

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: 4/2/2018**

**Document dates: 3/14/2018 – 3/21/2018**

**Set 2 of 2**

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

**Carnahan, David**

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**From:** Fred Balin <fbalin@gmail.com>  
**Sent:** Saturday, March 17, 2018 7:59 AM  
**To:** Council, City  
**Subject:** Outrageous! -- Video is up -- Alcheck, 3/14 at PTC "My Last Comment is Directed to Staff ..."

<https://youtu.be/FurF5zGxyH4?t=12091>

Follow-up to my knee-jerk, capsule email to you (below) after Item 1 at P&TC on Wednesday. City manager included on this one.

Video of the 3/14 P&TC meeting is up; link to start of 3-minute segment is above and below . Kindly view, then process your reaction into the overall fabric of personal experience, direct comments from others including those made in public, and this week's press coverage all related to the suitability of Commissioner Alcheck's continued presence on the commission.

<https://youtu.be/FurF5zGxyH4?t=12091>

Thank you,  
Fred Balin  
2385 Columbia Street

**From:** Fred Balin <[fbalin@gmail.com](mailto:fbalin@gmail.com)>  
**Subject: Outrageous!**  
**Date:** March 14, 2018 at 10:15:04 PM PDT  
**To:** [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)

Alcheck's lecture to the planning director at the end of Item 1 at P&TC tonite ... one-upped even himself during the evening, which included more of the usual, and .... not to mention, the new revelations in the press Monday. The time for action has arrived.

Sent from Fred's iPhone

**Carnahan, David**

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**From:** Marge Shapiro <mshap12@comcast.net>  
**Sent:** Wednesday, March 21, 2018 11:32 AM  
**To:** Council, City  
**Subject:** Palo Alto Animal Shelter

Dear Council Members,

As a resident of Los Altos and board member of Friends of the Palo Alto Animal Shelter I am aware of the ongoing issue of management and upgrading of the shelter. This is a worthy project for our communities and it needs to proceed. Our president, Jeremy Robinson, has presented to you the ultimate vision for a state of the art and revenue producing facility. We have a prime partner, Pets In Need, waiting to manage the shelter but time is short and their patience is waning. After several years of working toward this agreement, it is time for the contract to be signed. Please don't let this opportunity pass.

Thank you,

Marge Shapiro  
Director  
Friends of the Palo Alto Shelter

**Carnahan, David**

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**From:** Leslie Evers <pergamond@aol.com>  
**Sent:** Sunday, March 18, 2018 10:52 AM  
**To:** Council, City; Architectural Review Board  
**Cc:** Clerk, City  
**Subject:** Palo Alto ARB review of proposed Verizon towers is essential

To the City, ladies and gentlemen,

Please note I am OPPOSED to the installation of over 90 (or any number) of Verizon towers in the city without their first being passed through the Architectural Review Board in Palo Alto.

I am very appreciative of the City council's hard work in keeping our town livable and also up with the times. However, I have no idea what these things are going to look like - and pictures online are not promising or appealing. I think as citizens we would all prefer someone be in charge of how they look. In addition, there is an extra concern for potentially increased microwave radiation exposure, but that's a side issue. I assume that has been thoroughly evaluated?

I am really more concerned with just dropping these things all over town indiscriminately without aesthetic guidelines. If I had an overall vote I would say NO to it all. But the ARB review is absolutely vital if it is going to happen.

There is a meeting tomorrow (Monday) night regarding this but I cannot attend, so I am making my voice known. Thanks so much for your attention.

