should have removed it from the contract. I thank Council Member DuBois for proposing this in a motion. I regret that it did not receive a second.

Thanks also to Council Member DuBois for proposing, and to Council for approving, that staff return to Council with an item that allows Council to decide how the project's costs will be allocated to the various entities that benefit from it. I hope the result will be to reduce what the Fiber Fund is expected to pay.

As you know, I'm an advocate for citywide municipal FTTP. As part of that advocacy, I recommend spending Fiber Fund money wisely.

Thanks.

Jeff

Jeff Hoel
731 Colorado Avenue
Palo Alto, CA 94303

#####

<http://midpenmedia.org/city-council-149-2/>

=====

3:07:49

Mayor Kniss: OK. I'm going to make an executive decision. And I'm going to suggest that we go -- that we skip number 14 for now, come back to it later --

=====

3:09:04:

Mayor Kniss: I am going to bypass number 14 for now, and move us on to number 15.

=====

Item 14 starts here:

4:58:46:

Mayor Kniss:

While we have a rule to not take up anything, especially after 10:30. Ed has encouraged us to come forward with number 14.

I think the reason for the rule is so that Council can be at its mental best when it considers issues. What was more important than that in this case?

The time you get home will depend on how much time you spend on this particular item.

To me, doing a good job should take precedence over when you get home.

4:59:00:

City Manager Keene: Madam Mayor, while we're switching, I'll switch places with Mr. Shikada. I actually live within the property boundaries of this particular project.

4:59:13:

Council Member Scharff: You just want to go home.

4:59:13:

City Manager Keene: I am recused. And I must admit that I appreciate you reordering the (laughs) items on the agenda tonight. And you didn't have that in mind at all.

4:59:26:

Mayor Kniss: Sure I did. (laughs)

4:59:30:

Council Member DuBois: Can we discuss whether we do this?

4:59:32:

Mayor Kniss: I have two cards on this.

4:59:35:

Council Member DuBois: So ...

4:59:35:

Mayor Kniss: If anyone else wants to speak on Item 15 [sic], why don't you put a card in?

4:59:39:

Council Member DuBois: Liz, can we -- Can we discuss us continuing this item? It's almost 11:00 pm.

4:59:46:

Mayor Kniss: I did. I did, and Ed has prevailed. So, if you are quick with it, we can be out.

Again, the point should have been whether Council could do a good job, not whether they could get home soon.

4:59:50:

Council Member DuBois: I think it's going to be a fairly long discussion.

4:59:53:

Mayor Kniss: I don't think so. So, I apologize, Tom. But he really said he wanted to get it done tonight.

5:00:00:

City Manager Keene: (unamplified) They've been here for five hours ...

5:00:02:

Mayor Kniss: Yeah. So, let's dive right in. This item, although it may seem as though it be long and cumbersome, I think our discussion earlier today would indicate that it could be fairly easily explained, and we can move on it. So --

When you click on the video to go to Item 14, you go here, which is incorrect. Item 14 starts at 4:58:46.

5:00:20:

Ed Shikada: Thank you, Mayor, members of the Council. I will be quick. We've got a full presentation that we can use as a resource, should you want to, in terms of your questions. There are just a few -- actually, just a couple slides I would like to make note of, along the way. Let's see if I can do this right. OK. Just a -- First, just a bit of context. As you have seen in the package, the project includes a variety of elements. At its core, though, what is driving the project -- and the project timeline -- is the basic infrastructure for water and gas utilities. Noted here, just with a nod to Palo Alto Online, a headline last fall, where we did experience a water main break, which took out of service a number of businesses along University Avenue.

09-23-17: "Water main break repaired on University Avenue"

<https://www.paloaltonline.com/news/2017/09/23/water-main-break-on-university-avenue>

So, clearly, this is an example of the priority that we have to proceed with this project at this time. We have a variety of elements as noted,

Upgrade Downtown

https://www.cityofpaloalto.org/gov/depts/utl/projects/upgrade_downtown.asp

including not only the water and gas utilities, but transportation improvement, and some larger-scope concepts that have been discussed in the development of this project. Contrary to the typical knock on City government, where we would tear up a street, and then tear it up again, and then tear it up again, this has really been -- if you excuse the pun -- groundbreaking work across the departments -- Utilities, Public Works, Transportation -- in order to try and get all of the concepts on the table at once, so that we could minimize any potential for a re-do on disruption of the street. So, as a result, there are a number of scope elements, such as bike lanes, on University Avenue, that were discussed, but are NOT -- let me be clear -- are NOT a part of the contract that is before you. We've got a number of, again, resource graphics here.

Map

<https://www.cityofpaloalto.org/civicax/filebank/documents/57938>

The map of the project. The vicinity. A description of the utility improvements. As well as some of the pedestrian improvements and other motor vehicle elements that are part of the project, as well. I'll flip through these real quick. The specifics on the street locations. And, notable also for University Avenue, hour restrictions -- hours of work. And timing restrictions, including calendar, on when the work can be done. So, the only other slide I'd really like to draw your attention to -- which I suspect will be the point of some discussion -- is the cost. This is, as noted, a project of some

complexity. And with the restrictions, the complexity of the project, and the location really being a dense infrastructure area, that this is a project that we received no bids on. And, as a result, under our municipal code,

The staff report cites "The Palo Alto Municipal Code Section 2.30.360(c)." Our online version of the code has the disadvantage that there's only one URL for all of the code.

[http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/paloaltomunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:paloalto_ca](http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/paloaltomunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:paloalto_ca)

So it takes three clicks to get to the right page. It says, " (c) Where competitive bids or requests for proposals have been solicited and no bid or proposal has been received, or where no bid or proposal meeting the requirements of the invitation to bid or request for proposal has been received, provided that, in the case of a public works project, the project is not otherwise required by the charter to be formally bid." I'm not a lawyer. I don't know how to find in the code whether a formal bid was "otherwise required."

did allow us to entertain and invite bids more informally. And -- to which we did go back to the contractors that had expressed an interest in the project, to invite them to submit bids. And to receive quotes. I would note that while there is, as noted, significant increase in the project budget necessary to deliver it, it is a result of the back-and-forth discussions we had with the contractor that put in a quote, that reduced their quote by close to \$3 million. And it is on that basis -- along with our observations of what has been happening with the bidding climate -- that over the course of the last 3 to 4 years, we had a number of projects -- infrastructure projects -- that have received only a single bid. So, this is not a one-off situation in which it's really taking advantage of the moment that we have, with a reputable contractor that we have done work with before, and that we know has done good work for other organizations as well, that we're recommending proceeding.

I know there was some interest in the distribution of the costs among the different -- both utilities, as well as the other elements of the project. In particular, on the fiber optic conduits. I would note that I think in our response to the questions

01-18-18: "1/22 Council Agenda Questions for Items 5, 11, and 14"

<https://www.cityofpaloalto.org/civicax/filebank/documents/62960>

that we weren't as perhaps as should have been. That there are incremental costs associated with including fiber as a part of this project. In that, for practical reasons, the fiber's actually laid BELOW the water lines and the gas lines, so that, in the unfortunate but foreseeable event of a break in the water or gas, that we don't need to cut through the fiber in order to get to the water or the gas. So, as a result, the trench necessary for the installation of these lines is deeper, as the result of the fiber installation, than it would otherwise have to be, if that were not included. Let's see. And so that was the scope, as we requested the quotes, and that the quotes have been received.

I would note, also, that, as Council knows, the water and gas utilities are both utilities for which we are rate-sensitive. Our water rates are relatively high, among other communities. And, as we've discussed in your budget, largely due to the cost of our infrastructure rehabilitation it's necessary, given the age of our infrastructure -- water infrastructure in particular.

And, with that -- we do have other slides on outreach and additional information. But with that, let me stop and turn it over back to you, Mayor.

5:05:56:

Mayor Kniss: All set?

5:05:58:

Ed Shikada: Yes.

5:05:58:

Mayor Kniss: So, with that, I'm going to move this along quickly. We have two people who wish to speak to this. Jeff Hoel and David Le- -- maybe I'm not pronouncing -- maybe I'm not seeing it right tonight -- Levitsky?

David Levisay.

5:05:16:

Jeff Hoel: Jeff Hoel. And I'd like to speak about the fiber part of the project. And, as you know, we have no fiber-to-the-premises design at the moment. So anything we do on this project that puts conduit for fiber in the ground is just going to be a guess. It's going to be speculative. And the concept of "dig-once" is that digging trenches is so expensive, and putting conduit into trenches that are already dug is so cheap, that why wouldn't we put the conduit in? But the way it's priced in this project, putting in conduit for fiber is not at all cheap. It's \$4 million a mile. And we only have a limited amount of money in the Fiber Fund. And this is a very extravagant way to spend it. So, my recommendation is, don't do it. I saw, on the Q&A for this project,

<https://www.cityofpaloalto.org/civicax/filebank/documents/62960>

that staff is saying, if you take the fiber out of this project, staff will have to start from scratch, and start the negotiations all over again. Ask them very carefully why the heck that is. This seems like just something you do. I've been told that this will reduce the cost of the project by half a million dollars. And that if you want to put in fiber later, it'll be like \$1.35 million. And, to me, that's, that's less than \$2 million. So -- I'd like to see lots of details on why the sharing of the digging costs is the way it is. I'd also like to find out if there are any timing constraints on the whole bid. Like, if you send it to UAC -- that should have seen it already, but hasn't -- and that takes a few months -- does that make the cost of the project go up? Or does that make a leak more likely?

And the material for the conduit -- most people think HDPE is better than PVC. That's a detail. UAC should look at it.

5:08:30:

Mayor Kniss: Thanks, Jeff. And the next speaker is -- ah, I don't want to try your name again.

5:08:39:

David Levisay: (unamplified) That's OK. It's David Levisay.

5:08:42:

Mayor Kniss: Thank you.

5:08:42:

David Levisay: Good evening, Council. Again, My name's David Levisay. I'm representing Daleo, Inc.

David Levisay is the owner.

<http://www.daleoinc.com/>

<http://www.daleoinc.com/about-us/>

We're an underground construction contracting firm that has done many projects for you guys. Water and gas. The reason I'm hear to speak is, I want to give a little detail in this project. In August 14th this past year, 2017, this project was put out to bid. And, the 22nd, there was a mandatory pre-bid meeting. There was three contractors present: ourselves, Ranger Pipeline, Conquest. It was noted at the time that the engineer's estimated budget was \$11.5 million. September 15th, the bids were due. No bids were received. I think everybody got the same impression of the package. And it was pretty -- a pretty tough package. October 5th, 2017, we received a questionnaire from the City of Palo Alto. We responded. And gave our answers to the questions. And our opinions of the project. So, in summary -- And here we are. And that was it, of the end of the project, for my knowledge of the project, as far as the questionnaire.

So, a summary of this is, you're considering awarding a project that started off with an engineer's estimate of \$11.5 [million]. Now it's at \$16.5 [million]. With no competitive bid. With changes to the scope and schedule of the job. Because it has already changed, because of the placement of the job. It was supposed to start January 2nd. Now it's going to start sometime hereafter.

Mid-May of 2017, a large portion of this job was put out to bid by the City. And it was mostly the gas main replacement portion of the project. And it was called "Gas Main Replacement 22." There were four eligible bidders. Daleo was the only bidder to turn in a bid. And we were denied the contract because there was no competitive bid. So, my points to you are: You're direct-awarding a \$16 million bid based on a questionnaire. You're awarding a large contract without a competitive bid, five and a half million over engineer's estimate, and knowing the scope and schedule has changed. Thank you.

5:12:11:

Mayor Kniss: So, taking this back to Council at this point, before we go on any further, Ed, why don't you comment on that, because that's -- that sheds a different light on it, from somebody who actually bid.

5:12:30:

Ed Shikada: Well, for -- Perhaps to correct that, it did not bid. On this project. There was a prior project that was a subset, that was repackaged into a larger contract. And that was put out for bid. Again, we received no bids. It was subsequent to that that our municipal code does allow for us to do direct negotiation for pricing and selection, which is the process that was proceed. Lalo, do you need to correct any of that? (laughs) Or amplify?

5:13:00:

Lalo Perez: Good evening. Lalo Perez, Chief Financial Officer. I also oversee the procurement process. If there was a concern, a dispute, or a protest, there's a formal protest procedure that must be followed. That is was clearly posted in all our documentation. Any vendor, person, firm has the right to protest. It starts by writing a formal protest, sending that in to the procurement manager. And then the review starts. With any of the points that the specific individual or firm has with that particular procurement. We have five days after the conclusion of the investigation to review that. If the individual does not accept the purchasing manager's initial ruling, then the next step is, they have a meeting with myself, where then I review the case again. And then, if they so wish -- if it's a Council item -- because not everything comes to Council -- then they can come and state their position with you here at the Council. I do not have any record from my procurement manager that any of those steps were followed in the protest procedure. So, there's -- I have not reviewed any of the points, 'cause I'm hearing them for the first time tonight. ** So, what I do know, and what staff told me was that there were no bids submitted. And by our muni code, we're then allowed to go out and -- the formal procedure of bidding is no longer required. But what we -- what I was assured by staff was that we wanted to maintain the same scope, because we did not want to jeopardize and be in a position of a protest.

Is this the reason staff didn't want to consider removing the conduit for fiber? If so, that's unfortunate.

So, that's what the review of my team did, and that is what I believe we followed.

5:15:19:

**: (unamplified): Can I just ** a follow-up?

5:15:20:

Mayor Kniss: I wanted to say one more thing, though. Apparently, it is -- this did jump from \$11 [million] to \$16 [million]. Correct?

5:27:27:

Lalo Perez: Ah ...

5:27:27:

Mayor Kniss: Our guess was that is was going to cost ...

5:15:30:

Lalo Perez: Our engineering estimate was lower than what ...

5:15:34:

Ed Shikada: (unamplified)

Staff huddle -- inaudible.

5:15:40

Ed Shikada: We're just double-checking the exact number. But on the order of 12 -- \$12 million.

The staff report (page 8) says \$12,401,915.

<https://www.cityofpaloalto.org/civicax/filebank/documents/62851>

Again, the engineer's estimate does not constrain the bids. And, in fact, it's not unusual for bids to come in significantly above estimate.

5:15:55:

Lalo Perez: Especially in this current time. We've seen a lot of proposals come in, and people are frankly saying, look, I have enough work. And if you're willing to pay a premium, here it is.

5:16:05:

Mayor Kniss: Well, do we feel that it must be done at this point?

5:16:11:

Lalo Perez: I believe we followed the process. And there's a process -- a formal process ...

5:16:15:

Mayor Kniss: No, no. I'm saying, is this project something we absolutely have to do? Is it imperative?

5:16:20:

Ed Shikada: It is an urgent project. If that's the question. If you're asking if it's absolutely critical to do it tonight, I, quite frankly, have not seen a reason not to proceed.

I think it doesn't make sense to spend any money on this particular conduit for fiber, let alone to spend any Fiber Fund money on it.

5:16:31:

Mayor Kniss: OK, Greg.

5:16:31:

Council Member Scharff: Yeah. So, I think the concern was -- and I think Ed addressed it a little bit -- was that the implication was -- and, I don't know, it was \$12 million or \$11 and a half [million] -- but that the -- no one bid that, because the engineer's estimate was so low. And it's been my experience in these, as well, that that doesn't dampen the bids. That the bids come in often way above that. And so, that's not -- And then, I just think that was sort of the elephant in the room. And I don't think -- I think Council could be misled to think that we didn't get the bids because the engineer's estimate was so low. And so, I really wanted you to comment on what I considered to be the elephant in the room. And the concerns that Council members may have.

5:17:08:

Lalo Perez: That's correct. And I -- we -- That's just telling the prospective bidders what we believe the project costs. It's up to them to submit what they believe the fair compensation is. And as they come in, we make sure that they comply, and it's within scope. And then we make the decisions from there.

5:17:30:

Mayor Kniss: (unamplified) Tom, you've got your light on.

5:17:35:

Council Member DuBois: Quick question, because I didn't see it in the staff report. Where is the sidewalk widening happening? And what is that?

5:17:45:

Ed Shikada: I think Josh may want to answer. There are a couple of specific locations.

5:17:51:

Joshua Mello: Sure. Joshua Mello, Chief Transportation Official. The sidewalk widening will be done at Tasso and Kipling. They're "T" intersections. So we're creating curb extensions. It will shorten the crossing distance across University. It will be very similar to the one that's at Florence, in front of the Apple store. Minus the bollards.

5:18:09:

Council Member DuBois: So, Kipling is a like very narrow street. Why are we doing it there?

5:18:12:

Joshua Mello: It's on University, opposite Kipling.

5:18:16:

Council Member DuBois: OK. And are we removing parking to do this?

5:18:19:

Josh Mello: It's a loading zone at one of the intersections, that will be relocated across the street. But there's no parking allowed within intersections.

5:18:26:

Council Member DuBois: OK. Thank you. Um. So, I had a similar question to what Liz asked, but I wasn't sure of the answer there. So, what is the timing and need overall? I mean, if this is delayed three months, is it the end of the world? Six months?

5:18:44:

Ed Shikada: Well, the world has a way of going on, under any action of Council. Nonetheless, it is an urgent matter. You know, the reference to a recent water main break -- there have also been gas leaks in the area -- are notable. And so, this is the next highest priority we have for infrastructure main rehabilitation. The coordination necessary, and then -- has been done, in order to go across the disciplines and the outreach with the businesses. If this were delayed for some, let's say, extended period of time, it would really need to be restarted. And, you know, it's a really significant project to gear up for.

5:19:25:

Council Member DuBois: Um, So, I asked a bunch of questions. You -- gets partial answers. There's one I want to dig in a little deeper, I guess. So, the question about how costs were allocated to the different funds. I mean, was there an equation used for the -- How was that spread among the different funds?

5:19:44:

Ed Shikada: It's basically split evenly among the three utilities that will be participating in the trench. The trench costs were split ...

5:19:54:

Council Member DuBois: So, no -- not based on usage or benefit in any way?

5:19:59:

Ed Shikada: Well, again, the -- it was split evenly. Recognizing that there are a variety of ways you could look at it. And, in fact, I would note that if the Council wanted to take another look at the method of allocation among the utilities, that that could be done separate from the award.

5:20:21:

Council Member DuBois: And there's no electrical work? There's nothing assigned to the electrical?

5:20:26:

Ed Shikada: Not in the trench. The only work is related to traffic signals, which are no longer an electric utility expense.

5:20:33:

Council Member DuBois: OK. Um. And then, I don't know if you know the answer, but is there room for more fiber in these existing fiber conduit on University?

5:20:45:

Ed Shikada: There is not fiber conduit on University. So this would be a new run.

5:20:51:

Council Member DuBois: Oh. OK. I thought there was like fiber like on the other side of the street. Or -- There's nothing down --

5:20:59:

Dean Batchelor: The only fiber that's on the run right now is just for to the street lights. The traffic signals. That's in the area right now. So ...