Leslie Johnson Evers  
1146 Waverley Street

**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Thursday, March 15, 2018 12:16 AM  
**To:** paloaltofreepress@gmail.com; acisneros@capublicrecordslaw.com; chuckjagoda1@gmail.com; Jonsen, Robert; Binder, Andrew; Perron, Zachary; dcbertini@menlopark.org; gkirby@redwoodcity.org; swagstaffe@smcgov.org; jrosen@da.sccgov.org; michael.gennaco@oirgroup.com; HRC; Stump, Molly; molly.o'neal@pdo.sccgov.org; Damon Silver; wilpf.peninsula.paloalto@gmail.com; Council, City; roberta.ahlquist@sjtu.edu; timothygray@sbcglobal.net; council@redwoodcity.org; citycouncil@menlopark.org; myraw@smcba.org; Watson, Ron; Tony Dixon; stevendlee@alumni.duke.edu  
**Subject:** Palo Alto Human Relations Commission questions police-video-transparency-policy

<https://www.paloaltonline.com/news/2018/03/13/commission-questions-police-video-transparency-policy>

Shared via the [Google app](#)

Sent from my iPhone

**Carnahan, David**

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**From:** Annette Fazzino <annette.fazzino@gmail.com>  
**Sent:** Wednesday, March 14, 2018 2:38 PM  
**To:** Architectural Review Board  
**Cc:** Council, City; Clerk, City  
**Subject:** Please deny approval to Verizon's cell towers

Dear Members of the Architectural Review Board:

Please deny approval to Verizon's cell towers in our neighborhoods. I am concerned about noise, aesthetics, and radiation. At the very least, Verizon's cell tower equipment should all be underground (except the antenna) and all equipment must not violate City noise ordinances.

Secondarily, I am concerned about anything being added on to the utility poles, as the city was supposed to put them all underground. If towers and antennas go up in our neighborhoods on existing utility poles, there will be an inequity throughout the city. Let's make Palo Alto even more beautiful!

Thank you for your consideration.

Yours truly,

Annette Evans Fazzino

**Carnahan, David**

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**From:** Jerry Fan <jerry.fan@gmail.com>  
**Sent:** Wednesday, March 14, 2018 11:30 PM  
**To:** Architectural Review Board  
**Cc:** Clerk, City; Council, City  
**Subject:** Please do not approve latest proposal by Verizon

To ARB,

Please do not approve Verizon's cell towers unless all the equipment, except the antenna, are undergrounded and does not violate our noise ordinances.

They're making excuses for not doing so by saying Palo Alto is in the flood zone for a once in a 500 year chance of flood - and it's is ridiculous. If ARB think it's a valid reason, we shouldn't have any electrical equipment on poles - esp when a flood can topple the poles and cause fires to surrounding trees and home.

Jerry Fan

## Carnahan, David

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**From:** redress.of.grievance@gmail.com  
**Sent:** Thursday, March 15, 2018 8:10 AM  
**To:** sdremann@pawebly.com  
**Cc:** Council, City; HRC; allison@padailypost.com; Dave Price; Watson, Ron; bjohnson@pawebly.com; bwelch@dao.sccgov.org; bjohnson@embarcaderomediagroup.com; Jay Boyarsky; Jonsen, Robert; Perron, Zachary; Keith, Claudia; cindy.chavez@bos.sccgov.org; acisneros@CApublicrecordslaw.com; James Aram; swebby@da.sccgov.org; Stump, Molly; gsheyner@pawebly.com; Gary.Goodman@pdo.sccgov.org; Keene, James; Kniss, Liz (external); Scharff, Greg; Lum, Patty; dave.cortese@bos.sccgov.org; dangel@da.sccgov.org; Binder, Andrew  
**Subject:** Please elaborate Ms. Dremann

And feel free to respond by publishing our past violation(s) to demonstrate how you and your publisher (Bill Johnson) censor anything controversial and or benign or for that matter anything coming out of East Palo Alto a predominantly African America and Latino community...

<https://www.facebook.com/PAFreePress/posts/1689913184366253>



Palo Alto Free Press  
@PAFreePress

Commission questions police-video transparency policy  
[bit.ly/2pfXUyM](http://bit.ly/2pfXUyM)

@PaloAltoWeekly developers have created a special algorithm to delete and #Censor our critical comments

This is what was deleted: Ciampi videos reveal profanity-laced exchange [bit.ly/2DvxFc](http://bit.ly/2DvxFc)

Posted by *Name hidden*  
a resident of Midtown  
0 hours ago  
Due to repeated violations of our Terms of Use, comments from this poster are automatically removed. Why?

3/15/18, 7:42 AM from [Palo Alto, CA](#)

Mark Petersen-Perez  
Editor: Palo Alto Free Press  
Ticuanape, Nicaragua NI

Sent from my iPad

**Carnahan, David**

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**From:** Palo Alto Free Press <paloaltofreepress@gmail.com>  
**Sent:** Tuesday, March 20, 2018 1:16 PM  
**To:** Binder, Andrew; Jonsen, Robert; Perron, Zachary  
**Cc:** HRC; Council, City; Keene, James; jrosen@da.sccgov.org; Jay Boyarsky; James Aram; acisneros@CApublicrecordslaw.com; molly.o'neal@pdo.sccgov.org; Stump, Molly; sdremann@pawebly.com; jaythor@well.com; bjohnson@embarcaderomediagroup.com; bjohnson@pawebly.com; michael.gennaco@oirgroup.com; gsheyner@pawebly.com; gkirby@redwoodcity.org; Gary.Goodman@pdo.sccgov.org  
**Subject:** Re: Body-Worn Camera Policy - Please consider a paragraph or two on Transparency and Accountability

Palo Alto Police Department DRAFT Body-Worn Camera policy can be found here....

<https://www.facebook.com/PAFreePress/posts/1815600461797524>

Mark

Sent from my iPad

On Mar 20, 2018, at 1:06 PM, Palo Alto Free Press <[paloaltofreepress@gmail.com](mailto:paloaltofreepress@gmail.com)> wrote:

Re: Body-Worn Camera Policy

Page 18

[https://docs.wixstatic.com/ugd/d85a96\\_0b754d67d8ad418aab4fdadf70cc4391.pdf](https://docs.wixstatic.com/ugd/d85a96_0b754d67d8ad418aab4fdadf70cc4391.pdf)

I would a least appreciate some form of acknowledgement concerning this request...

<d85a96\_0b754d67d8ad418aab4fdadf70cc4391.pdf>

As was suggested at the HRC. We recommend this new policy be reviewed by a neutral criminal defend attorney familiar with rules of evidence balancing the rights of the victims, but more importantly, the peoples right to know, enforcing Palo Alto Police Departments commitment to transparency and accountability which is non-existent in their current draft policy.

Lastly, the above mentioned (BART) policy was written by the Palo Alto Police Departments paid police auditors whom have a paid interest not to write an unbiased review but rather articulated crafted, to please local politicians and the policing agency's it serves, and to promote and land additional contracts...

Mark Petersen-Perez  
Editor: Palo Alto Free Press  
Ticuantepe, Nicaragua  
Sent from my iPad

# **Independent Review of the BART Police Oversight Structure**

**June 2017**



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# **I. Executive Summary**

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**Overview of the review:** Chapter 3-01 of the BART oversight model (hereinafter the “Model”) provides as follows:

The Board of Directors, with input from the BART Police Citizen Review Board, Auditor, BART Police Associations, complainants and the public, will evaluate the BART Police citizen oversight structure after the first year of implementation to determine if the need exists to make changes and or otherwise make adjustments to the system to improve its continued performance. This evaluation shall in no way be intended to eliminate the BART Police citizen oversight structure.<sup>1</sup>

This review and report were commissioned and conducted in furtherance of BART’s compliance with this provision of the Model; that is, to facilitate the Board of Directors’ evaluation of the oversight structure.