5:21:08:

Council Member DuBois: Yeah. So, could you blow more fiber down the ...

5:21:10:

Dean Batchelor: No, those are totally compact. They're full of all fiber. There's no more room in those.

5:21:13

Council Member DuBois: OK. So, um -- So, similar to earlier -- one thing I'm current about -- is this building at the peak? And, you know, are we paying a lot because of the state of construction right now? So -- Liz and Eric --

Mayor Kniss and Vice Mayor Filseth were having a sidebar conversation.

I am concerned that we're using about ten percent of our entire Fiber Fund to go about 800 feet.

2,748 feet. Still, I agree with the concern.

And, you know, I'm concerned that we're doing this before we get our fiber plan that we asked for coming back to us. You know, if you look at some of the questions I asked, you know, is there a need for this? And the answer was, there's not an identified need to put fiber here. And, I guess -- One of the other questions, I guess, this idea that we have to go deeper for fiber. I mean, if you're doing an electrical repair, how do you make sure you don't cut into the gas line? I mean, why couldn't fiber right at the same depth?

5:22:17:

Ed Shikada: I think, as a practical matter, the fiber wouldn't be repaired in that location. I think you'd actually pull it and replace it if it was necessary.

This isn't answering the question.

4:22:25:

Council Member DuBois: Yeah, but it seemed that there was a concern that you would accidentally cut into it. But if you were going to do a gas repair or water repair, you don't cut into the other line. Right? For doing a water repair, you don't cut the gas line.

5:22:38:

Ed Shikada: We try not to. But on the way down (laughs), there -- especially under emergency conditions -- it is a risk.

5:22:45:

Council Member DuBois: Yeah.

5:22:46:

Dean Batchelor: I mean, this is going to be the first time that we actually put a fiber conduit, actually, in with gas and water. It's a joint trench. So, typically, the electric side of the street -- wherever the electric conduits are -- that's where the fiber's located at.

Interesting. If the City already had a best practices way of doing things -- conduit-for-fiber goes with electric -- why did staff want this project to do something else?

So, these -- these -- the water main and the gas main, right now, today, they're just going to be offset, a little bit. And there's not a lot of width in that trench line. So, fiber -- Don't want to put the fiber up on top, for life-support. Don't really want to get into a situation if there is a gas leak or if there's a water main break, then we would -- did not want to hit that fiber line. So we wanted to put it below those two services.

5:23:28:

Council Member DuBois: OK. So, again, you know, the idea of talking about "dig-once" really is a way to lower costs. And I'm just concerned about how much this pretty short stretch of fiber is going to cost us. And we don't really have a "dig-once" ordinance yet. So I don't think we should necessarily blindly follow this idea, when the cost doesn't make sense. I do think it kind of points to the need to consider microtrenching. San Francisco is a very urban environment. They passed a microtrenching ordinance to get their fiber costs down. That's probably as complicated as our environment, if not more complicated.

And then, I know, like East Palo Alto is just moving forward, and they're doing about 10,000 feet, you know, versus 800 feet, of fiber for something like \$300,000.

So, I would like to make a motion. And, basically, it would be to remove the fiber optics from this project.

5:24:27:

Mayor Kniss: Give us -- give us a price on that, Tom.

5:24:40:

Council Member DuBois: Ah, ...

5:24:40:

Mayor Kniss: I mean, remove the fiber optics, what are we talking about?

5:24:43:

Council Member DuBois: I don't know. I'd have to ask staff.

I would like to have seen the question asked and answered.

5:24:46:

Mayor Kniss: So -- um -- I'm beginning to think we may need to postpone this. I'm not sure we can get the answers that we're really after tonight, because ...

5:24:57:

**: (unamplified) **

5:24:57:

Mayor Kniss: Pardon?

5:24:48:

Ed Shikada: So -- Well, I'll respond, as we know it. Which is that a change in scope at this point would modify the project. And, as I put in writing, that staff would recommend that if you did that, we would recommend not awarding the contract.

Again, is the reason for this recommendation that the City wants to avoid a protest action?

So, that said, you know, perhaps stopping short of that, we would expect to be able to talk to the contractor about ways to reduce the costs for construction. We cannot, at this point, give you an estimate on what savings is at all possible, because that's something that can really only be dealt with once we get into the project itself.

I don't understand. Now that the contract has been awarded, is it still possible to talk about omitting the conduit for fiber?

5:25:34:

Mayor Kniss: Well, I'm troubled at the -- You know, this is a pretty substantial cost, at \$18 million. And I hear what you're saying, Ed. And there's great value. I'm looking at \$18 [million].

5:25:47:

Ed Shikada: With contingency. That must be it.

5:25:49:

Mayor Kniss: So -- And our contingencies frequently come to pass. So, it makes me uneasy. But I know you have - - you have a motion floating out there, Tom.

5:26:02:

Council Member DuBois: Yup. I --

5:26:04:

Mayor Kniss: You did make a motion, right?

5:26:06:

Council Member DuBois: Yeah. I'd love to see if there's a second. I just don't think it's a cost-effective use of our Fiber Fund.

It would have been great if another Council member had seconded the motion, if only "for discussion."

5:26:14:

Mayor Kniss: OK, I don't see a second for that. So, unless you want to add something to that, at this point, Tom, I'm going to go down to Greg Tanaka.

5:26:23:

Council Member DuBois: I guess I'll try another motion, which I guess Ed sounded more open to, which is that we reallocate costs so that the

5:26:36:

Council Member Scharff: (unamplified) **

5:26:41:

Council Member Scharff: (unamplified) Why don't we (amplified) approve this motion and then come back for a reallocation. Because that's the concern. And because they said they could come back and re-look at the allocation. And that's the issue that I think we need to deal with.

5:26:53:

Council Member DuBois: Yeah. I just want ...

5:26:54:

Council Member Scharff: I mean, I do think they should put fiber in this.

Why?

I just think they're overcharging the fiber fund.

It costs way too much, regardless of who pays.

5:26:58:

Council Member DuBois: Well -- and again, if, really, the answer is microtrenching, maybe we shouldn't. It's not clear. But -- I guess I would support coming back with reallocation, but with the understanding that I would expect it to be much, much less for fiber. So -- Yeah, I will make that motion though. That we approve the project, and that staff comes back with a proposal to reallocate costs to the various funds.

5:27:26:

Council Member Scharff: I'll second that.

5:27:28:

Council Member DuBois: And so, again, I just -- I tried to say it before. I just can't emphasize it enough. This is ten percent of our entire Fiber Fund, for about 800 feet.

2,748 feet.

It's just not cost-effective.

Right.

And staff has said we don't need the capacity in this location. So it just seems crazy to spend that much money for it.

5:27:47:

Mayor Kniss: What -- I just have to ask, before we go on, though -- what -- we're talking about a reallocation, but I have no idea what we're going to end up with. So, it -- this is an uneasy motion for me. Do you want to speak to your second?

5:28:00:

Council Member Scharff: I definitely do.

5:28:02:

Mayor Kniss: Were you done, Tom? OK.

5:28:04:

Council Member Scharff: So, I think it's really important that we pass this. You know, I've been following utilities on Council since, you know, 2010 now. And I know Eric's following them now at the UAC. You know, we need to get this work done, in terms of these mains. And that -- I mean, this is a project that's really important. And I think the real question that comes up here is on the fiber and how it's allocated. And the Mayor said that she's uneasy because we don't know what that allocation's going to be. Well, I assume staff will come back to us and explain what the options are with the allocation. So -- And, at that point, it becomes up to Council of what we need to do, and how we need to look at it.

5:28:49:

Mayor Kniss: Well, tell us what I'm voting for. Am I voting for \$18 million?

5:28:52:

Council Member Scharff: Yes. You are voting for \$18 million. So, you are actually voting for \$16 million, with a contingency. Which -- all projects have them. So, let's talk about the \$18 million, or the \$16 million. First of all, items like this normally go on Consent. The reason it's here is because it's a large project. And that's why we're talking about it here. We need to do this work. And we need to do the utility work. These don't come out of the General Fund. They come out of the utilities. One of the things that everyone talks about our utility is that we invest in the infrastructure. The Council's never turned down -- I tell you, I don't believe Council's ever turned down an infrastructure project for utilities, when utilities comes to us and says, you need to replace the water main, or you need to replace the gas main, or you need to do some infrastructure project on utilities. I mean, that's a basic trust issue, and we need to do that.

I'm unclear about this "basic trust issue." Is Council Member Scharff saying that whenever staff comes to Council with a request to spend money to repair or refurbish or add to utilities infrastructure, Council should just automatically approve the request without question, because it trusts staff to make the right requests?

Years ago, a bunch of ABS pipe was used for gas infrastructure, and then it came to light that ABS had reliability problems.

<https://www.cityofpaloalto.org/civicax/filebank/documents/44699>

If someone had spotted that problem earlier, it could have saved real money. The 4Q16 Utilities Quarterly Update has more about gas leaks for different pipe materials.

<https://cityofpaloalto.org/civicax/filebank/documents/54496>

When the City began to underground the electric utility's infrastructure, the first few underground districts used direct-buried electric wires, rather than placing them in conduit. Then it came to light that direct-buried wires didn't last as long as wires in conduit. If someone had spotted that problem earlier, it could have saved real money.

So, the fact that it's \$18 million, when we look at these projects, I believe that if we go out to rebid this, it will cost us more money. When was the last time, in this environment, we have gone out and delayed something and it's cost us less? So, I don't see any of that occurring.

5:30:04:

Mayor Kniss: (unamplified) That's not the issue. I want to know, do we still end up with \$18 million, no matter what?

5:30:09:

Lalo Perez: Yeah.

5:30:09:

Mayor Kniss: (unamplified) In that case, what's -- where's the savings?

What "savings" did Mayor Kniss think should have been be on the table?

5:30:15:

Lalo Perez: The contract award is \$18 million. The vendor -- it's transparent -- I mean, they don't have an idea how they're paid. They just know the City's committed \$18 million.

5:30:25:

Council Member Scharff: Right. And your real question is, if we got rid of the fiber, could we save a lot of money?

5:30:31:

Mayor Kniss: (unamplified) That's my exact question.

A better question would have been, if we get rid of the fiber, could we save the Fiber Fund a lot of money? (Answer: yes.)

5:30:32:

Council Member Scharff: And I don't think the answer is yes.

5:30:36:

Mayor Kniss: (unamplified) I like (amplified) fiber, as you well -- I like fiber.

I like fiber, too. Especially when it's designed to be cost-effective. And especially when it's designed to be municipal FTTP.

5:30:38:

Council Member Scharff: I don't believe you would. Staff ...

5:30:40:

Mayor Kniss: That's not the issue. The fi- The issue is, are we way overpaying -- as Tom said -- and pulling it out of the Fiber Fund?

5:30:47:

Council Member DuBois: That's ...

5:30:47:

Mayor Kniss: And is that justified?

5:30:48:

Council Member Scharff: I think we're overpaying on an allocation issue, not on a cost of doing the project.

5:30:53:

Mayor Kniss: Yes. OK. That's right.

5:30:54:

Council Member Scharff: And so, therefore, if we reallocate, we solve that issue.

5:30:57:

Council Member DuBois: The cost of digging the hole ...

5:30: 59:

Council Member Scharff: We've still got to do the work.

It is by no means clear to me that we have to do the fiber work proposed by this project.

5:31:01:

Mayor Kniss: We may take less out of the Fiber Fund.

5:31:04:

Council Member Scharff: That's correct.

5:31:04:

Mayor Kniss: OK.

5:31:05:

Mayor Kniss: All right. Then I'm fine with it. I just think fair is fair, at this point. I want to let Greg Tanaka speak, because he's been waiting.

5:31:14:

Council Member Tanaka: Mayor, can I ask the public speaker to come back to the mike for a question? Yes? No?

5:31:23:

Mayor Kniss: You want to ask me a question?

5:31:24:

Council Member Tanaka: No, I want to say -- I want to ask -- I don't know your first ...

5:31:27:

Mayor Kniss: Sure.

5:31:27:

Council Member Tanaka: OK.

5:31:27:

Mayor Kniss: Yeah. Yeah. Go ahead.

5:31:29:

Council Member Tanaka: So, you heard the staff discussion about why the bidding process was fair. But you took -- You stayed here 'til 11:30 to basically complain about it. So, what's your response ...

5:31:45:

David Levisay: I'm not complaining. I'm just bring up a point.

5:31:46:

Council Member Tanaka: OK. So, I want to understand your point better. So, staff says it follows the process exactly. It's fair. We're getting a great price on this thing. So, tell us ...

5:31:57:

David Levisay: Well, my point is that ...

5:32:00:

**: (unamplified) use the mike.

5:32:03:

David Levisay: My point was to state that we had a pre-bid -- mandatory pre-bid, as always. And there was three contractors present. And all three contractors DID NOT BID THE PROJECT. Ranger didn't bid it. Daleo didn't bid it. Conquest didn't bid it. Because of -- The package was a pretty difficult package. And there was some things in there that everybody had questions to. So, nobody bid the project. Then, a month later, a questionnaire came out, and they asked us viable questions to the project. And we answered them in our opinion. And I was told that Ranger was direct-awarded this project based on the way they answered the questions, because they -- it was more favorable to the City. Versus where we would say, we would like to change the -- the -- the amount of working days on such-and-such a project, the City might not like the idea of that, versus where somebody else could say, no we can do it all, whatever is needed. So it was --- And that's all it was, was a questionnaire, basically asking certain questions about the project.

5:33:27:

Council Member Tanaka: So, staff said that you decided not to bid on the project. But what actually happened, from what you just said, is that -- it's not that you decided not to bid on it, it was that the questionnaire came to you, you filled it out, as best you could, ...

5:33:42:

David Levisay: Yes.

5:33:42:

Council Member Tanaka: ... and then, rather than a second request-for-bid, or request-for-proposal, ...

5:33:48:

David Levisay: Right.

5:33:48:

Council Member Tanaka: ... it was directly awarded to Ranger.

5:33:50:

David Levisay: Yes. Exactly right.

5:33:51:

Council Member Tanaka: And so, the City lost out on a competitive bid process.

5:33:54:

David Levisay: Yes. The City lost out on a competitive bid process. When we look at it -- and we do this for our living -- we look at numbers pretty quickly -- not quickly, but we have a feel for numbers. And -- you're paying a lot. So, that's all I can say there.

5:34:17:

Council Member Tanaka: OK. So, ...

5:34:18:

David Levisay: It's a big number. Big number. And I think you're wrong to state -- I just heard this comment -- You're wrong to state that when you put something else out back to bid, that you always get higher numbers. That is not true. We're doing a number -- We're doing a job for you guys today that we were UNDER the engineer's estimate. UNDER. I just started it six months ago. We were UNDER the engineer's estimate. So, all I'm saying is that I think when the questionnaire went out, I'm sure we were all kind of in the same ballgame. And I know that scope and -- scope and schedule has changed. There should have been -- in my opinion -- there should have been another opportunity for us to be able to bid the project.

5:35:10:

Council Member Tanaka: But the thing that staff just said here, that the scope is identical.

5:35:14:

David Levisay: No. The scope can't be identical because it's already changed. The schedule has already changed. It was a January 2nd start date. Well, the project hasn't started. It may start in March or April. That's a big difference, come the beginning of the year. That's huge. A huge difference.

5:35:37:

Council Member Tanaka: Why is that a huge difference? Because it sounds like ...

5:35:39:

David Levisay: Well, because of how work flow lays out. We might have looked at saying, at that time, we didn't have the force to be able to start that project. At that time. But you put four months to it, of three months to it, or five months to it, it's a big difference.

5:35:55:

Council Member Tanaka: I see. So you might have had people available now, ...

5:35:57:

David Levisay: Yes.

5:35:57:

Council Member Tanaka: ... for that time period.

5:35:58

David Levisay: You know, you have to look at those kind of things. And then, when you go to look -- talking to your subs, your subs are saying, hey, we can do this, we can't do that. This and that.

5:36:06:

Council Member Tanaka: I see. OK.

5:36:07:

David Levisay: So, scope and schedule has changed.

5:36:10:

Council Member Tanaka: OK.

5:36:11:

Mayor Kniss: Thank you for coming back.

5:36:13:

David Levisay: All right. Thank you.

5:36:14:

Council Member Tanaka: Um, ...

5:36:14:

Ed Shikada: You know, I do need to correct the record on that. The scope has not changed. The schedule and terms of working days has not changed. There is always some float on when actual work starts, based upon timing of award, time it takes to execute contracts, and the beginning notice to proceed

5:36:31:

Council Member Tanaka: Um. But why not -- I guess, why not -- What's the down side of asking all three people to bid again?

5:36:41:

Ed Shikada: We don't ask a specific set of contractors to bid again. Again, we followed our competitive bid process, which is, it's open to all qualified bidders. When that resulted in no bids, the municipal code does allow for a direct quotation. And that's what you have before you.

5:37:02:

Council Member Tanaka: So, why was Ranger selected?

5:37:04:

Ed Shikada: Because they're willing to complete that original contract scope, as bid -- or, as issued.

5:37:13:

Council Member Tanaka: And the other two were not?

5:37:16:

Ed Shikada: Correct.

5:37:19:

Council Member Tanaka: And you know, based on the questionnaires?

5:37:26:

Ed Shikada: I can't say specifically whether that was the only consideration. I do know that -- from staff -- that the questionnaire was a factor.

5:37:35:

Council Member Tanaka: Was what?

5:37:35:

Ed Shikada: A factor. A part of the decision-making into proceeding with Ranger.

5:37:41:

Council Member Tanaka: Um hum. And you showed us the article about the water main that broke.

5:37:45:

Ed Shikada: Right.

5:37:45:

Council Member Tanaka: That water main -- it just spontaneously broke?

5:37:49:

Ed Shikada: Well, it happens over time.

5:37:49:

Council Member Tanaka: OK. So, in this case, the water main just burst?

5:37:53:

Ed Shikada: Burst.

5:37:53:

Council Member Tanaka: OK. Is that covered by insurance?

5:37:55:

Ed Shikada: Our insurance?

5:37:56:

Council Member Tanaka: Yeah.

5:37:59:

Lalo Perez: We're self-insured.

5:38:01:

Council Member Tanaka: Self-insured. OK.

5:38:02:

Lalo Perez: It was worth a million dollars.

5:38:04:

Council Member Tanaka: And what was the last time that water main was replaced? Do you know?

5:38:10:

Silvia Santos: (unamplified) 1937.

5:38:12:

Council Member Tanaka: 1937. OK. And who -- I guess probably the company that did that is no longer in business. But -- OK. Ah, ...

5:38:20:

Ed Shikada: Clearly out of warranty.

5:38:21:

Council Member Tanaka: OK. OK. I think Councilman DuBois makes a really good point about extreme cost of the fiber. And so, in regards to the fiber, one of the speakers that there's no vault for the termination of the fiber. Is that correct?

5:38:44:

Ed Shikada: We don't need vaults. They're -- Go ahead.