Our review began in January 2017. We interviewed the stakeholders whose input is expressly set out in the Model, but we conducted many additional interviews with a broad range of other significant parties. We ensured that the evaluation takes account of the original impetus for the establishment of the oversight system – the January 1, 2009, shooting of Oscar Grant by a BART Police Department (BART PD) officer – as well as the subsequent systemic reviews of policies and practices. Because oversight’s effectiveness depends heavily on the community’s trust, engagement, and support, we placed a high premium on community attitudes and concerns regarding the oversight system. We measured these factors in a variety of ways.

During our review, all individuals we met were generous with their time, accessibility, and candor. Representatives of the Board of Directors, the BART Police Citizen Review Board, and the BART PD were particularly helpful in providing both relevant documents and important insights regarding the issues discussed herein. The Office of the Independent Police Auditor (OIPA) was especially helpful in facilitating the mechanics of our work, and was continually available to provide documents and important perspective. To the degree that our findings and recommendations may help enhance the current civilian oversight system, it reflects the cooperation, assistance, and acumen provided by these stakeholders.

**The oversight system:** The BART PD oversight system, established in July 2010 following a process that involved community input, consists of the OIPA and the BART Police Citizen Review Board. According to the Model, OIPA (with a current staffing level of three) is to conduct investigations of complaints alleging serious officer misconduct, make recommendations on BART PD policies and practices, audit Internal Affairs (IA) investigations, conduct close monitoring of officer-involved shootings, conduct community outreach, issue

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<sup>1</sup> The Oversight Model is available on the website of the Office of the Independent Police Auditor: <https://www.bart.gov/about/policeauditor> and attached to this report as Attachment A.

public reports on investigation outcomes and trends, and provide staffing and other resources to the BART Police Citizen Review Board.

The BART Police Citizen Review Board consists of 11 members. Each of the nine Directors selects one member, while one is appointed by the police associations, and one is “at-large.” According to the Model, the Review Board is to hold monthly public meetings, review OIPA’s investigations, review BART PD and OIPA recommendations regarding BART PD policies, make its own recommendations regarding BART PD policies, conduct community outreach, and issue reports on its activities. Its members are also authorized under the Model to participate in officer and executive hiring.

**Overview of findings:** We found that the Model devised in response to the tragic shooting of Oscar Grant created two oversight entities that have served a valuable purpose in establishing effective civilian oversight over an agency that had no such previous external influences. The fact that we offer numerous recommendations designed to strengthen and clarify the original Model should in no way diminish the work of those who have worked diligently to fulfill the overarching objectives of accountability, advancing progressive police practices, and fostering greater community trust in law enforcement. Instead, this Report seeks to fulfill a key part of the Model’s original vision: one that recognized that a constructive re-assessment of BART’s nascent oversight program should be built into the design.

From that starting point, we found several areas in which the Model could benefit from revision and reform. These include significant omissions in the Model relating to investigations and auditing authority, and the ambiguities in provisions relating to outreach, reporting, investigations, and policy recommendations.

The review features a total of fifty-three recommendations. They range in scope from broad issues of jurisdiction and structure to more particular or technical adjustments to specific provisions in the Model. Among the key categories that produced specific suggestions for reform are the following:

**Recommendations to expand authority and related findings:** We recommend expanding the oversight system’s authority in two areas:

- **Broader audit authority:** First, we recommend expanding the auditing authority to allow OIPA to review any operational aspect of BART PD – as opposed to merely reviewing IA’s operations.
- **Investigations absent a complaint:** Second, we recommend authorizing OIPA to conduct its own independent investigation or review into any use of force or potential act of misconduct without the need to await receipt of a qualifying citizen complaint.

#### **Other recommendations and findings:**

- **Independence** from each other’s roles and responsibilities should be reinforced through structural changes to OIPA and the BART Police Citizen Review Board for the sake of their respective and mutual effectiveness. OIPA’s obligations relating to staffing the

Review Board should be removed, the requirement of a Review Board performance evaluation of the IPA should be eliminated, and orientation and training for Review Board members should be enhanced to delineate roles and responsibilities.

- **Case Auditing** should be conducted in a more consistent and thorough manner that allows for not only pre-completion input into the IA investigation, but also the ability to influence dispositions and discipline prior to BART PD's final decision.
- A **Systemic Auditing** protocol should be developed and implemented. OIPA should analyze trends and patterns, and it should be involved in BART PD procedures relating to use-of-force reviews and early identification of officers who may require remedial interventions.
- **Investigations** should address a broader range of complaints; any person should be able to file a complaint; and written protocols should be developed regarding investigative techniques, procedures, and coordination with other BART components to ensure confidence in OIPA's investigations and to ensure that it receives all complaints coming in to BART.
- **Use of Force Review** should become an arena in which OIPA more regularly participates, including assessing individual incidents, and contributing to holistic discussions of tactics and training, and other potential elements of constructive feedback.
- **Policy, procedure, and practice recommendations** should constitute a regular and formalized element of OIPA's interactions with and influence on BART PD.
- **Public reporting** by OIPA should be enhanced, in the form of greater detail with regard to its case monitoring role of internal investigations initiated by BART PD. Similarly, OIPA should report on the increased activities proposed in this report.
- **Mediation** should continue to be studied for ways to make it more attractive to complainants and officers.
- **An oversight system evaluation** should be conducted periodically.

## **II. Introduction**

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### **A. Background.**

**BART PD:** Established in 1969, BART PD is “comprised of 296 personnel, of which 206 are sworn peace officers,” according to BART PD’s website.<sup>2</sup> BART PD covers the entire BART system, which extends into four counties. The Chief of Police reports to the General Manager (GM), who is appointed by the Board of Directors.

**Shooting of Oscar Grant and aftermath:** On January 1, 2009, Oscar Grant was fatally shot by BART police officer Johannes Mehserle on the Fruitvale Station platform. On August 11, 2009, the law firm Meyers Nave issued a report regarding policies and practices “relevant to the” Oscar Grant shooting.<sup>3</sup>

From June 2009 to September 2009, the National Organization of Black Law Enforcement Executives (NOBLE) conducted a review of BART PD’s policies and practices, and it issued a report on January 1, 2010, which identified areas for improvement in a number of areas of BART PD’s operations.<sup>4</sup> A follow-up audit was conducted in 2013, and BART PD continues to report on its ongoing efforts to implement the recommended reforms.

In June 2010, Mehserle was convicted of involuntary manslaughter and acquitted of murder and voluntary manslaughter charges.

**BART Public Safety Accountability Act:** In September 2009 – immediately following the Meyers Nave report and before the completion of the NOBLE report – a bill was proposed in the state legislature to create an independent oversight system for BART PD. In July of 2010, the BART Public Safety Accountability Act was enacted. It directed the BART Board of Directors to “establish an office of independent police auditor, reporting directly to the board, to investigate complaints against district police personnel” and assigned the following “powers and duties” to the appointed auditor<sup>5</sup>:

- (1) To investigate those complaints or allegations of on-duty misconduct and off-duty unlawful activity by district police personnel, within the independent police auditor’s purview as it is set by the board.

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<sup>2</sup> “History of the BART Police Department,” <http://m.bart.gov/about/police/employment>.

<sup>3</sup> Meyers Nave, “Review of BART PD Policies, Practices and Procedures Re: New Year’s Day 2009,” 1 (Aug. 2009), available at [https://www.bart.gov/sites/default/files/docs/Meyers\\_Nave\\_Public\\_Report.pdf](https://www.bart.gov/sites/default/files/docs/Meyers_Nave_Public_Report.pdf).

<sup>4</sup> NOBLE, “BART Management Audit,” (Jan. 2010) [NOBLE Audit (2010)], available at [https://www.bart.gov/sites/default/files/docs/NOBLE\\_Final\\_Report.pdf](https://www.bart.gov/sites/default/files/docs/NOBLE_Final_Report.pdf).

<sup>5</sup> CA Pub. Util. Code § 28767.8(a) (2016).