To me, this is an indication that this conduit is not designed to be used to "pass" premises, in the FTTP sense.

5:38:49:

Dean Batchelor: So, there's actually vaults that will actually be in the sidewalk where these conduits will terminate.

The contract specifies four pullboxes. OK, a pullbox is a kind of vault, but not the kind of vault typically used to connect FTTP drops to the fiber that "passes" premises.

So, as these conduits are installed in the street, they'll actually bend into a box. And then they'll bend back out and continue down the street. About every 500 feet.

5:39:10:

Council Member Tanaka: Uh huh. Also -- You know, this is a very technical topic, so I was wondering, why didn't this go to the UAC first?

5:39:17:

Ed Shikada: UAC does not review designs. Or construction contracts.

If so, this is a huge mistake.

Since UAC can't have closed meetings, where they'd consider information not available to the public, they can't participate in reviewing bids (which have information not available to the public).

Over the years, UAC has reviewed some design options for the so-called second transmission line.

<https://www.cityofpaloalto.org/civicax/filebank/documents/30466>

But it hasn't reviewed (in public) the status of the negotiations with SLAC.

On 09-07-11, UAC reviewed the possibility of the City's constructing a gas-fired electric power plant as a way of making one of our power sources more local.

<https://www.cityofpaloalto.org/civicax/filebank/documents/30142>

Also on 09-07-11, UAC reviewed the City's undergrounding program.

<https://www.cityofpaloalto.org/civicax/filebank/documents/30141>

On 12-06-06, UAC reviewed the City's Emergency Water & Storage Project.

<https://cityofpaloalto.org/cityagenda/publish/uac-meetings/documents/UACAgenda120606.pdf>

They're policy advisory. So they advise Council on policy matters.

5:39:28:

Council Member Tanaka: OK. Ah. And then, one of the speakers also mentioned that I'm using PVC versus HDPE. Does staff have an opinion on that?

5:39:38:

Ed Shikada: It was actually -- MDPE versus -- It's HDPE? Go ahead. I ...

5:39:44:

Dean Batchelor: So, we don't put in PVC any longer.

That's false. The City no longer puts in PVC for water or gas, but it does put in PVC for electric and fiber.

PVC is like your sprinkler pipe that's in your yard.

5:39:54:

Council Member Tanaka: Yeah.

5:39:54:

Dean Batchelor: So, we put in thicker pipe, so that it's going to last.

What a conduit is made of and what its wall thickness is are two independent things. We want conduits to last a long time, whether they're for water, gas, electricity, or fiber.

And the warranty usually much longer than what you would do. So if there was any kind of movement in the ground or anything, it's not going to break.

5:40:05:

Council Member Tanaka: So is there no more PVC in the pipe?

5:40:08:

Dean Batchelor: No. It's a plastic polymer. Casting of a pipe. So -- And it's much thicker and much denser.

5:40:21:

Council Member Tanaka: OK. Can I -- Mayor -- Mayor Kniss, can I ask one of the members of the public just to come forward and explain that question? Can I ask Jeff to approach?

5:40:33:

Mayor Kniss: (unamplified) For one quickie ** For one quick one.

5:40:34:

Council Member Tanaka: Sure. Yeah.

5:40:41:

Jeff Hoel: The contract is proposing PVC for the conduit for fiber. I think that's a mistake. I think it should be HDPE. Our consultant, CTC, didn't consult on this, but they wrote an independent paper about it that says it should be HDPE.

April 2017: "Technical Guide to Dig-Once Policies" (page 18)

<http://www.ctcnet.us/wp-content/uploads/2017/05/CTC-White-Paper-Dig-Once-20170414.pdf>

And for exactly the reason that you said. PVC is kind of brittle, and breaks a lot. And you want this to last 50 years.

5:41:13:

Council Member Tanaka: So, it's -- I think staff just said there's no PVC. So, is it in the contract or not?

5:41:18:

Dean Batchelor: So -- OK, so, I'm clear now. So, I would -- I didn't know what he was talking about when he was talking about the fiber. So, the conduit itself, he's right, it's PVC. So, ...

5:41:26:

Council Member Tanaka: But you just said it's brittle when it breaks, and it's like a sprinkler.

5:41:29:

Dean Batchelor: Well, ...

5:41:29:

Council Member Tanaka: So why would be do that?

5:41:30:

Dean Batchelor: It's the conduit that we even put our electric system into. It's exactly what we use for our electric conduit, as well as for our traffic signals ...

The staff report says some of the (PVC) traffic signal conduits are "broken or blocked." That might be a sign that they don't last long enough.

5:41:37:

Council Member Tanaka: The speaker just said that our own consultant recommended HDPE. So why would be do PVC?

5:41:44:

Dean Batchelor: Well, I don't -- OUR consultant didn't tell us that. Our -- When I was talking about, I was talking about the water main and the gas main.

5:41:53:

Council Member Tanaka: Um hum.

5:41:53:

City of Palo Alto | City Clerk's Office | 1/29/2018 10:11 AM

Dean Batchelor: I didn't know he was talking about the PVC that's going to be going in for the fiber. So, yes, I stand corrected on that. So that everything that we do put into the ground, from electric to fiber -- it's all PVC.

5:42:09:

Council Member Tanaka: OK. Thanks.

5:42:13:

Mayor Kniss: (unamplified) OK, I (amplified) I hope we're at a point where we could actually think about voting. Lydia, you wanted to speak? Is anybody -- Oh, and Karen.

5:42:23:

Council Member Kou: Um, I just want to clarify. In some of the language here -- say, for example, 3B, on page 221,

This corresponds to page 1 of the staff report.

<https://www.cityofpaloalto.org/civicax/filebank/documents/62851>

it says decreasing the Gas Fund capital projects and rate stabilization -- The rate stabilization reserves -- Is this our reserve fund?

5:42:40:

Ed Shikada: For the gas utility, that is correct. So it's moving from a reserve to an actual appropriation, to be able to spend on this contract.

5:42:48:

Council Member Kou: Does that decrease, then, the 18.5 percent that we need to keep in reserves?

5:42:56:

Lalo Perez: So, that is the -- The enterprise funds have different measures.

Utilities Quarterly Update documents report on the reserves by utility. For example, see the 4Q17 Utilities Quarterly Update, Table 5 (PDF page 32).

<https://cityofpaloalto.org/civicax/filebank/documents/62954>

What you're recalling is the General Fund measure.

5:43:05:

Council Member Kou: Oh, OK.

5:43:05:

Lalo Perez: So, there's different measures.

5:43:06:

Council Member Kou: So it's a different one. OK. Thank you.

5:43:10:

Mayor Kniss: OK. Karen.

5:43:12:

Council Member Holman: Yes, thank you.

5:43:13:

Mayor Kniss: You're everything between here and a vote.

5:43:15:

Council Member Holman: (laughs) Yes. Excuse me. Just a general comment is -- like, I -- The discomfort in this, on my part, and perhaps other Council members parts to, as I've heard comments -- is pretty high. And, while I understand that we have a procedure in place that allows for direct negotiation with an entity, after going out for bids, that doesn't mean necessarily it's the best thing to do. Especially when the dollar amount is so significant as this. I also understand we've got -- you know, the project -- there's work that's commenced, and we need to do this. For a variety of different reasons. But my discomfort is pretty high. Both procedurally and because of the cost, and with the lack of clarity around it, and even responses are inconsistent. The comment about PVC is, I was hoping by now we had pretty much eliminated PVC. It outgasses. It's not a very healthy environmental product. It outgasses. So, there's that.

I have another question on a different bent. I appreciate the motion that Council Member DuBois made. But I have another question, which has to do with one of my bugaboos, especially downtown -- and I've mentioned this to the City Manager on at least one occasion, if not more -- is, on packet page 222, number 6,

This corresponds to page 2 of the staff report.

<https://www.cityofpaloalto.org/civicax/filebank/documents/62851>

it talks about decreasing the street maintenance budget by \$605 [thousand] and decreasing the sidewalk repairs project by \$490 thousand. And, when I go downtown -- and whether it's University or Hamilton -- I'll just be blunt, I think it's an embarrassment. Our sidewalks are an absolute embarrassment. We have patches here, patches there. You know, breaks here, that have been -- I come back and somebody's slopped something on them. And I don't mean to be disrespectful to anyone, but it's really an embarrassment. I go to other communities and the sidewalks are clean, and smooth, and consistent. They don't have all this patchwork, patched-up kind of appearance to them. So my question about number 6 is, what are we getting -- excuse me, about number 6 -- is, what are we getting, and what is the end product? When we're doing sidewalk repair, are we repairing the sidewalk or replacing the sidewalk, so we can have beautiful sidewalks, like other communities have?

Not to change the subject, but, to me, the embarrassment of having patchy sidewalks should pale in comparison to the embarrassment of not having citywide municipal FTTP.

5:45:50:

Ed Shikada: So, if I could perhaps respond, in a little larger context, I understand the discomfort, and I can tell you that, given the complexity of this project, this has gone through a number of iterations with staff. The specific recommendation here, on 6, is to fund the traffic signal work, I believe, that we are including as a part of the project. So the tradeoff is really one of being able to keep the equipment in a state of good repair versus, again, potentially other uses. And these are eligible uses of the dollars that have been allocated in the CIP. So, you know, certainly, we wish we could do both the aesthetic as well as the basic operational functional improvements necessary, in order to keep the infrastructure in a state of good repair. And so, the recommendation you see here really tries to strike that balance.

Back to the PVC issue. Certainly, we could look at changing out standard, on terms of the materials we use, for traffic signals, for fiber conduit. I would note, as staff has reminded me, that high-density polyethylene versus the PVC, high-density is used for the water and the gas, because they are pressurized systems.

The project specifies MDPE for gas.

And so, we've got fluids in there that require that additional strength. PVC is not pressurized. And that's the reason.

Other municipal utilities use HDPE for electric and fiber conduit.

This randomly-found article talks about the advantages and disadvantages of HDPE and PVC.

<https://shop.chapmanelectric.com/choosing-underground-pipe.html>

And I think it's the workability of the material, is the reason that that's used. But, again, we can always take another look at the standards and how those might be applied.

Good.

5:47:28:

Council Member Holman: I think there are a variety of products out there. So, to try to get a direct answer to my question about sidewalks. So, are you saying that we're going to continue to patch up, and gobble up, and cobble up our sidewalks, as opposed to having sidewalk replacement with this project?

5:47:42:

Ed Shikada: Well, this specific action actually reduces the budget for doing sidewalk work. By moving the appropriation from this repairs project to the mobility line item here. And, again, it's to complete this work.

5:47:57:

Council Member Holman: So, we aren't going to be doing any sidewalk repair/replacement downtown?

5:48:01:

Ed Shikada: N- -- I didn't say that. We are reducing by the dollar amount shown.

5:48:08:

Council Member Holman: So, give me an idea. What I'm trying to get at is, give me an idea of what we're going to see on our sidewalks.

5:48:12:

Ed Shikada: This is not sexy work. We are replacing communications equipment with our traffic signals ...

5:48:19:

Council Member Holman: I understand. But it impacts our sidewalks, as it impacts our streets. So, what are we going to see above ground, as a result of this work?

5:48:25:

Ed Shikada: You will see new signal poles, I think, as part of this. There are the curb extensions, the sidewalk extensions, that, as Josh described, will reduce crossing times, will make it a slightly more pedestrian-friendly environment. Beyond that, a lot of it will be invisible to the people who are downtown, other than, we do have coming, at your agenda next week, an item to fund benches, that will, again, be adding to the pedestrian environment.

5:48:57:

Lalo Perez: Let me see if I can help with your point. I recall in a meeting Brad talking about -- they completed the last master plan for the sidewalks. And they're going to start the new one in, and I think this is probably going to be the window of opportunity for the Council to voice their concerns of areas that should be on that priority. Because they had it segmented into districts, and it -- I want to say 25-year plan -- I forget exactly how many years. And so, that was recently completed. So, it's time to start it all over again. So, I think that's probably where you would have a window.

5:49:37:

Mayor Kniss: So, if I could say this, I think we're off-agenda at this time. We're discussing the gas and water and fiber optics. And I think we need to get back to that. Because ...

5:49:51:

City of Palo Alto | City Clerk's Office | 1/29/2018 10:11 AM

Council Member Holman: Actually, with due respect, I didn't think we were off-agenda, because we're talking about reducing funds in some way, and what the impact is of that. As a result of this project.

5:50:00:

Mayor Kniss: Right. But I -- I still think we're off-track now. So, more comments?

5:50:05:

Council Member Holman: That's it.

5:50:55:

Mayor Kniss: OK. So, we have a motion from Tom, and a second from Greg,

That is, from Council Member Scharff.

and I think Eric's close by. Let me just pause a minute.

5:50:25:

Council Member Scharff: ERIC!

5:50:26:

[laughter] [chatter, waiting for Eric]

5:50:35:

Mayor Kniss: Did you want to talk again, Greg?

5:50:36:

Council Member Tanaka: Yeah. Since Eric's not here, I'll fill the time. So, yeah, I always thought ...

5:50:41:

Mayor Kniss: Do it quickly.

5:50:41:

Council Member Tanaka: I'll stop when he gets back. But basically, I can't support this project. I think it raids our Fiber Fund, for very little use -- utility. The bidding process really doesn't seem right to me. I think we can do better. I think we can get a much better price. This is \$18 million. This is a huge chunk of our infrastructure budget. You know, frankly, I think the county's been running very hot. And I think time's on our side. This has been -- The pipe's been there for -- what -- 1930s. So what's another year? I mean -- So, I think that we should -- I think that we should go out and rebid this thing, and make sure we get more than one bidder, so we have competitive bidding. And I think we'd get a much better price that way.

5:51:26:

**: (unamplified) Can we just vote?

5:51:26:

Mayor Kniss: OK, I -- I would simply say that I had all those same concerns, Greg, but I was persuaded by Ed that this needs to happen now. And I think it's really important that we talk about the allocation. That's imperative. So, with that, could be vote?

5:51:52:

Vice Mayor Filseth: Motion passes 7-2, with Council Members Tanaka and Holman dissenting.

=====



PALO ALTO
HOUSING

725 Alma Street, CITY OF PALO ALTO 94301, CFE#1559 2019709
Palo Alto, CA 94301, CFE#1559 2019709 OFFICE

pah.community

18 JAN 29 AM 9:42

January 25, 2018

Honorable City Council
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Annual Payment to the City for Market Rate Units at Webster Wood Apartments

Mayor Kniss and Members of the Council:

We are pleased to inform you that Palo Alto Housing has made its thirty-sixth annual payment to the City of Palo Alto pursuant to the Agreement for Sale for the land upon which Webster Wood Apartments is built. The payment is in the amount of \$5,850 and covers the period from January through December 2017. This payment brings the total amount contributed since 1982 to \$249,575.

Palo Alto Housing volunteered to make these annual payments to the City, beginning in the fourth year after the close of escrow, in an amount equal to \$300.00 for each market rate unit at Webster Wood Apartments. This contribution goes into the City's Housing Reserve Fund to assist with future needs for affordable housing. We are pleased to make this annual payment in recognition of the benefits the City has provided to the low- and moderate- income families who live at Webster Wood Apartments.

Sincerely,

PALO ALTO HOUSING


Candice Gonzalez
President & CEO

cc: Hillary Gitelman, Director of Planning and Community Environment
Eloiza Murillo-Garcia, Senior Planner

Enclosures

BUILDING STORIES THAT MATTER

**WEBSTER WOOD APARTMENTS
MARKET UNITS 2017**

MONTH	# OF UNITS	\$25/UNIT	TOTAL
JANUARY	18	\$ 25.00	\$ 450.00
FEBRUARY	19	\$ 25.00	\$ 475.00
MARCH	19	\$ 25.00	\$ 475.00
APRIL	19	\$ 25.00	\$ 475.00
MAY	19	\$ 25.00	\$ 475.00
JUNE	20	\$ 25.00	\$ 500.00
JULY	20	\$ 25.00	\$ 500.00
AUGUST	20	\$ 25.00	\$ 500.00
SEPTEMBER	20	\$ 25.00	\$ 500.00
OCTOBER	20	\$ 25.00	\$ 500.00
NOVEMBER	20	\$ 25.00	\$ 500.00
DECEMBER	20	\$ 25.00	\$ 500.00
TOTAL			\$ 5,850.00

**WEBSTER WOOD APARTMENTS
PAYMENTS TO CITY OF PALO ALTO
FOR MARKET-RATE UNITS**

Payment #	Year	Amount	Accumulated Total
1	1982	\$3,625	\$3,625
2	1983	5,575	9,200
3	1984	5,175	14,375
4	1985	6,775	21,150
5	1986	6,600	27,750
6	1987	6,550	34,300
7	1988	6,650	40,950
8	1989	7,325	48,275
9	1990	7,675	55,950
10	1991	9,425	65,375
11	1992	9,600	74,975
12	1993	9,250	84,225
13	1994	8,950	93,175
14	1995	8,650	101,825
15	1996	8,300	110,125
16	1997	8,475	118,600
17	1998	8,900	127,500
18	1999	9,650	137,150
19	2000	8,875	146,025
20	2001	9,525	155,550
21	2002	8,750	164,300
22	2003	8,350	172,650
23	2004	5,850	178,500
24	2005	5,625	184,125
25	2006	6,175	190,300
26	2007	6,000	196,300
27	2008	5,625	201,925
28	2009	5,250	207,175
29	2010	4,475	211,650
30	2011	4,425	216,075
31	2012	5,500	221,575
32	2013	5,450	227,025
33	2014	5,175	232,200
34	2015	5,650	237,850
35	2016	5,875	243,725
36	2017	5,850	249,575



Sugar-Sweetened Beverage
Product Panel of Experts Commission

Sugar-Sweetened Beverage Product Panel of Experts Commission

November 16, 2017 – 7:00 pm to 9:00 pm

SOUTH Berkeley Senior Center

2939 Ellis Street, Berkeley – Large Conference Room – 1st Floor

to funds collected
2015 - \$ 1.6 M
2016 \$ 2.3 M

AGENDA

Preliminary Matters

1. Roll Call
2. Approval of Draft Minutes from 10/19/2017 meeting - **Attachment 1**
3. Public Comments

The public may comment about any item not on the agenda. Public comments are limited to two minutes per speaker. Public comments regarding agenda items will be heard while the Commission is discussing the item.

Presentations

1. Subcommittee Reports

- a. Community Engagement
- b. Sugary Drinks Policy in Berkeley
- c. Media - **Attachment 2**
- d. Prevention Strategies and Outcomes

COUNCIL MEETING

1-29-18

Placed Before Meeting
 Received at Meeting

Action Items

Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to two minutes per speaker.