- (2) To reach independent findings as to the validity of each complaint.
- (3) To recommend appropriate disciplinary action against district police personnel for those complaints determined to be sustained.<sup>6</sup>

The Act also authorized the Board to create “a citizen review board to participate in recommending appropriate disciplinary action.”<sup>7</sup>

**Oversight Model:** Pursuant to the legislation, the BART Board of Directors formed a committee to study what type of oversight should be established. There were numerous public hearings with robust input from members of the community. The Model eventually promulgated called for an independent police auditor, as well as a citizen review board. Responsibilities of the oversight system – detailed in this report – included: investigations of complaints alleging serious officer misconduct, recommendations on BART PD policies and practices, auditing of Internal Affairs investigations, close monitoring of officer-involved shootings, community outreach, and issuing public reports on investigation outcomes and trends.

**OIPA:** The OIPA is appointed by and reports directly to the Board of Directors. OIPA consists of three staff, including the Independent Police Auditor (IPA), an investigator, and an administrative support person.

**BART Police Citizen Review Board:** The Review Board consists of 11 members, including nine members appointed by the respective Directors, a member appointed by the police associations, and an at-large member selected through a formal application process.

## **B. Scope and Methodology**

**Scope:** Chapter 3-01 of the Oversight Model provides as follows:

The Board of Directors, with input from the BART Police Citizen Review Board, Auditor, BART Police Associations, complainants and the public, will evaluate the BART Police citizen oversight structure after the first year of implementation to determine if the need exists to make changes and or otherwise make adjustments to the system to improve its continued performance. This evaluation shall in no way be intended to eliminate the BART Police citizen oversight structure.

Even though the Model calls for an evaluation after one year of implementation, no assessment has ever been conducted since the inception of BART’s civilian oversight. While this lapse was unfortunate, it is a testament to OIPA and the Board of Directors that this independent review has now been commissioned.

We sought to answer two basic sets of questions:

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<sup>6</sup> CA Pub. Util. Code § 28767.8(b)(1)-(3) (2016).

<sup>7</sup> CA Pub. Util. Code § 28767.8(c) (2016).

- Does the oversight structure perform as contemplated in the language of the Model? If not, what ambiguities or omissions in the Model’s language may impact optimum performance?
- Could the oversight structure be improved or enhanced to further the oversight system’s goals, as articulated in best practices and understood by the communities it serves?

**Overview of methodology:** To these ends, we evaluated:

- The language of the Model for ambiguity or weaknesses.
- Whether practice could benefit by providing clearer authority, expansion of duties, and reconsideration of priorities.
- The perceptions and concerns of communities BART serves and BART system stakeholders, as well as national best practices, to gauge what changes would help to instill additional trust in the oversight structure and aid in serving its goals.

**Interviews:** Our review began in January 2017 and entailed more than 50 interviews with nearly four dozen stakeholders. These included OIPA staff; BART Police Citizen Review Board members; seven BART directors; local oversight professionals; local advocacy groups, including the local ACLU affiliate and the Coalition on Homelessness; police associations; IA officers; and BART PD command staff.

**Community interest and concerns:** Just as it was essential that we speak with police officials and representatives, community feedback – particularly input from impacted communities, including communities of color – was of critical importance in our review. This is because the effectiveness of civilian oversight depends heavily on the community’s trust in its independence, authority, and capacity.

Community members – especially those who have perceived or borne the brunt of systemic unfairness and an adversarial relationship with law enforcement – are much more likely to provide information and insight to an oversight entity that they consider fair, meaningful, and empowered. Those contributions from the community can, in turn, strengthen the legitimacy and the effectiveness of the oversight entity. And this dynamic can ultimately increase community trust in the police department, as well – the public is reassured by the sense of accountability and gives credence to the positive acknowledgements of progress that the oversight entity can provide. Accordingly, our recommendations draw heavily on what we learned from and about the communities served by BART.