1. **Action:** Review and approve the revised Quarterly Report template (Commissioner Morales)
2. **Action:** Approve meeting dates for 2018. (Commissioner Morales)
3. **Action:** Re-assign new SSBPPE Commission Liaison for the Youth Commission (Commissioner Ishii)
4. **Action:** Review and approve letters to the Arts Commission, the Community Health Commission, and the Planning Commission (Commissioner Scheider)
5. **Action:** Review and approve recommendation to City Council regarding City policy on sales of sugar-sweetened beverages (Commissioner Scheider)

A Vibrant and Healthy Berkeley for All

1947 Center Street, 2nd Floor, Berkeley, CA 94704 Tel: 510.981.5300 TDD: 510.981.6903 Fax: 510.981.5395
E-mail: publichealth@ci.berkeley.ca.us - <http://www.cityofberkeley.info/health/>

Discussion Items

1. Discuss how to connect the Healthy Berkeley funded agencies with information about the new Default Drink Policy (Commissioner Scheider) – ***Attachment 3a-b***
2. Discuss Lifelong Medical Care's intentions to utilize the unspent \$11,000 in mini-grant funds. (Commissioner Browne) – ***Attachment 4***

Information Items

1. Updated SSB Tax Revenue Memo – ***Attachment 5***
2. Approved minutes from 9/21/2017 meeting – ***Attachment 6***

Announcements

CONFLICT OF INTEREST INFORMATION: City commissioners, pursuant to Government Code section 1090, are responsible for recusing themselves from all commission discussions and actions in which they may have a conflict of interest. If your affiliation, paid or unpaid, with other agencies has changed since the last meeting of this commission, your ability to participate in commission activities may have changed. Individual guidance is available from the City Attorney's Office (CAO). Commissioners are encouraged to consult with the CAO if they have questions, concerns, or would like clarification about matters related to potential conflicts of interest.

The CAO may be reached at:

Email: attorney@cityofberkeley.info

TEL: (510) 981-6950

TDD: (510) 981-6903, FAX: (510) 981-6960
2180 Milvia Street 4th Floor, Berkeley, CA 94704
Office Hours: Mon-Fri, 8am-5pm

There will be no meeting in December, 2017. Please visit the City of Berkeley's SSBPPE Commission webpage for updates on meeting dates in 2018.

AMERICAN DISABILITIES ACT DISCLAIMER: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

COMMUNICATIONS ACCESS INFORMATION: Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information. Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at SOUTH Berkeley Senior Center located at 2939 Ellis Street, Berkeley during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

POLICY WORKSHOP

FRI FEB 9 2018 12:30 TO 2PM

New start time!

PUT A LID ON SUGARY DRINKS

Santa Clara County Dental Society
1485 Park Ave
San Jose, CA 95126

Attendance by invitation only

Lunch will be provided

RSVP by FEB 5 to bit.ly/sdpwork

Dr. Jim Krieger to present sugary drink policies for local elected officials

Space is limited, first come first served



From: PHCDIP
Sent: Friday, January 05, 2018
Subject: Sugary Drink Policy Workshop - Friday, February 9, 2018, 11AM to 1PM

Greetings!

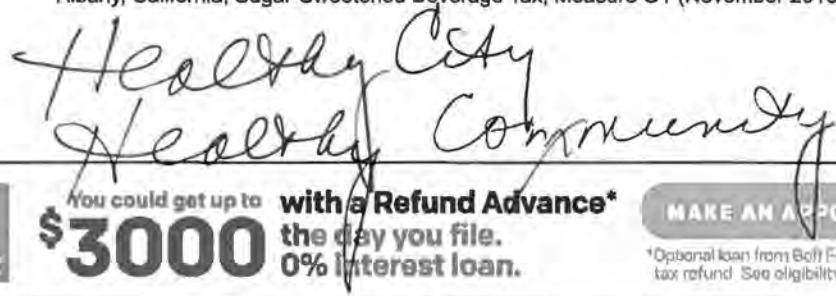
The Cities Association of Santa Clara County and the Public Health Department cordially invite you to join us for a Policy Workshop on **Friday, February 9, 2018, from 11AM to 1PM** (presentation to begin at 11:30AM). At the workshop, Dr. Jim Krieger will discuss the most effective policies to decrease access to sugary drinks in your city/town. Attendees will have an opportunity to ask Dr. Krieger questions at the workshop.

The workshop will take place at the Santa Clara Dental Society at 1485 Park Ave. in San Jose. Lunch will also be provided.

To reserve your spot, please RSVP by February 2nd by completing a short form at bit.ly/sdpwork.

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BP



Albany, California, Sugar-Sweetened Beverage Tax, Measure O1 (November 2016)

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A sugar-sweetened beverage tax measure was on the ballot for Albany voters in Alameda County, California, on November 8, 2016. It was approved.

A yes vote was a vote in favor of establishing a general tax of one cent per ounce on sugar-sweetened beverages.

A no vote was a vote against establishing a general tax of one cent per ounce on sugar-sweetened beverages.

Election results

Measure O1		
Result	Votes	Percentage
Yes	6,282	71.66%
No	2,485	28.34%

Election results from Alameda County Registrar of Voters

Text of measure

Ballot question

The following question appeared on the ballot:^[1]

Measure O1: Albany Sugar-Sweetened Beverage Tax



The basics

Election date:
November 8, 2016

Status:

✓ Approved

Topic:

Local business tax
Amount: \$0.01 per ounce
Expires in: Does not expire

Related articles

Shall an ordinance enacting a one cent per ounce general tax, providing approximately \$223,000 annually with no expiration date, on the distribution of sugar-sweetened beverages and sweeteners used to sweeten such drinks, but exempting: (1) sweeteners typically used by consumers and distributed to grocery stores; (2) drinks and sweeteners distributed to small retailers; (3) milk products, 100% juice, baby formula, alcohol, or drinks taken for medical reasons, be adopted?^[2]

Local business tax on the ballot

November 8, 2016 ballot measures in California

Impartial analysis

The following impartial analysis of the measure was prepared by the office of the Albany City Attorney:

Alameda County, California ballot measures

City tax on the ballot

See also

Albany, California

The City Council has placed before the voters the question whether to approve an ordinance enacting a permanent tax of one cent (\$0.01) per ounce on the distribution in Albany of sugar-sweetened beverages and the added-calorie sweeteners used to make them. The tax on added-calorie sweeteners would be calculated based on the number of ounces of sweetened beverage that would typically be produced using that sweetener. The tax would be payable by the distributor, not the customer. A full copy of the ordinance text is printed in these ballot materials.

Beverages

Sugar sweetened beverages whose distribution would be subject to the tax would include sugar-sweetened beverages, like soda, energy drinks, and presweetened tea, that contain at least 2 calories per fluid ounce. Certain beverages would not be subject to the tax:

- Baby formula
- Beverages in which milk is the primary ingredient
- Liquids sold for use for weight reduction as a meal replacement
- Medical beverages (beverages used as oral nutritional therapy or oral rehydration electrolyte solution for infants and children),
- Beverages containing only natural fruit and vegetable juice
- Alcoholic beverages.

Added-calorie sweeteners

Added-calorie sweeteners would include any edible product that is perceived as sweet and adds calories, and is used to make sugar-sweetened beverages, including but not limited to sucrose, fructose, glucose, other sugars, and high fructose corn syrup. Added-calorie sweeteners would not include natural, concentrated, or reconstituted fruit or vegetable juice or any combination thereof.

Applicability and exemptions

The tax would apply to:

- distribution of sugar-sweetened beverages to stores and restaurants;
- distribution of sweeteners to restaurants; and
- distribution of sweeteners to stores where they are used to make sugar sweetened beverages for customers.

The tax would not apply to:

- distribution of sweeteners to food stores;
- distribution of sugar sweetened beverages or sweeteners to small retailers – those with less than \$100,000 in annual gross receipts.

Expenditure of Tax Proceeds and Annual Audit

Because this measure does not legally restrict the use of tax revenue for any particular purposes, it is classified as a "general tax". The proposed Ordinance requires the City Council to conduct an annual process for soliciting advisory recommendations from a variety of organizations and individuals regarding expenditure of the tax proceeds. The City's independent auditors would provide an annual report reviewing the collection, management and expenditure of tax revenues.

Duration of Tax

The proposed ordinance does not contain an expiration date.

A "Yes" vote is a vote in favor of the tax. A "No" vote is a vote against the tax. This measure would be approved if a majority of the votes cast on it are "Yes" votes.^[2]

—Albany City Attorney^[3]

99

Full text

The full text of the measure is available [here](#).

Support

Supporters

The following individuals signed the official argument in favor of the measure:^[3]

- Jon Guhl, Albany Restaurant Owner
- Robert S. Lieber, R.N.
- Dr. Patricia Low, Member, Board of Education, Albany Unified School District
- Rochelle Nason, Council Member, City of Albany
- Dr. Immi Song, D.D.S., M.S.

Arguments in favor

Official argument

The following official argument was submitted in favor of the measure:^[3]

- “Please vote YES to protect our children’s health.
- “Overwhelming scientific evidence shows that consumption of sugary drinks causes widespread health problems, starting in childhood. In addition to diabetes, obesity, tooth decay and heart disease are also linked to sugary drink consumption. Two of every five Americans are now predicted to develop diabetes in their lifetimes as the epidemic spreads.
- To help address this, this measure places a 1 cent per ounce tax on distributors (not on consumers) on the volume of high-calorie, low-nutrition sugary drinks and syrups they sell. It does not tax natural fruit or vegetable juices, milk products, baby formula, or drinks taken for health reasons. It is NOT a sales tax.
- It is estimated that the tax may generally reduce the availability of sugary drinks in Albany and help shift people to healthier beverages. Additionally, the measure will generate needed revenue for Albany that can be spent on physical fitness, health and nutrition programs, or on other priorities identified by residents.
- These activities can save lives by preventing diabetes and other sugary drink related disease. It is estimated that the tax will raise \$223,000 a year or more.
- By passing this measure the City of Albany will unite with the efforts of neighboring cities in our region. Berkeley passed and successfully implemented a similar measure in 2015 that is now funding nutrition and health programs, and Oakland and San Francisco are voting on similar measures in this election.
- This measure requires the City Council to hold an annual public process to consider how best to spend the funds raised by tax. Participation by public health professionals, a representative from the schools, several city bodies is called for.
- “Vote YES for health.^[2]

Opposition

Opponents

The following individuals signed the official argument against the measure:^[3]

- Sanjeev Dhungel, Owner, Everest Kitchen
- Jas Sikand, Owner, Albany Hill Mini Mart
- Sarata Mike Uong, Owner, Royal Grand Coffee

Arguments against

Official argument

The following official argument was submitted in opposition to the measure:^[3]

Berkeley just tried this tax, and it is not working.

The cost of sodas is not going up in many instances in Berkeley stores – it is the cost of groceries that are going up.

The politicians call it a tax on sodas. If you do the research for yourself you will find that is not true.

The reason why the Berkeley measure is not working is that instead of being imposed directly on beverages, the tax is imposed on “distributors,” including small business owners. This is because state law restricts the ability of local governments to impose a sales tax directly on most beverages. Nothing prevents this tax from being passed on to any item in grocery stores and restaurants.

Small businesses will be forced to pass this tax on to customers – meaning higher food and grocery prices.

So even if consumers don't buy sodas, their grocery bills could still go up.

Senator Bernie Sanders disagrees with these types of regressive taxes, saying it is "...a regressive grocery tax that would disproportionately affect low-income and middle-class Americans."

The politicians say this tax is about health, but not one penny is dedicated to health programs. The official ballot states, "This general tax will provide revenue to be available for the general governmental needs."

Neighborhood grocers, restaurant owners and concerned residents oppose Measure O1 because it is a tax on food and groceries.

We have more important problems to solve in Albany, the last thing we need is a grocery tax that will make our city even more expensive.

Enough is enough - Vote NO on the Grocery Tax, No on Measure O1. [2]

”

Path to the ballot

See also: Laws governing local ballot measures in California

This measure was put on the ballot through a vote of the governing officials of Albany, California.

Recent news

The link below is to the most recent stories in a Google news search for the terms **Albany Local business tax**. These results are automatically generated from Google. Ballotpedia does not curate or endorse these articles.

[Albany, California, Sugar-Sweetened Beverage Tax, Measure O1 \(November 2016\) - Google News](#)

See also

Local measures



- Local measures in 2016
- Local business tax on the ballot
- City tax on the ballot
- Alameda County measures

California



- November 8, 2016 measures in California
- Local ballot measures, California
- Albany, California

News and analysis



- State and local preemption conflicts
- Measures advancing national agendas

External links

- [Alameda County Elections Office website](#)

BP Suggest a link

Footnotes

1. Alameda County, "November 8, 2016 General Election Local Measures," accessed October 12, 2016
2. Note: This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.
3. Alameda County, "Measure O1," accessed October 28, 2016

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City of Albany
c/o MuniServices, LLC
2342 Shattuck Ave #889
Berkeley, CA 94704

Tax Return
Sugar-Sweetened Beverage Tax
City of Albany, CA



Business Name: _____

DBA: _____

Mailing Address 1: _____

Mailing Address 2: _____

City: _____ State: _____ Zip: _____

Customer Service

Toll-Free Phone: (866) 240-3665

Toll-Free Fax: (855) 219-4338

Se habla español.

Email: AlbanySSBsupport@muniservices.com

Website: www.revds.com

MuniServices Account #: _____

Filing Period: (If you are filing for more than one filing period, please complete a separate return for each filing period.)

**Delinquency Date: To avoid additional penalties and/or interest, returns must be postmarked on or before the 20th day following the month the tax was collected.
(Example: April's taxes are due on or before May 20th)*

Filing Period: Select One Year: _____ Taxes for this period are due on or before _____, 20th _____

1. Taxable sugar-sweetened beverage (SSB) distributed:

- a. Total number of ready-to-consume ounces: 1a. _____
- b. Maximum amount of SSB produced according to manufacturers' instructions (syrups, concentrates, powders, mixes, etc): 1b. _____
- c. Equals total number of taxable ounces: 1c. _____
(Internal Code 9928-28-11)

2. Multiplied by Tax Rate: x \$0.01 per fluid ounce

3. Equals Tax Due: 3. \$ _____

4. Plus Penalty: Add 10% (if paid within 30 days after delinquency date*) or
Add 50% (if paid 31 days or more after delinquency date*) 4. \$ _____

5. Subtotal: (add lines 3 & 4) 5. \$ _____

6. Plus Interest on Tax Due:
Calculate interest at 1% per month after delinquency date* 6. \$ _____

7. Equals Total Net Amount Due: (Add lines 5 & 6) 7. \$ _____

8. Sign your return and remit payment to TAX TRUST ACCOUNT, along with completed form, to the following remittance address:

MuniServices, LLC
Attn: Sugar-Sweetened Beverage Tax
2342 Shattuck Ave #889
Berkeley, CA 94704

I declare under penalties of perjury that the above information and any accompanying schedules are, to the best of my knowledge and belief, a true and accurate statement for the period indicated.

Printed Name: _____ Signed: _____ Date: 01/29/2018

Telephone #: _____ Email Address: _____

FEIN or SSN #: _____

FORM DISCLAIMER: Please note that the administration and rate changes on the MuniServices Advisory and MuniServices tax forms are updated once the required information has been received, verified, and validated in compliance with MuniServices policy. Any information received before or after the publication of a MuniServices Advisory or tax form will not be guaranteed to appear on said form until all such requirements have been met. MuniServices is not responsible for incorrect information and/or improper use of the information provided. All updates are completed on a timely basis once the requirements have been met. For the most current MuniServices administration and/or rate information provided, please visit our website at www.revds.com.

RETURNED CHECK DISCLAIMER: When you make a payment by check, you authorize us to use information from your check to make a one-time electronic fund transfer from your checking account according to the terms of your check or to process that transaction as a check. When we use your check to make an electronic fund transfer, funds may be withdrawn from your checking account the same day we receive your payment, and you will not receive your check back from your financial institution. If there are insufficient funds in your checking account, you authorize us to charge a Returned Payment Fee in the amount set forth below and collect that amount through an electronic fund transfer from your checking account, if permitted by applicable law. IF YOUR CHECK OR OTHER PAYMENT IS RETURNED UNPAID by your bank, we may, if permitted by applicable law, charge a Returned Payment Fee of \$ 50 in KY and VA; \$40 in DE and MS; \$ 35 in MD; \$30 in AL, OH, SC, TN, and TX; \$25 in AR, IL, MO, NC and WV; \$20 in IN; the greater of 5% of the check or (I) \$30 in GA or (II) \$25 in LA; the greater of 5% of the check or (I) \$25 if the check is under \$50, (II) \$30 if the check is between \$50 and \$300 or (III) \$40 if the check is over \$300 in FL. Effective July 1, 2010, each returned item received by MuniServices due to insufficient funds will be electronically represented to the presenters' bank no more than two times in an effort to obtain payment. MuniServices is not responsible for any additional bank fees that will accrue due to the resubmission of the returned item.

MUNISERVICES DISTRIBUTION CONFIRMATION

April 6, 2017

City of Albany
David Glasser
100 San Pablo Avenue
Albany, CA 94706

Dear Mr. Glasser:

Funds will be distributed in the following accounts pursuant to this Agreement:

Agency	Routing #	Account #	Distribution %	Tax Type/Rate Code
City of Albany			100%	Sugar-Sweetened Beverage Tax

If at any time there are any discrepancies between the schedule set out above and your City's records, please notify us in writing immediately.

IT IS YOUR RESPONSIBILITY TO PROVIDE NOTICE TO US OF ANY CHANGES IN TAX RATES OR IN THE DISTRIBUTION OF FUNDS. NOTICE MUST BE IN WRITING AND SENT, VIA CERTIFIED MAIL, TO:

Government Revenue Solutions, LLC (d/b/a MuniServices)
600 Beacon Parkway West, Suite 900
Birmingham, Alabama 35209
ATT: Kennon Walthall, SVP, Operations

Thank you for your assistance. If you have any questions, or if I may be of assistance, please let me know.

Sincerely Yours,
Connie Taylor
Client Relations Manager
RDS
205-423-4144 direct dial
205-423-4097 direct fax

I have reviewed the above distribution and verify that it is correct.

By:

Name:
Title:

SVP, Operations

Frequently Asked Questions (FAQ) for the Sweetened Beverage Tax of Albany, CA



1. What is the Sugar-Sweetened Beverage Product Tax?

The Sugar-Sweetened Beverage Product Tax is a city general tax adopted by the voters in November 2016 on the distribution of "sugar-sweetened beverage products" in the City of Albany. Products whose distribution is subject to the tax include both products like soda, energy drinks, and heavily presweetened tea, as well as the "added caloric sweeteners" used to produce them, such as the syrup used to make fountain drinks. Certain drinks containing certain forms of sugar, such as infant formula, milk products, and natural fruit and vegetable juice are exempted.

2. When will the tax take effect?

The tax will take effect on April 1, 2017, with April's taxes due on or before May 20, 2017.

3. What is the tax rate?

The tax rate is one cent (\$0.01) per fluid ounce of a sugar-sweetened beverage.

For taxable caloric sweeteners such as syrups, the tax is calculated on the largest volume, in fluid ounces, of beverage that the syrup can produce based on the manufacturer's instructions. If the distributor uses the syrup to produce a sugar-sweetened beverage, the volume produced by the syrup may be based on the regular practice of the distributor. For example, if one ounce of syrup produces 12 ounces of a sugar-sweetened beverage, the tax would be \$0.12.

While the ordinance requires the tax to be paid on the first non-exempt distribution in the city, if it is not paid at that time, it is payable on the next (or any subsequent) distribution, provided that no taxable product may be taxed more than once.

4. Who is responsible for remitting the tax?

The tax is to be paid by distributors – those who bring any items taxable by the Sugar-Sweetened Beverage Ordinance into the City. This includes retailers who obtain and bring any items taxable by the Sugar-Sweetened Beverage Ordinance into the City themselves. The tax defines "distribution" as the transfer of title or possession from one business entity to another, or within a single business, such as by a wholesale or warehousing unit to a retail outlet or between two or more employees or contractors. Distribution excludes retail sale to a consumer.

5. What is an "Added Caloric Sweetener"?

An "added caloric sweetener" is any substance or combination of substances that meets all of the following four criteria:

1. it is suitable for human consumption;
2. it adds calories;
3. it is perceived as sweet; and
4. it is used for making sugar-sweetened beverages by combining it with one or more other ingredients.

Added caloric sweeteners do not include a substance that exclusively contains natural, concentrated, or reconstituted fruit or vegetable juice or any combination thereof.

6. What are some typical taxable distributions?

Typical taxable distributions would be:

- delivery of syrup to fast food or other restaurants;
- delivery of syrup to stores that sell fountain drinks
- delivery of drinks with added caloric sweeteners to retail outlets and restaurants; and
- retail outlets or restaurants bringing drinks into the City for sale at their own store

This is not an exclusive list of potentially taxable distributions, but is intended only to provide typical examples.

Frequently Asked Questions (FAQ) for the Sweetened Beverage Tax of Albany, CA



7. Are there any exemptions to the tax?

Yes.

The tax does not apply to:

- any distributor who is not subject to taxation by the city under state or federal law;
- any distribution of a sugar-sweetened beverage product to a retailer with less than \$100,000 in annual gross receipts in the most recent year;
- any distribution of natural or common sweeteners; or
- any distribution of added caloric sweeteners to a Food and Beverage Sales Retail Store, if that store then offers the sweetener for sale to customers for later use.

In addition, distribution of certain beverages is specifically exempted:

- beverages in which milk is the primary ingredient;
- beverages for medical use;
- liquids sold for use for weight reduction as a meal replacement;
- products commonly referred to as "infant formula" or "baby formula"; and
- alcoholic beverages.

8. Does the tax apply to coconut and tree waters?

No, as long as these products do not contain added caloric sweeteners.

9. How do I determine whether the tax applies to the distribution of a particular beverage?

Below is a suggested 2-step method for determining whether the tax applies to the distribution of a particular beverage. It does not constitute legal advice, so legal counsel should be consulted on the applicability of the tax to the distribution of a particular beverage.

Step 1: Does the beverage have at least 2 calories per ounce?

If no, then the tax does not apply. (Example: This includes most diet drinks that don't have calories.)
If yes, proceed to Step 2.

Step 2: Does the beverage have an added caloric sweetener (ACS)?

If no, then the tax does not apply. (Example: 100% fruit or vegetable juice that, by definition, does not have added sugar because it is 100% fruit or vegetable. 100% coconut and tree waters would also be outside because they are 100% coconut or tree waters.)
If yes, then the tax is likely to apply.

10. Is sugar (e.g., sucrose, glucose, fructose, etc.) an added caloric sweetener?

Yes. Sugar is an added caloric sweetener because it meets the definition of an added caloric sweetener as found in Albany Municipal Code Article 4-13 of Chapter XIII. It (i) is suitable for human consumption; (ii) adds calories to the diet if consumed; (iii) is perceived as sweet when consumed; and (iv) is used for making, mixing, or compounding sugar-sweetened beverages.

11. Is the distribution of granulated sugar a taxable distribution?

No. Albany Municipal Code Article 4-13, Chapter XIII exempts the distribution of natural or common sweeteners from the tax. Article 4-13 defines natural or common sweeteners to include granulated sugar. However, once granulated sugar is used to make a sugar sweetened beverage, the distribution of that beverage is taxable. (See previous answer.)

Frequently Asked Questions (FAQ) for the Sweetened Beverage Tax of Albany, CA



12. Is the tax a sales tax?

No, this is not a sales tax.

13. May distributors increase their prices to retailers to pay for the tax?

The tax does not prohibit distributors from doing so. That is a private business decision.

14. When is the tax due?

The tax must be remitted/postmarked on or before the 20th day following the month the tax was collected.

15. Where can I find the tax itself?

The tax is Article 4-13 of Chapter XIII of the Albany Municipal Code.

16. I am a retailer. Do I have any obligations under the tax?

Retailers who do not bring the sugar-sweetened beverages or syrups to their stores themselves are required to identify their distributors.

17. What if I pay late?

Payments that are up to 30 days delinquent should add a penalty of 10%, and payments that are more than 30 days delinquent should add a 50% penalty. Interest accrues on delinquent amounts at the rate of 1% per month.

18. Where can I get additional information about the tax?

The City of Albany has partnered with MuniServices, LLC for the administration of the Sugar-Sweetened Beverage Tax. For information regarding the tax, please contact MuniServices at:

City of Albany
C/O MuniServices, LLC
2342 Shattuck Ave #889
Berkeley, CA 94704
Toll Free Phone: (866) 240-3665
Toll Free Fax: (855) 219-4338
Email: AlbanySSBsupport@muniservices.com

19. Who is MuniServices, LLC?

MuniServices, LLC is a private company that has been contracted by the City of Albany to administer the tax.

ORDINANCE NO. #,### - N.S.

IMPOSING A GENERAL TAX ON THE DISTRIBUTION OF SUGAR-SWEETENED BEVERAGE PRODUCTS

BE IT ORDAINED by the People of the City of Berkeley as follows:

Section 1. Findings

- A. Our nation, our state, and our community face a major public health crisis.
- B. Diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children as well as low income communities and communities of color have been and continue to be disproportionately affected.
- C. While there is no single cause for the rise in diabetes, obesity, and tooth decay, there is overwhelming evidence of the link between the consumption of sugary drinks and the incidence of diabetes, obesity, and tooth decay.
- D. Sugary drinks such as soft drinks, energy drinks, sweetened teas, and sport drinks offer little or no nutritional value, but massive quantities of added sugar. A single 20-ounce bottle of soda, for instance, typically contains the equivalent of approximately 16 teaspoons of sugar.
- E. Before the 1950s, the standard soft-drink bottle was 6.5 ounces. In the 1950s, larger size containers were introduced, including the 12-ounce can, which became widely available in 1960. By the early 1990s, 20-ounce plastic bottles had become the norm.
- F. At the same time, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color. In 2006 alone, nearly \$600 million was spent in advertising to children under 18. African American and Latino children are also aggressively targeted with advertisements to promote sugar-laden drinks.
- G. The resulting impact on consumption should not be surprising. The average American now drinks nearly 50 gallons of sugary drinks a year. The problem is especially acute with children in California. From 1989 to 2008, the percentage of children consuming sugary drinks increased from 79% to 91% and the percentage of total calories obtained from sugary drinks increased by 60% in children ages 6 to 11.
- H. This level of consumption has had tragic impacts on community health. Type 2 Diabetes – previously only seen among adults – is now increasing among children. If the current obesity trends are not reversed, it is predicted that one in three children and *nearly one-half* of Latino and African American children born in the year 2000 will develop type 2 diabetes in their lifetimes.
- I. An Asian resident of Berkeley is almost 3 times more likely than a white resident to have been diagnosed with diabetes, and an African American resident of Berkeley is 14 times more likely than a white resident to be hospitalized for diabetes.
- K. Childhood obesity has more than doubled in children and tripled in adolescents in the past 30 years; in 2010, more than one-third of children and adolescents were overweight or obese.

- N. Our community has not been immune to the challenge of unhealthy weight gain and obesity. In 2008-09, over 40% of Berkeley 9th graders were overweight or obese. These overweight and obese children have a much greater chance of being obese as adults, with all the health risks that entails.
- M. There are also economic costs. In 2006, for instance, overweight and obesity-related costs in California were estimated at almost \$21 billion.
- O. Tooth decay, while not as life threatening as diabetes or obesity, still has a meaningful impact, especially on children. In fact, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders. Children who frequently or excessively consume beverages high in sugar are at increased risk for dental cavities. Dental problems are a major cause of missed school days and poor school performance as well as pain, infection, and tooth loss in California.

Section 2. Purpose and Intent

- A. Based on the findings set forth above, the purpose of this Ordinance is to diminish the human and economic costs of diseases associated with the consumption of sugary drinks by discouraging their distribution and consumption in Berkeley through a tax. Specifically, the purpose of this ordinance is to tax the distribution of sugary drinks and the products used to make them.
- B. This Ordinance is not intended for the purpose of regulation.
- C. This Ordinance does not authorize the conduct of any business or activity in the city, but merely provides for the taxation of distribution of specified products as it occurs.
- D. This Ordinance imposes a general tax on the distribution of sugar-sweetened beverages such as high-calorie, low-nutrition products, like soda, energy drinks, and heavily presweetened tea, as well as the added caloric sweeteners used to produce these sugar-sweetened beverages, such as the premade syrup used to make fountain drinks. Certain drinks containing sugar are exempted, including infant formula, milk products, and natural fruit and vegetable juice.
- E. This Ordinance provides for a small business exemption for Retailers who transport sugar-sweetened beverage products into the City themselves and then sell those products directly to consumers.
- F. This general tax will provide revenue to be available for the general governmental needs of the people of Berkeley.
- G. This Ordinance provides for a Sugar Sweetened Beverage Product Panel of Experts, composed of experts in the areas of public health, child nutrition, nutrition education, and food access programs. The Panel will make recommendations on how and to what extent the City should fund programs to further reduce the consumption of sugar-sweetened beverages in Berkeley and address the consequences of such consumption.

Section 3. New Berkeley Municipal Code Chapter 7.72

That a new Chapter 7.72 is added to the Berkeley Municipal Code is to read as follows:

Chapter 7.72 Sugar-Sweetened Beverage Product Distribution Tax

Section 7.72.010 Excise Tax

- A. In addition to any other taxes imposed by the City, the City hereby levies a tax of one cent (\$0.01) per fluid ounce on the privilege of Distributing Sugar-sweetened beverage products in the City.
- B. For the purposes of this Chapter, the volume, in ounces, of a Sugar-sweetened beverage product shall be calculated as follows:
 1. For a Sugar-sweetened beverage, the volume, in fluid ounces, of Sugar-sweetened beverages distributed to any person in the course of business in the City.
 2. For Added caloric sweeteners, the largest volume, in fluid ounces, of Sugar-sweetened beverages that could be produced from the Added caloric sweeteners. In accordance with rules and regulations promulgated by the City pursuant to Section 7.72.040, the largest volume, in fluid ounces, that would typically be produced from the Added caloric sweeteners shall be determined based on the manufacturer's instructions or, if the Distributor uses the Added caloric sweeteners to produce a Sugar-sweetened beverage, the regular practice of the Distributor.
- C. The tax shall be paid upon the first non-exempt Distribution of a Sugar-sweetened beverage product in the City. To the extent that there is a chain of Distribution within Berkeley involving more than one Distributor, the tax shall be levied on the first Distributor subject to the jurisdiction of the City. To the extent the tax is not paid as set forth above for any reason, it shall be payable on subsequent Distributions and by subsequent Distributors, provided that the Distribution of Sugar-sweetened beverage products may not be taxed more than once in the chain of commerce.

Section 7.72.020 Exemptions

The tax imposed by this Chapter shall not apply:

- A. To any Distributor that is not subject to taxation by the City under the laws of the United States or the State of California;
- B. To any Distribution of a Sugar-sweetened beverage product to a Retailer with less than \$100,000 in annual gross receipts, as defined in Section 9.04.025, in the most recent year;
- C. To any Distribution of Natural or common sweeteners; or
- D. To any Distribution of Added caloric sweeteners to a Food Products Store as defined in Section 23F.04.010, if the Food Products Store then offers the Added caloric sweetener for sale for later use by customers of that store.

Section 7.72.030 Definitions

- A. "Added caloric sweetener" means any substance or combination of substances that meets all of the following four criteria:
1. Is suitable for human consumption;
 2. Adds calories to the diet if consumed;
 3. Is perceived as sweet when consumed; and
 4. Is used for making, mixing, or compounding Sugar-sweetened beverages by combining the substance or substances with one or more other ingredients including, without limitation, water, ice, powder, coffee, tea, fruit juice, vegetable juice, or carbonation or other gas.
- An Added caloric sweetener may take any form, including but not limited to a liquid, syrup, and powder, whether or not frozen. "Added caloric sweetener" includes, without limitation, sucrose, fructose, glucose, other sugars, and high fructose corn syrup, but does not include a substance that exclusively contains natural, concentrated, or reconstituted fruit or vegetable juice or any combination thereof.
- B. "Alcoholic beverage" means any beverage subject to tax under Part 14 (commencing with Section 32001) of the California Revenue and Taxation Code, as that Part may be amended from time to time.
- C. "Beverage for medical use" means a beverage suitable for human consumption and manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness. "Beverage for medical use" shall also mean a "medical food" as defined in Section 109971 of the California Health and Safety Code, as that definition may be amended from time to time. "Beverage for medical use" shall not include drinks commonly referred to as "sports drinks" or any other common names that are derivations thereof.
- D. "Business Entity" means any Person except for a natural person.
- E. "City" means the City of Berkeley, California.
- F. "City Manager" means the City Manager of the City of Berkeley or his or her designee.
- G. "Consumer" means a natural person who purchases a Sugar-sweetened beverage product in the City for a purpose other than resale in the ordinary course of business.
- H. "Distribution" or "Distribute" means the transfer of title or possession (1) from one Business entity to another for consideration or (2) within a single Business entity, such as by a wholesale or warehousing unit to a retail outlet or between two or more employees or contractors. "Distribution" or "Distribute" shall not mean the retail sale to a Consumer.
- I. "Distributor" means any Person who Distributes Sugar-sweetened beverage products in the City.
- J. "Milk" means natural liquid milk, regardless of animal source or butterfat content, natural milk concentrate, whether or not reconstituted, regardless of animal source or butterfat content, or dehydrated natural milk, whether or not reconstituted and regardless of animal source or butterfat content, and plant-based milk substitutes, that are marketed as milk, such as soy milk and almond milk.

- K. "Natural or common sweetener" means granulated white sugar, brown sugar, honey, molasses, xylem sap of maple trees, or agave nectar.
- L. "Person" means an individual, trust, firm, joint stock company, business concern, business trust, government, receiver, trustee, syndicate, social club, fraternal organization, estate, corporation, including, but not limited to, a, limited liability company, and association or any other group or combination acting as a unit.
- M. "Retailer" means any Person who serves Sugar-sweetened beverage products to a Consumer.
- N. "Simple syrup" means a mixture of water and one or more Natural or common sweeteners without any additional ingredients.
- O. "Sugar-sweetened beverage" means any beverage intended for human consumption to which one or more Added caloric sweeteners has been added and that contains at least 2 calories per fluid ounce.
 - 1. "Sugar-sweetened beverage" includes, but is not limited to all drinks and beverages commonly referred to as "soda," "pop," "cola," "soft drinks," "sports drinks," "energy drinks," "sweetened ice teas," or any other common names that are derivations thereof.
 - 2. "Sugar-sweetened beverage" shall not include any of the following:
 - a. Any beverage in which milk is the primary ingredient, i.e., the ingredient constituting a greater volume of the product than any other;
 - b. Any beverage for medical use;
 - c. Any liquid sold for use for weight reduction as a meal replacement;
 - d. Any product commonly referred to as "infant formula" or "baby formula"; or
 - e. Any alcoholic beverage.
- P. "Sugar-sweetened beverage product" means a Sugar-sweetened beverage or Added caloric sweetener.

Section 7.72.040 Duties, Responsibilities and Authority of the City Manager

- A. It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter, and to keep an accurate record thereof.
- B. The City Manager is hereby charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter, including provisions for the reexamination and correction of returns and payments, and for reporting. Such rules and regulations may include, but are not limited to, the following:
 - 1. The determination of the frequency with which a Distributor must calculate the tax. This determination shall not constitute an increase of the tax.
 - 2. The determination of the frequency with which a Distributor must pay the tax. This determination shall not constitute an increase of the tax.
 - 3. The determination of whether and how a Distributor must register with the City.
 - 4. The determination of whether and how a Distributor who receives, in the City, Sugar-sweetened beverage products from another Distributor must report to the City the name of that Distributor.
 - 5. The determination of whether and how a Distributor who receives, in the City, Sugar-sweetened beverage products from another distributor must report to the

- City the volume of Sugar-sweetened beverage products received from that Distributor.
6. The determination of what other documentation is required to be created or maintained by a Distributor.
 - C. The City Manager shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected, and remitted.

Section 7.72.050 Collection

- A. The amount of any tax, penalty, and interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any Distributor owing money under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount.
- B. In order to aid in the City's collection of taxes due under this Chapter, any Retailer that receives Sugar-sweetened beverage products from a Distributor shall, in accordance with rules and regulations promulgated by the City Manager pursuant to Section 7.72.040, either:
 1. report to the City all such transactions, the volume in ounces of Sugar-sweetened beverage products received in each transaction, and the identity and contact information of the Distributor from whom the Sugar-sweetened beverage products were received; or
 2. collect the tax that would be payable as a result of the transaction by the Distributor from whom the Sugar-sweetened beverage product was received and remit it to the City; or
 3. provide to the City evidence that the Distributor from whom the Sugar-sweetened beverage products were received has registered as a Distributor with the City and that registration is current.
- C. The City Council is authorized to have the taxes imposed by this Chapter collected by the County of Alameda or the California Board of Equalization in conjunction with the collection of other taxes for the City. If the City Council exercises this authorization, the duties and responsibilities of the City Manager shall be given, as appropriate, to the County of Alameda or the California Board of Equalization, which may delegate such duties and responsibilities as necessary and as authorized by law.

Section 7.72.060 Refunds

Whenever any tax under this Chapter has been paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded only as provided in Chapter 7.20 of the Berkeley Municipal Code.

Section 7.72.070 Enforcement

Except as otherwise provided by this Chapter or by rule or regulation promulgated by the City Manager, the tax imposed by this Chapter shall be administered in the same manner as taxes imposed pursuant to Chapter 9.04 and, without limitation, shall be subject to the same delinquency penalties, appeals processes and other enforcement provisions set forth in Chapter 9.04.

Section 7.72.080 Not a Sales and Use Tax

The tax imposed by this Chapter is a tax upon the privilege of conducting business, specifically, Distributing Sugar sweetened beverage products within the City of Berkeley. It is not a sales, use, or other excise tax on the sale, consumption or use of Sugar-sweetened beverage products.