We assessed community interest through interviews with individual residents as well as political leaders, leaders of community and advocacy groups, and leaders of other Bay Area oversight agencies who could speak to broader community sentiment. We also gauged community interest and concerns through other Bay Area initiatives on oversight, as well as input provided during the original 2009 process.

Finally, we sought to account for any countervailing concerns, with an eye toward maximizing the understanding and acceptance of all key stakeholders, including those subject to oversight and those with contrasting viewpoints on how it should function.

**BART Police Citizen Review Board sessions and documentation:** We attended three Review Board sessions and requested and reviewed additional documentation, including:

- The Model and earlier drafts of the Model
- Review Board bylaws
- Complaints and OIPA investigation reports
- Notifications provided to officers and complainants
- OIPA monitoring reports regarding IA investigations
- OIPA and Review Board reports
- Review Board agendas and minutes
- OIPA and Review Board policy recommendations
- IPA and Review Board member selection materials
- The 2010 NOBLE report, the follow-up 2013 audit, and the 2009 Meyers Nave report
- Outreach materials
- Public information regarding the process for developing the oversight Model, community members' observations of the oversight system, and serious incidents involving BART PD officers

**Best practices and standards:** In addition to drawing from our own experience and exposure to various oversight models and practices, we consulted best practices and standards from a variety of sources, including the National Association for the Civilian Oversight of Law Enforcement (NACOLE) reports and reports by other professional organizations; scholarly literature on oversight; the NACOLE code of ethics (cited in the Model); the Core Principles for an Effective Police Auditor's Office (cited in the Model); U.S. Department of Justice, Civil Rights Division investigations and consent decrees<sup>8</sup> and COPS Collaborative Reform Initiative reports<sup>9</sup>; and the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing (May 2015).<sup>10</sup>

### C. Acknowledgements

We received enormous support throughout the review process from a range of stakeholders and are grateful to each person who took the time to sit down with us for an interview. We were able to interview most members of the Board of Directors, who expressed strong interest in the review. Some helpfully directed us to other stakeholders. BART PD's executive staff, Internal

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<sup>8</sup> The U.S. Department of Justice publishes its findings letters and settlement agreements on its website: <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0>.

<sup>9</sup> The U.S. Department of Justice catalogues its COPS assessment reports:  
<https://cops.usdoj.gov/collaborativeresform>.

<sup>10</sup> Final Report of the President's Task Force on 21<sup>st</sup> Century Policing (May 2015), available at [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

Affairs investigators, and the police associations, as well as the OIPA staff were open and candid and provided invaluable insights.

The current IPA enlisted this review, provided a comprehensive list of potential interviewees, contacted many of them to help schedule interviews, and was readily available for ongoing questions. The IPA provided critical OIPA documents and spent many hours sharing his understanding of and views on the system with us. We applaud his energy and interest and note that this review likely would not have happened but for his proactivity and creativity. The IPA's embracing of this peer review process, and full cooperation with it, is testament to an admirable growth mindset.

Finally, we are grateful to the family of Oscar Grant, who remain constructively engaged in the subjects of oversight and accountability, and who took the time in that spirit to share their experience and suggestions with us.

## **III. Findings and Recommendations**

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BART's current oversight model has many admirable features and has served its transit community well for almost six years. The Model provides OIPA with access to the most sensitive of Police Department records and gives it the ability to conduct independent investigations, audit internal investigations conducted by BART PD, and make policy recommendations. Moreover, the Model provides the BART Police Citizen Review Board with an opportunity to meaningfully weigh in on complaint investigations and recommend disciplinary outcomes, an authority that very few community-based oversight entities possess.

However, the Model has ambiguities and places unnecessary limits on oversight authority. This is due in large part to requiring the existence of a complaint before authority can be exercised. In addition, the Model saddles OIPA with administrative functions for the BART Police Citizen Review Board, blurring the lines between oversight entities with complementary yet distinct and independent roles. The recommendations set out below – which flow from an evaluation process expressly contemplated by the original model – are intended to provide clarity regarding both OIPA and the BART Police Citizen Review Board's authority. The recommendations suggest a course that could result in more impactful oversight for the benefit of the community and BART PD alike.