Section 7.72.090 Sugar-Sweetened Beverage Product Panel of Experts

- A. There shall be established the Sugar-Sweetened Beverage Product Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption.
- B. An officer or employee of the City designated by the City Manager shall serve as secretary of the Panel.
- C. In accordance with Chapter 2.04, the Panel shall be composed of nine members appointed by the City Council.
- D. Terms shall expire and vacancies shall be filled in accordance with the provisions of Section 2.04.030 through 2.04.145 of this Code.
- E. Each member of the Panel must:
 1. Have experience in community-based youth food and nutrition programs; or
 2. Have experience in school-based food and nutrition programs and be referred by the Berkeley Unified School District; or
 3. Have experience in early childhood nutrition education; or
 4. Have experience in researching public health issues or evaluating public health programs related to diabetes, obesity, and sugary drink consumption; or
 5. Be a licensed medical practitioner.
- F. In accordance with Section 3.02.040, members of the Panel may be reappointed but shall not serve more than eight consecutive years.
- G. The Panel shall, by majority vote, do each of the following:
 1. Annually appoint one of its members as chair and one of its members as vice-chair;
 2. Approve bylaws to facilitate the proper functioning of the Panel;
 3. Establish a regular time and place of meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. Minutes for each meeting shall be recorded, kept, and maintained; and
 4. Publish an annual report that includes the following:
 - a. recommendations on how to allocate the City's general funds to reduce the consumption of sugar sweetened beverages in Berkeley and to address the results of such consumption;
 - b. information, if available, concerning the impact of this Chapter on the public health of the residents of the City; and
 - c. any additional information that the Panel deems appropriate.
- H. Within 15 days of receipt of the publication of the Panel's annual report, the City Manager shall cause the report to be published on the City's Internet website and to be transmitted to the City Council and the Governing Board of the Berkeley Unified School District.

- I. The City Council shall consider, but need not follow, the Panel's recommendations and shall annually inform the Panel as to the extent to which it has implemented the Panel's recommendations.

Section 7.72.100 Increase Appropriations Limits

Pursuant to California Constitution article XIIIIB, the appropriation limit for the City is increased by the aggregate sum authorized to be levied by this tax for each of the four fiscal years from 2015-16 through 2018-19.

Section 7.72.110 Amendment

The City Council, without a vote of the people, may, either permanently or temporarily, increase the dollar amount of the threshold for the small-business exemption in Section 7.72.020.B.

Section 4. Duration.

This Ordinance shall be effective on January 1, 2015. The last effective date of this Ordinance shall be December 31, 2026, and it shall terminate as of January 1, 2027.

Section 5. Severability.

The People of the City of Berkeley hereby declare that they would have adopted each section, sentence, clause, phrase, word, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, words, or portions of this Ordinance, or any application thereof, be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are severable. If any section, sentence, clause, phrase, word, or portion of this Ordinance, or any application thereof in any circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, words, or portions of this Ordinance, and applications thereof, shall nonetheless remain in full force and effect.

Section 6. Municipal Affair.

- A. The People of the City of Berkeley hereby declare that the taxation of the privilege of distributing sugar-sweetened beverage products and that the public health impact of sugar-sweetened beverage products separately and together constitute municipal affairs.
- B. The People of the City of Berkeley hereby further declare their desire for this measure to coexist with any similar tax adopted at the county or state levels.

Section 7. California Environmental Quality Act Requirements.

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation Public Resources Code section 21065, CEQA Guidelines section 15378(b)(4) and 15061(b)(3), as it can

be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080, subdivision (b)(8) and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

CITY LETTERHEAD

Date:

The Honorable Scott Wiener
California State Senate
State Capitol Building, Room 4066
Sacramento, CA 95814
VIA FAX: 916-651-4911

COUNCIL MEETING

1-29-18

[] Placed Before Meeting
[] Received at Meeting

RE: **SB 827 (Wiener) Planning and Zoning.**
Notice of Opposition (as introduced 1/3/18)

Dear Senator Wiener:

The City/Town of _____ opposes SB 827 (Wiener), which would exempt certain housing projects from locally developed and adopted height limitations, densities, parking requirements, and design review standards.

Specifically, SB 827 would undermine locally adopted General Plans, Housing Elements (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). SB 827 allows private for-profit housing developers and transit agencies to determine housing densities, parking requirements, and design review standards within one-half mile of a “major transit stop,” or along a “high-quality transit corridor” which could be miles away from an actual bus stop. Under existing law, cities are already required to zone for densities at levels necessary to meet their entire Regional Housing Needs Allocation (RHNA). Additionally, SB 827 would provide developers a means to generate additional profits without any requirement to build affordable housing.

[If you have specific examples of the impact of this bill on your city/town, please include here.]

Exempting large-scale developments from General Plans, Housing Elements, and zoning ordinances goes against the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representative of their support or concerns when planning documents are developed. Public engagement also often leads to better projects. Disregarding such processes will increase public distrust in government and could lead to additional ballot measures dealing with growth management.

For these reasons, the City/Town of _____ opposes SB 827.

Sincerely,

NAME

TITLE

CITY/TOWN of _____

cc: Your Senator & Assembly Member
Senate Transportation and Housing Committee, FAX: (916) 445-2209
Senate Governance and Finance Committee, FAX: (916) 322-0298
Nancy Hall Bennett, Regional Public Affairs Manager, nbennett@cacities.org
Meg Desmond, League of California Cities, citiletters@cacities.org

**Introduced by Senator Wiener
(Principal coauthor: Senator Skinner)
(Principal coauthor: Assembly Member Ting)**

January 3, 2018

An act to add Section 65917.7 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 827, as introduced, Wiener. Planning and zoning: transit-rich housing bonus.

The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would authorize a transit-rich housing project to receive a transit-rich housing bonus. The bill would define a transit-rich housing project as a residential development project the parcels of which are all within a $\frac{1}{2}$ mile radius of a major transit stop or a $\frac{1}{4}$ mile radius of a high-quality transit corridor, as those terms are further defined. The bill would exempt a project awarded a housing opportunity bonus from various requirements, including maximum controls on residential density or floor area ratio, minimum automobile parking requirements, design standards that restrict the applicant's ability to construct the maximum number of units consistent with any applicable building code, and maximum height limitations, as provided.

The bill would declare that its provisions address a matter of statewide concern and apply equally to all cities and counties in this state, including a charter city.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that this act
2 addresses a matter of statewide concern and shall apply equally to
3 all cities and counties in this state, including charter cities.

4 SEC. 2. Section 65917.7 is added to the Government Code, to
5 read:

6 65917.7. (a) As used in this section, the following definitions
7 shall apply:

8 (1) "Block" has the same meaning as defined in subdivision (a)
9 of Section 5870 of the Streets and Highways Code.

10 (2) "High-quality transit corridor" means a corridor with fixed
11 route bus service that has service intervals of no more than 15
12 minutes during peak commute hours.

13 (3) "Transit-rich housing project" means a residential
14 development project the parcels of which are all within a one-half
15 mile radius of a major transit stop or a one-quarter mile radius of
16 a high-quality transit corridor. A project shall be deemed to be
17 within a one-half mile radius of a major transit stop or a one-quarter
18 mile radius of a high-quality transit corridor if both of the following
19 apply:

20 (A) All parcels within the project have no more than 25 percent
21 of their area outside of a one-half mile radius of a major transit
22 stop or a one-quarter mile radius of a high-quality transit corridor.

23 (B) No more than 10 percent of the residential units or 100 units,
24 whichever is less, of the project are outside of a one-half mile

1 radius of a major transit stop or a one-quarter mile radius of a
2 high-quality transit corridor.

3 (4) "Major transit stop" has the same meaning as defined in
4 Section 21064.3 of the Public Resources Code.

5 (b) Notwithstanding any local ordinance, general plan element,
6 specific plan, charter, or other local law, policy, resolution, or
7 regulation, a transit-rich housing project shall receive a transit-rich
8 housing bonus which shall exempt the project from all of the
9 following:

10 (1) Maximum controls on residential density or floor area ratio.

11 (2) Minimum automobile parking requirements.

12 (3) Any design standard that restricts the applicant's ability to
13 construct the maximum number of units consistent with any
14 applicable building code.

15 (4) (A) If the transit-rich housing project is within either a
16 one-quarter mile radius of a high-quality transit corridor or within
17 one block of a major transit stop, any maximum height limitation
18 that is less than 85 feet, except in cases where a parcel facing a
19 street that is less than 45 feet wide from curb to curb, in which
20 case the maximum height shall not be less than 55 feet. If the
21 project is exempted from the local maximum height limitation, the
22 governing height limitation for a transit-rich housing project shall
23 be 85 feet or 55 feet, as provided in this subparagraph.

24 (B) If the transit-rich housing project is within one-half mile of
25 a major transit stop, but does not meet the criteria specified in
26 subparagraph (A), any maximum height limitation that is less than
27 55 feet, except in cases where a parcel facing a street that is less
28 than 45 feet wide from curb to curb, in which case the maximum
29 height shall not be less than 45 feet. If the project is exempted
30 from the local maximum height limitation, the governing height
31 limitation for a transit-rich housing project shall be 55 feet or 45
32 feet, as provided in this subparagraph.

33 (C) For purposes of this paragraph, if a parcel has street frontage
34 on two or more different streets, the height maximum pursuant to
35 this paragraph shall be based on the widest street.

36 SEC. 3. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 a local agency or school district has the authority to levy service
39 charges, fees, or assessments sufficient to pay for the program or

1 level of service mandated by this act, within the meaning of Section
2 17556 of the Government Code.

January 26, 2018

COUNCIL MEETING

1-29-18

[] Placed Before Meeting
 Received at Meeting

VIA E-MAIL

Rick W. Jarvis, Esq.
Jarvis, Fay, Doporto & Gibson, LLP
492 Ninth Street, Suite 310
Oakland CA 94607

Re: Edgewood SC LLC v. City of Palo Alto et al. - Settlement Proposal

Dear Mr. Jarvis:

We understand that the City Council's agenda for Monday, January 29 includes a closed session for the Council to consider possible settlement of this litigation and resolution of the related issues. We provide this letter to facilitate the Council's consideration of the issues.

As a starting point, the Court's Decision of December 15, 2017, ruled that Edgewood did not violate the PC Zoning Ordinances, which do not require continuous operations:

Petitioner was not required under the terms of the ordinance to ensure the actual operation of a grocery store on an uninterrupted basis.

(Decision, at p. 11, lines 6 – 7.)

Petitioner did not violate PC Ordinance No. 5224 by not ensuring the continuous operation of a grocery store at the subject property. Consequently, [the City] improperly assessed penalties against Petitioner as a matter of law and the Administrative Decision/Order concluding otherwise was erroneous.

(Decision, at p. 12, lines 11 – 14.)

Rick W. Jarvis, Esq.
January 26, 2018
Page 2

As the Court strongly suggested that the Parties settle the remaining issues in this litigation, we are reiterating a settlement proposal on the following terms:

- Petitioner would withdraw and dismiss its challenge to Citations Nos. 1 – 56, and would not seek recovery of \$382,250 paid thereunder or interest accrued. Petitioner requests that the City direct these funds to benefit the local community that Edgewood Shopping Center serves.
- Consistent with the Judge's Decision, the City would refund Petitioner \$318,250 paid under Citations Nos. 57 – 72 plus interest (interest to be donated by Petitioner to the community), and would withdraw Citations No. 73 – 78. Petitioner requests that the City direct the interest amount to benefit the local community that Edgewood Shopping Center serves.
- Remaining causes of action would be dismissed and Respondents would not seek an appeal of the Decision.

All Parties and members of the community appear to appreciate the successful efforts to find and support The Market at Edgewood. Settlement at this time has the advantage of allowing the City to avoid further expenditure of public funds, and would eliminate exposure to potential award of additional damages and attorneys' fees. We believe this is a sensible opportunity for the Parties to resolve all of these issues.

We would request that copies of this letter are provided to the Council and appropriate members of the City Staff before the January 29 closed session.

Sincerely,

RUTAN & TUCKER, LLP



David P. Lanferman

DPL:abr

Arthur KellerSAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

COUNCIL MEETING

1-29-18

 Placed Before Meeting Received at Meeting

Real-time Creek Monitor »

A Government Agency Serving Communities
across Multiple Jurisdictions in Silicon Valley

Search Website

MEETING GO

Pre Meeting
Post Meeting

UPSTREAM OF HWY. 101 PROJECT

S.F. BAY-HIGHWAY 101 PROJECT

SAFER BAY & SEA LEVEL RISE



See the SAFER Bay Feasibility Report

Our Strategy to Advance Flood protection, Ecosystems and Recreation along the Bay (SAFER Bay project) will evaluate infrastructure alternatives to protect Menlo Park, East Palo Alto, and Palo Alto against extreme tides with sea level rise, and enhance shoreline habitat and trails. We want to know what you think.

CLICK [HERE](#) to read the October 2016 Feasibility Report of project objectives, approach, and findings for East Palo Alto and Menlo Park (a similar study of alternatives to protect and enhance Palo Alto will be completed in 2017). From November to January, with the East Palo Alto and Menlo Park city councils, the Salt Pond Restoration Project, and the Citizen's Committee to Complete the Refuge, we gathered additional ideas. We soon will begin design and develop an EIR. Please contact us to receive the Feasibility Report's appendices and to learn more about SAFER Bay, and see an *Almanac* [cover story](#) on this project.

NEXT BOARD MEETING: February 22, 3:30 p.m., East Palo Alto City Council Chambers

What We Do

The SFCJPA is an independent regional government agency founded by three cities and two countywide agencies divided by San Francisquito Creek and united by its watershed and floodplain. We lead projects along the creek and S.F. Bay that reduce a proven flood threat, enhance ecosystems and recreational opportunities, and connect our communities. We receive funding from the agencies listed below, as well as federal, state and private sources.

Public Meetings

The SFCJPA Board meets frequently throughout the year, and agency staff host and participate in discussions with community groups, city councils, and others. Please join us at a meeting listed below:

- [January 25 Board meeting](#)
- [December 14 Board meeting](#)
- [November 16 Board meeting](#)

[More Meetings »](#)

Documents

The SFCJPA and its partners produce a wealth of information on all aspects of the watershed and our plans to improve it. To learn more, click on one of the links below.

- [Request For Bidder Information - Faber Marsh Restoration](#)
- [Floodplain map similar to 1998](#)
- [Sandbag Distribution Locations](#)

[More Documents »](#)

Know Your Watershed

The links below will give you a better perspective on the Watershed, our place in it, and opportunities to get involved to appreciate and improve this incredible natural resource.

- [USGS San Francisquito Creek Study](#)
- [ACTERRA Watershed Project \(Formerly San Francisquito Watershed Council\)](#)
- [Save The Bay – San Francisquito Page](#)

Member Agencies

City of East Palo Alto

City of Menlo Park

City of Palo Alto

San Mateo County Flood Control District

Santa Clara Valley Water District



SOUTH BAY TOWNS

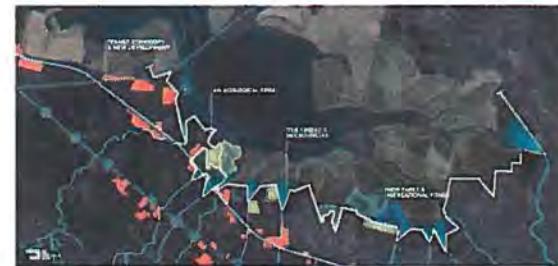
SANTA CLARA COUNTY | SAN MATEO COUNTY

The Field Operations Team



The Field Operations Team brings a

The Field Operations Team begins with the framework of 'One Bay, Many Communities, Many Solutions.' The notion of 'One Bay' speaks to the bay as something shared and fundamental. The notion of 'Many Communities' speaks to the great number of settlements that surround the bay, and the great diversity of priorities and points-of-view. The notion of 'Many Solutions' speaks to the diversity of conditions around the bay - and the importance of an approach that accommodates rich



bold and optimistic vision for how the Bay Area can better adapt to climate change, rising sea levels and related environmental and urban growth stresses in the coming decades.

The design team is led by James Corner Field Operations, an interdisciplinary urban design and landscape architecture practice based in New York City and San Francisco. Additional team members include: Moffatt

variation and difference. These three guiding frameworks forms the basis around which our work will take shape. The team's design process relies heavily on local agencies, organizations and voices to inspire real transformation. Together with community, The Field Operations Team will utilize the next design phase to listen and learn from the insights of local residents, help imagine design approaches that enhance current projects, and ensure the solutions proposed in May of 2018 reflect community needs.

WHERE

The Bay Towns of the South Bay have been selected as a priority resilience site for the Bay Area Challenge. The site includes vulnerable areas in East Palo Alto, Palo Alto, Sunnyvale, and Mountain View.

WHY

Risks: sea level rise, storm surge and tidal flooding, aging infrastructure, displacement and lack of housing.

The South Bay and Silicon Valley include some of the lowest-lying and most vulnerable communities to sea level rise in the Bay Area, and at the same time are growing rapidly and lacking adequate housing and transit connectivity. And yet, Silicon Valley is a global center of technology and innovation. Future innovations in the global effort to address urban development in the face of climate change are most likely poised to take shape in the South Bay.



& Nichol,
Magnusson
Klemencic
Associates, SF
BAY National
Estuarine
Research
Reserve,
Romberg-
Tiburon Center,
SFSU, Andrea
Baker
Consulting,
James Lima
Planning +
Development,
The Bay
Institute,
SeArc/ECOncret
e, HT Harvey
and Associates,
Playhou.se
Animation, and
Adventure
Pictures.

Furthermore, California's complex ownership of the interconnected and interdependent Salt Ponds create a challenging puzzle for holistic approaches to addressing sea-level rise, flood risk and ecological resilience in the South Bay. Completing "resilience" in one place has the potential to magnify stresses and vulnerabilities of neighboring places - a holistic, coordinated, large scale effort is needed to be successful.

WHAT

The Field Operations Team sees the South Bay as an opportunity to leverage design solutions that focus on addressing the various connectivity, equity and environmental issues in the South Bay. To ensure resilience efforts in the South Bay are successful, the Field Operations team will work to create a holistic and multi-scale approach that includes East Palo Alto, Palo Alto, Sunnyvale, and Mountain View.

Additionally, the Field Operations Team will carefully consider how robust, natural ecological systems of the South Bay and thoughtfully planned urbanization can address how the local communities relate to the Bay and to one another.

UPDATES

Herb Borock
P. O. Box 632
Palo Alto, CA 94302

*COUNCIL MEETING
1-29-18*
 Placed Before Meeting
 Received at Meeting

January 29, 2018

Palo Alto City Council
250 Hamilton Avenue
Palo Alto, CA 94301

JANUARY 29, 2018, CITY COUNCIL MEETING
ORAL COMMUNICATIONS

MOTT MACDONALD RAIL PROGRAM MANAGEMENT SERVICES
CONFLICT OF INTEREST

Dear City Council:

On January 25, 2018, the City issued a Request for Proposal (RFP No. 171057) for Rail Program Management Services.

Mott MacDonald is the current contractor under a contract signed October 4, 2016, for a two-year term. (Contract No. C16163563.)

Mott MacDonald is also the contractor for two Station Area Planning contracts (Madera and Tulare) funded by the California High Speed Rail Authority (CHSRA).

Mott MacDonald has a potential conflict of interest in working for the City of Palo Alto, because it receives funds from CHSRA that are laundered through local agencies.

Mott MacDonald should not be working for the City of Palo Alto on rail issues that include a corridor to be used by CHSRA.

Sincerely,



Herb Borock

paid for and

Attachments:

CHSRA Sustainability Report, December 2017, page 25, Exhibit 5.0.
(2 PAGES)

1/2

TCAG Cross Valley Rail Corridor Plan, February 8, 2016, "II.
Purpose", second paragraph. (3 PAGES)

CHSRA April 4, 2016, Press Release, last paragraph. (1 PAGE)

California High-Speed Rail

Sustainability Report

December 2017



Station Communities and Community Benefit

One of the underlying premises of Proposition 1A – which was approved by voters in 2008 – was that the high-speed rail system would link California's major population centers and reinforce existing downtown cores, while enhancing connectivity to existing rail and transit service. These key community-focused priorities are reflected in the work of the Authority.

To further these objectives, the Authority has entered into Station Area Planning (SAP) agreements with a number of station cities and local agencies to help support land use planning, access, and zoning changes to achieve highest and best use of land nearest to the stations. These agreements allow the Authority to work closely with station jurisdictions and other mobility service providers to promote city regeneration opportunities and enable more sustainable district-scale development near the proposed stations. Ideally, the partnerships developed through station area planning will evolve to serve future development. These partnerships are vital to implementing urban regeneration on a greater scale than what any individual organization could accomplish.

Through the station area planning agreements, the Authority helped create intermodal working groups (IWG) that include local governments and transit service providers. The IWGs will help inform important decisions around stations and identify funds for first and last mile connectivity projects that will better link nearby sidewalks and bike paths to stations.

Exhibit 5.0: Station Area Planning Status (as of June 2017)

CITY	SAP FUNDING AGREEMENT	CONSULTANT(S)	LAND USE AND ACCESS TOOLS, UPDATES & IMPLEMENTATION PLANS
Fresno	2012 - 2018	AECOM	2018
Gilroy	2014 - 2019	PlaceWorks	2019
Merced	2013 - 2019	Mott MacDonald	2019
Palmdale	2015 - 2018	Parsons	2018
Burbank	2015 - 2019	AECOM	2019
Bakersfield	2015 - 2018	SOM	2018
San Jose	2016 - 2018	Kimley Horn HR&A	2018
Santa Clara VTA	2016 - 2018	AECOM	2018
Tulare County Association of Governments	2016 - 2018	Mott MacDonald	2018
Millbrae	TBD	TBD	TBD



Tulare County Association of Governments

Request for Proposals for

Cross Valley Rail Corridor Plan

February 8, 2016

I. Background

Tulare County is located in the Central San Joaquin Valley with a population of approximately 450,000. TCAG was formed by a joint powers agreement in 1971; that agreement was executed by the County of Tulare and the eight incorporated cities: Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake. In 1982, TCAG was designated the Metropolitan Planning Organization for Tulare County. The designation gave TCAG the responsibility for the continuous, cooperative, and comprehensive transportation planning process in Tulare County as required by the federal government. TCAG is responsible for developing the Regional Transportation Plan, Federal Transportation Improvement Program, and Regional Transportation Improvement Program. TCAG's Board of Governors is made up of 17 members which includes: one member from each city, five members from the Tulare County Board of Supervisors, and three members appointed at-large. TCAG's transportation planning staff includes 7 Tulare County employees to carry out the transportation and planning functions of TCAG.

The California High-Speed Rail Authority (Authority) is responsible for the planning, designing, building and operation of the first high-speed rail system in the nation. The California High-Speed Rail System (System) will connect the mega-regions of the State, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands. By 2029, the System will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of over 200 miles per hour. The System will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations.

The Tulare County Association of Governments (TCAG) is requesting proposals from qualified firms to prepare a Cross Valley Rail Corridor Plan along the existing rail corridor between Huron to the west and Porterville to the east, connecting the proposed Hanford High Speed Rail station with communities along this route. Existing rail facilities and Right of Way provide the backbone structure of a potential passenger rail service. The proposed plan should include site identification and other planning accommodations for passenger rail stations in each community, areas where double tracking is needed to accommodate the logistics of moving freight rail through the system at the same time and rail improvements where rail is deficient or missing. In the end, the plan should be a complete vision and plan for a regional passenger system. Implementation and construction would be immediately sought after using federal, state and other funds once the plan is adopted.

II. Purpose

In partnership with the Authority, the Tulare County Association of Governments (TCAG) will undertake a Station Connectivity Planning effort (the Project) associated with the Kings/Tulare Regional High Speed Rail Station. This effort will inform the design of the High-Speed Rail Station as well as enable cities and county communities to promote Transit Oriented Development (TOD), economic development, encourage revitalization, and facilitate growth in surrounding areas in support of the High-Speed Rail investment. A primary result will be to identify enhancements to multi-modal access connections between the High-Speed Rail Station and the communities along the intended route. The Project will define how the proposed High-Speed Rail station will be accessed by multimodal connections and include an evaluation of TOD, economic development and sustainability opportunities in affected communities.

The plan will be funded largely by Station Area Planning funds from the California High Speed Rail Authority, as well as from local contributions. The purpose of Station Area Planning funds is to provide funding assistance to High-Speed Rail station cities to prepare for the economic development and land use changes in their communities that will result from the addition of a High-Speed Rail station within their region. Planning for this type of development is important to the ridership success and development of the High-Speed Rail system. These Station Area Planning funds provided through the Authority are intended to support local governments to initiate station area planning and partnering with the Authority. The work will support and guide design efforts associated with development of the High-Speed Rail system.

This Project shall result in a Cross Valley Rail Corridor Plan that is consistent with and supportive of the Federal Railroad Administration (FRA) American Recovery and Reinvestment Act (ARRA) grant guidelines; regional planning efforts required by Senate Bill (SB) 375; the Authority's programmatic and, as available, project environmental documents; and adopted Station Area Development Policies. It is intended that this process include public participation to involve the local community and interested stakeholders in the planning process.

III. Estimated Selection Timeline

Feb 8, 2016:	Distribution of Request for Proposals
Feb 25, 2016:	Inquiry Deadline (no questions after this date)
Mar 3, 2016:	Proposals Due to TCAG by 12:00 p.m. (Noon)
Mar 14, 2016:	Interviews
Mar 30, 2016:	Consultant Selected by TCAG Board
Apr 11, 2016:	Work Begins
Sep 20, 2017:	Project Completion

IV. Budget and Invoicing

The budget for tasks outlined in this agreement is set at **\$600,000**. Invoices with a breakdown of which tasks have been completed and the percentage of each task completed should be submitted at the end of each month. All invoices must include a description of work completed and the hourly rate and expenditures for each employee. Direct expenses should include receipts or an acceptable form of backup.

Ten (10) percent shall be retained from each invoice until the completion of the contract. This retention will be released to the contractor within 30 days of completion of contract and contract deliverables to the reasonable satisfaction of TCAG.

The project budget and scope can be amended up to 50% for additional tasks desired by TCAG.

Please note that funding availability for the project is contingent upon a signed agreement between the Tulare County Association of Governments and the California High Speed Rail Authority.



Press Release

DATE: April 4, 2016

CONTACT: Annie Parker
California High-Speed Rail
916-403-6931
annie.parker@hsr.ca.gov

Lenka Wright
City of San José
408-535-8113
lenka.wright@sanjoseca.gov

High-Speed Rail Authority and City of San José Enter Into Station-Area Planning Agreement

SAN JOSE, Calif. – The California High-Speed Rail Authority (Authority) and the City of San José announced today an agreement that will infuse \$600,000 in federal and state funds into San José's historic Diridon Station. This station area planning agreement ensures a collaborative effort between local and regional transportation partners to develop new, intermodal transportation opportunities for the region and encourage transit-oriented development and smart growth policies surrounding the station in San José.

"Our Diridon Station Area Plan envisions a vibrant and urban mixed-use setting that serves as a regional hub of jobs, housing, transportation and entertainment," said San José Mayor Sam Liccardo. "I thank High-Speed Rail for investing in the implementation of the City's vision for this area, and look forward to working with them and stakeholders throughout the community to create a world-class destination in and around Diridon Station."

Located on the west side of downtown San José, the Diridon Station today serves as a major transit hub for Caltrain, Amtrak Coast Starlight service, Altamont Commuter Express (ACE), the Capitol Corridor (Amtrak), the Santa Clara Valley Transit Authority (VTA) light rail and bus service and Union Pacific. Future plans include high-speed rail service and a future BART extension. Previous station planning has resulted in the development of the Diridon Station Area Plan.

The Diridon Station Area Plan lays the groundwork for high-density and transit-oriented development surrounding the station. Through this agreement, the City of San José is receiving \$400,000 in federal American Recovery and Reinvestment (ARRA) funds and an additional \$200,000 of state funds to advance the Diridon Station Area Plan process.

"This agreement will provide vital connections and development opportunities that will ensure that the high-speed rail station in San José becomes one of the major transportation hubs in the Bay Area," said Board Chair Dan Richard. "This station will deliver passengers from the Central Valley and Southern California to the heart of the Silicon Valley and will provide new economic opportunities and improve mobility."

The Authority provides station-area funds through a combination of federal and state funds to help a number of partner cities conduct planning efforts and develop conceptual designs to provide connections between high-speed rail station areas and the communities that surround them. Other partner cities that have entered into similar agreements include Merced, Fresno, Bakersfield, Gilroy, Burbank and Palmdale.

####



CITY OF PALO ALTO, CA
CITY CLERK'S OFFICE

18 JAN 26 AM 10:09

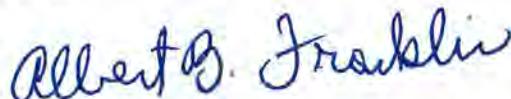
23 January 2018

Santa Clara County Board of Supervisors
Office of the Clerk
70 West Hedding Street
10th Floor
San Jose, California 95110

Board of Supervisors:

Please note, that even though I sent the initial correspondence to the City of Palo Alto, I never intended to ever ask them for the payment which eventually I assume will be forthcoming from the County of Santa Clara. What I wish for you, is for your public and private employees to enjoy the benefits of Privatized Social Security. There will never, ever be any money given to me for learning a little bit more about this!

Albert B. Franklin
2555 Hazelwood Way
Palo Alto, California 94303



22 January 2018

Pensions to Squeeze the City's Budget

City of Palo Alto, City Hall
City Manager
7th Floor
250 Hamilton Avenue
Palo Alto, California 94301

City Manager:

A high school friend of mine's, whose maternal uncle that grew up in Palo Alto once wrote a book about his many life's experience. Back when Parkey Sharkey attended Palo Alto high school, admittedly, where those now much cheaper than Atherton dirt bygone day to day employment within the hub of

Stanford which comparatively was also a place which far was far more inexpensive to both live and to gain an education than it is today.

More teachers could easily afford the luxury of buying a home, as compared and contrasted to today. Cubberley High was in full academic operation, alongside the then Los Alto High which today is better known as Henry H. Gunn High.

While living in Modesto, California, my interest was once piqued with my trying to have just a basic understanding, as to exactly why there are now today only three counties in the United States: all of them seemingly are in Texas, where Brazoria, Galveston and Matagorda County's employees deeply enjoy privatized, (<http://c-span.org/video/?16529-1/social-security-reform>) Social Security. Might this be the, therefore, why when I tried to offer counties of this State who should all be now be in direct connection with a more up to date performance of pensions: why they may think that no such place, is even on this place called earth?

Back when my family and I, first moved to and then lived in Mountain View, wild greens grew in abundance, jack rabbits were everywhere, and an integral part of life in the Bay Area, which back then, it was far more reasonable to live for both rich and poor alike. Though we attended church in Redwood City, and Greyhound was the normal transportation mode instead of county bus systems in order to get around with today. Back then, though, everybody walked, and community colleges were filled to the brim. Before public transportation, enrollment at the College of San Mateo peaked around the 80,000 level per year, but today, well.... Today, more elementary aged students attend in San Mateo County's Community Colleges, and overall enrollment is so low that I find it hard to even recognize what may be viewed as to why an academic would ever want to make a genuine setting of any real means test today!

What might have worked, in the not so distant past, may not always be what is most needed here under the New Economy. While we are about to forever make a move into the New Year, where in the not that far off future, the League of Women Voters of Los Angeles, on 21 January 2018, who will be discussing: :THE FUTURE OF TRANSPORTATION IN LOS ANGELES."

Where the comings and goings of finance are always concerned, at the State level, as many of their employees, had to discover the hard way that even when you work, for the man,sometimes there are truly ways and means by which to find yourself really in the dog house.

On page 6, Opinion section, of the Palo Alto Daily Post, a Los Alto Hills citizen wrote: "Dear Editor: A lot is written about CalPERS not getting the returns they forecast. This year, the Dow is up 25%, Nasdaq 30% and the S&P is up 20%. Seems to me that if CalPERS did nothing, with their portfolio, they would have gotten returns in the 20% range. Now, if they were as good as they think they are they should have returned 25% or more. Doing nothing or doing something this year is going to get the portfolio managers one hell of a bonus. What is the contribution, to the retirement fund going to be?" Those who feel the strain, CalPERS employees, and retired State veterans, may now wish to double check their financial contribution: <http://GetASecondOpinion.com> and <http://FFEBA.net>.

With the city's financial concern which has been debated for quite some time now by the Palo Alto Daily Post's corespondent Elaine Goodman whom it seems has two which I am aware of stories on this topic: "City Pension Woes Hit Home as Shortfall Hits \$405 Million," which saw circulation in September of 2017, and then new report was published on 18 December 2017, "Pensions to Squeeze the City's Budget." In a free and open market, CalPERS risks its forever loss of those employees who may now be able to discover that there area indeed practicing fiduciary pension minded plans that either produce not only stronger or return on investments for their State regulated clients.

While mass group identifications make life a little bit easier to better define, where those High Interest, Not Rich Yet: HINRYs who work hard all of their life, as compared and contrasted with today where they seem come right out high school, and then make about \$300.00 an hour. Which seem to come to about \$90,000.00 a month. On the other end of this spectrum, are the seldom discussed Street HINRYs who may be thought of as irresponsibly reckless. The Street HINRYs might make a ton of money, yet it will never relate into very many of them ever owning much of anything of real value, but in the New Economy, that proverbial swamp is virtually nil when it comes to the day to day generation of the Vig.

Let's face it, the dollar, as we knew it will very soon become a very much missed thing of the not to distant past! While governmental outfits struggle with their ways and means in order to deal with the

way of control homelessness on a national playing field, just where does that bottomless pit end in the real world? There is actually only one real answer, to that problem, for this means that governments everywhere must adopt a clear cut program which incorporates a proactive program in which to get everyone not only with gains making work, but also affordable housing, and everything which goes along side each and also everything else.

Stated another way, the Hammer and Coffin Society, under the Old Economy could have easily gotten both sororities and fraternities on a global scale to bend to their will! However, with money today which is 97% digital where it will ultimately make paying the weekly po-po a sticky wicked indeed.... Think about it, a Street HINRY today can't even plan an escape out of lockup without the entire plot first being recorded.

How does one slip a mickey, and then bribe the entire process, while casting fake facts against a judge in the media? Whose got the vigorish that clears all of the hurdles, when the ultimate bill has got to be paid?

Once upon a time, there was penny candy, and the price for a ticket to any local movie theater, for an adult was just fifty cents, while kids were able to attend for fifteen cents less. With the weekly addition to digital movies, virtual reality, and high tech surround sound the price today will be nothing short of a hundred dollars per family, so don't forget to pay that moneyless parking meter. Today, global governments are gearing up to rebuild the statewide transportation system: and yet, where are they even thinking about SkyCar? Then again, when the Japanese first announced that they were about to introduce an automobile (<http://genepax.com/> which runs on water, as that island nation went on to experience a catastrophic nuclear reactor meltdown which appears to have totally missed the real point in this matter all together.

Fox News online, ran a story on 25 December 2017 which clearly reflects what for some is a much clearer peek into the not that distant future where the Information Age is the rule of time: WOMAN HIT WITH \$284 BILLION ELECTRIC BILL, and yet, here we are still relying on water power generated electricity even though that form of power needs to be seriously reviewed. Transportation systems do need to be rebuilt, but should they become over regulated, under set laws, which currently do not reflect the way out of step population growth?

While East Palo Alto has for as long as anybody can remember, they have struggled with the lack of massive employability skills level, in place in order to boost that city's productivity while, for some, Bay Area rents seem to be way out of control. The 10 January 2018 Palo Alto Daily Post, page, 1, as it was then reported by their staff writer, Emily Mibach where she wrote that, "Residents Protest Rent Increases -- Landlord: New Rates Are Still Below Market," and yet, instead of the City of Redwood City not falling into the very same inventive trap, they appear to be more than willing to do so.....

Might it be a little bit wiser to allow any real building to maybe become permitted to go on where any given city's off business hours have begun? Those who garner these most coveted construction contracts should have the track record which reflects a very much in demand thought leadership. What we see today is man made gridlock, instead of the usual day to day flow of business. With the now forgotten governmental design of Grand Boulevard where we may be able to see what is transpiring both up and down the El Camino Real: from one end to the other!

While financial matters are once again about to really heat up, one might have assumed that by now educational levels statewide might have by now grown a little bit more compared and contrasted to the academic levels they appear to be as of this very moment. 11 January 2018's San Mateo Daily Journal, page 1, as it was then reported by their team staff reporters: Kathleen Ronayne and Jonathan J. Cooper, "Brown's Final Budget: Governor's Plan Proposes \$132 Billion in Spending," and yet, with a very weak 1% State funding annual graduation rate one may wish to wander a bit as to what all this spending is actually buying us in real terms?

Instead of SkyCar, for public transportation, we seem to be stuck on far slower modes of transportation? Where countywide bus systems are maintained by mechanics who saw their day when Greyhound ran both up and down the El Camino Real from San Jose to San Francisco. Back then, an automotive mechanic could have waltzed into any give automobile parts store, and bought tools at half price. Those who honed their craft went on to outlast the mechanics whom back some odd forty years ago were actually few and far between per city, but like the Starbucks mentality we seem to

now demand, the high priced automotive diagnostics that now appears to have not reach any portion of public transportation when it comes to effective repairs and daily safeguards.

Just set yourselves on any given publicly supported bus system, and see a bit more better. Overall, they sound terrible, leak oil like the now way out molded Harley Davidson once upon a time used to do, their air conditioning is shot , but more importantly, these public modes of countywide transportation may be more apt to die far more often on any given side of the road.

There are many avenues in which both the citizen and governmental employees might want to at least think about looking into, in order to at least keep pace, with today's ever in upward movement of this national New Economy.

Albert B. Franklin
2555 Hazelwood Way
Palo Alto, California 94303

Southgate RPP. NO NEED FOR 2-HOUR

Kerth Farrell

COUNCIL MEETING

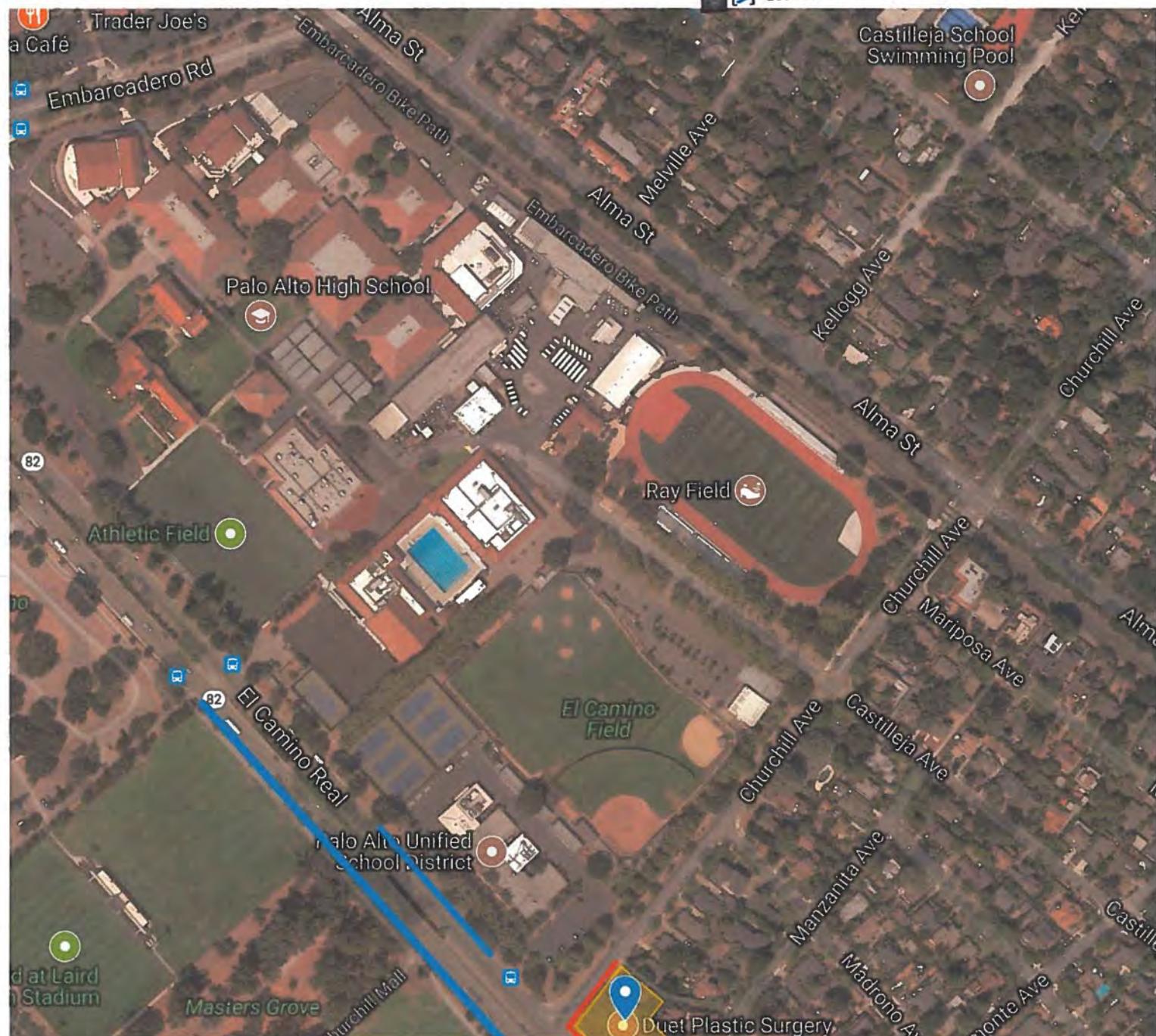
1/29/18

[] Placed Before Meeting
[] Received at Meeting

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- Frontage of 1515 El Camino
- Parking available along El Camino
- 1515 El Camino
- Beginning of El Camino (service road)
- Additional parking along ECR
- Additional ECR Parking
- 1515 El Camino Real
- 1681 El Camino Real

The request by staff for two-hour parking along 1515 and 1681 El Camino is irrelevant due to currently existing two-hour parking via RPP.



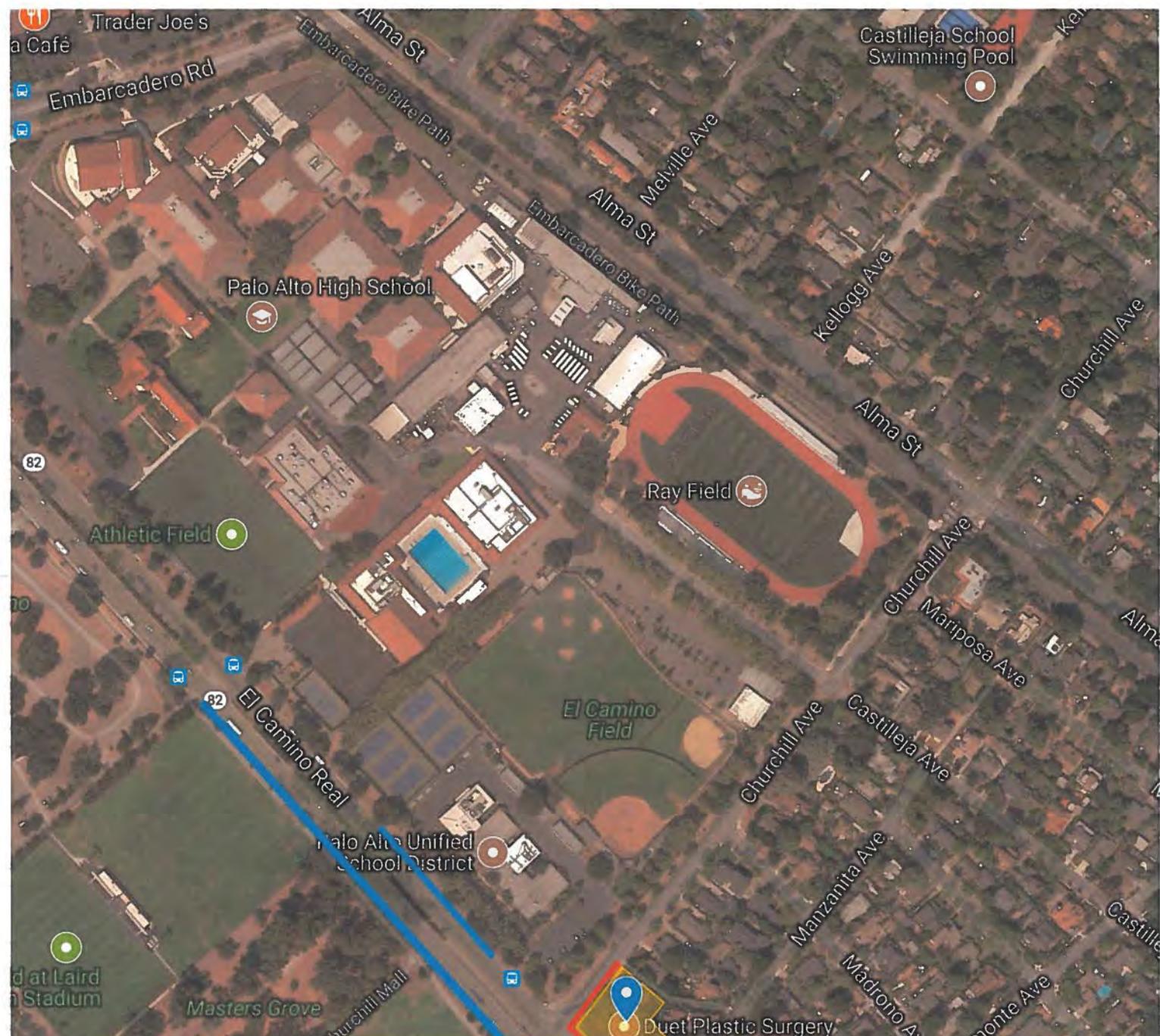


Southgate RPP. NO NEED FOR 2-HOUR

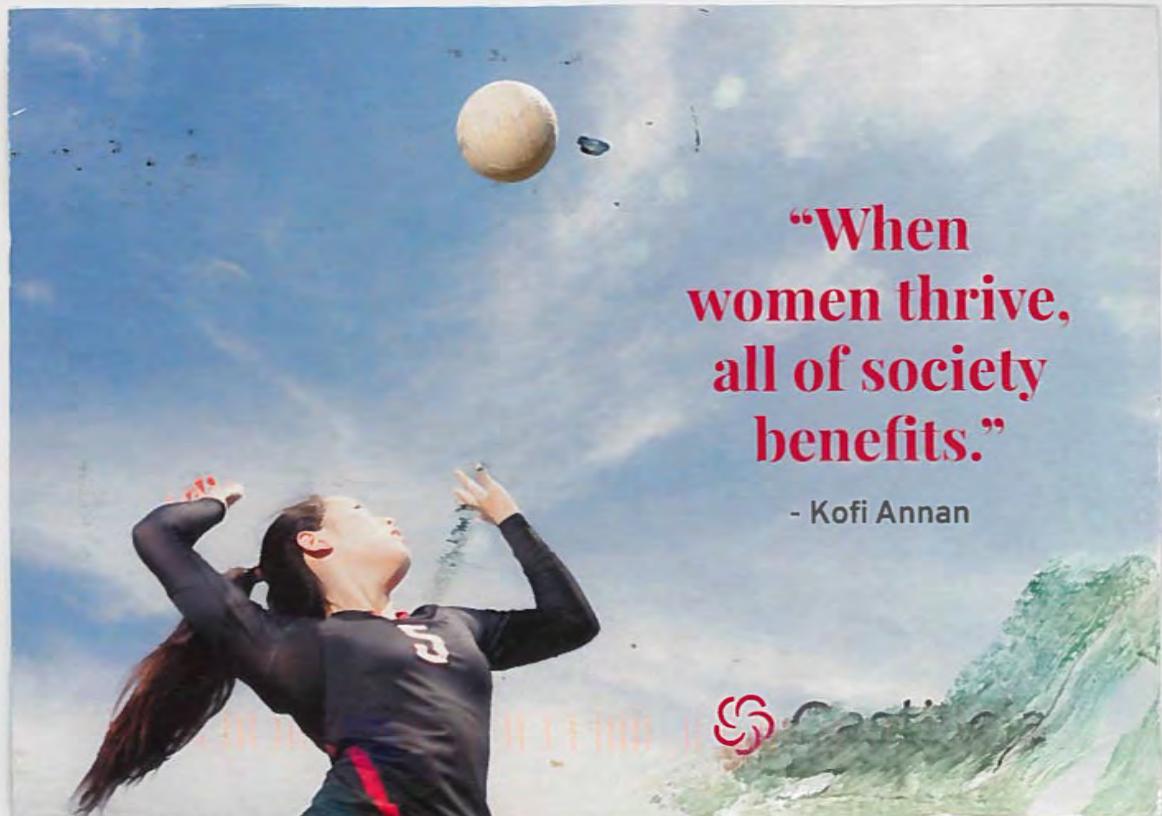
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**“When
women thrive,
all of society
benefits.”**

- Kofi Annan



RETURN ADDRESS:

Kayla Brand
2642 Ramona
Palo Alto CA 94306



I support Castilleja's proposal to increase enrollment and modernize its campus because...

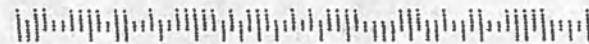
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CITY CLERK'S OFFICE

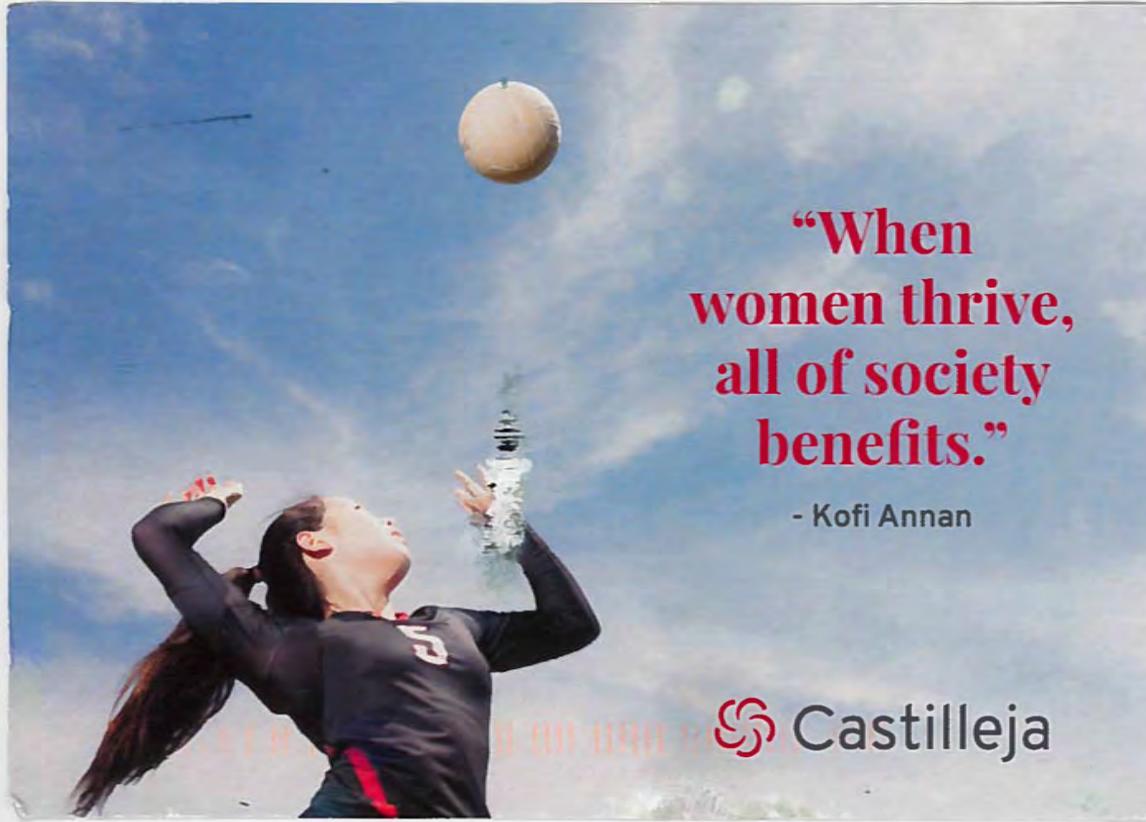
18 JAN 25 AM 10:17



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01/22





**“When
women thrive,
all of society
benefits.”**

- Kofi Annan

 Castilleja

RETURN ADDRESS:

Chris Manis
1260 Alvarado Ave
Palo Alto, CA 94301

I support Castilleja's proposal to increase enrollment and modernize its campus because...

Silicon Valley needs more women in leadership roles. The town has become an icon for gender inequality and pay gaps.

Let's lead the way

4301-253150

-

Chris



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**“When
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all of society
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- Kofi Annan



RETURN ADDRESS:

Sarah Sands
1331 Hamilton Ave
Palo Alto CA 94301



I support Castilleja's proposal to increase enrollment and modernize its campus because... bigger high school classes allow the girls greater educational opportunities and learning + teaching in old dorm rooms is not a great environment.

[Handwritten signature]



10 JAN 26 AM 10:07
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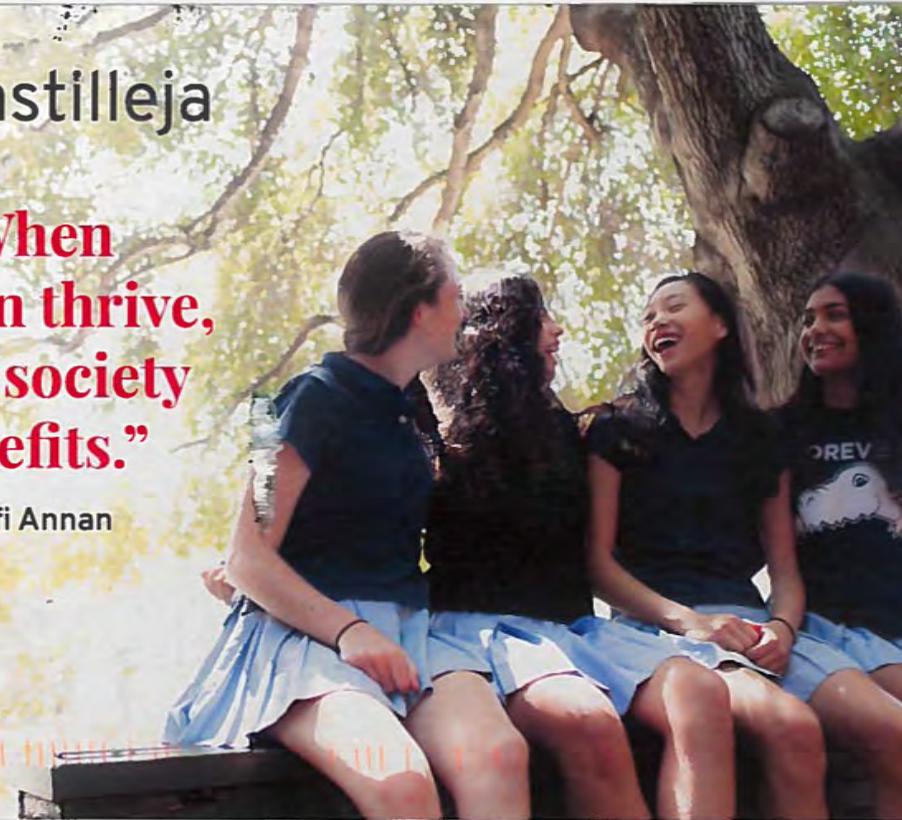


Castilleja

**“When
women thrive,
all of society
benefits.”**

- Kofi Annan

Castilleja School



RETURN ADDRESS:

Natalie Sands
1331 Hamilton Ave
Palo Alto, CA, 94301



I support Castilleja's proposal to increase enrollment and modernize its campus because... I believe in the power and strength of a women's education and want to maximize its impact in our community.

18 JAN 26 AM 10:00
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**“When
women thrive,
all of society
benefits.”**

- Kofi Annan



RETURN ADDRESS:

Erica Brand
2642 Ramona St
Palo Alto CA 94306



I support Castilleja's proposal to increase enrollment and modernize its campus because...

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