### **A. Clarifying Oversight's Scope**

#### **The Model Should Make Explicit that OIPA's Oversight Scope Includes All Employees of BART PD and Any Potential Violations of Policy.**

Currently the Model states that OIPA has the authority to exercise its oversight duties with regard to "any and all law enforcement activities or personnel operating under the authority of" BART. We have been informed that this passage has been interpreted to include non-sworn members of BART. However, for purposes of clarity, the Model should indicate that all employees of BART are within OIPA's oversight authority.

Many of the non-sworn employees of a police agency have considerable interaction with the public and are indirectly imbued with the authority of the law enforcement entity for which they work. Accordingly, those employees often have significant influence on whether the public is appropriately served by the agency. For that reason, all police department employees should be subject to civilian oversight's ambit.

Moreover, at least as to sworn officers, the Model should make clear that any potential violations of policy should fall within the ambit of OIPA. Law and practice has also recognized that there is a clear nexus between off-duty conduct and on duty responsibilities for sworn officers. For that reason, it has been long held that police officers can be held accountable for off-duty misconduct inconsistent with their duties and responsibility to uphold the law. For example, officers who are found to have engaged in domestic violence or impaired driving can be independently sanctioned for that conduct by their employing agencies. In order to ensure accountability for these actions, progressive oversight entities have recognized that they must

similarly be able to exercise oversight over off-duty officer conduct. The Model for OIPA must ensure that such oversight authority exists over BART PD.

***Recommendation One: The Model should be revised to make clear that the scope of OIPA's authority extends to non-sworn employees of BART PD and to all potential misconduct involving sworn officers whether on or off duty.***

## **B. Increasing OIPA's Monitoring Responsibilities**

### **OIPA Should Consider Revising Its Approach Towards Monitoring Internal Affairs Investigations Conducted by BART PD Toward Real-Time Monitoring and More Transparency.**

Pursuant to the Model, OIPA has the authority to audit internal affairs investigations conducted by BART PD to determine if the investigations are “complete, thorough, objective and fair.” OIPA also has the ability to “require” follow-up investigation into any citizen complaint or allegation that is handled by BART PD.

OIPA has, in the past, exercised this authority provided by the Model when it determined that a BART PD investigation did not meet investigative standards. However, we are aware of a recent instance when there was resistance by BART PD after the Auditor identified an incomplete and substandard investigation and sought follow-up investigative work. BART PD should be reminded of the non-discretionary language in the Model requiring it to conduct follow-up investigation when requested by OIPA. To ensure an effective remedy should there be any BART PD compliance issues, the Auditor should be able to present any significant lapse to the attention of the General Manager, the Board of Directors, and the BART Police Citizen Review Board and set out the incident in its public reporting.

The Model provides the opportunity for OIPA to engage with BART PD as it proceeds with its internal investigative process. That ability has been enhanced by OIPA’s direct access to IA’s investigative database. We have been informed that OIPA regularly uses its database access to audit investigations being conducted by BART PD and has provided input and suggestions such as identifying additional witnesses to interview. OIPA also provides feedback on completed investigations to BART PD.<sup>11</sup>

However, to the degree that OIPA provides such auditing of the Department’s internal affairs investigations, most of the feedback occurs after the case has been completed and a disposition has already been rendered. At that point, any post hoc input from OIPA has a potentially limited impact on disposition decisions made by the Police Department since the disposition has already been determined and subject officers and complainants notified about that decision.

Another approach to auditing of BART PD cases that appears to be workable within the current Model would be for OIPA to deploy “real-time” monitoring of cases. Under that paradigm,

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<sup>11</sup> To the degree there remains any uncertainty, OIPA should be provided the authority to monitor any internal investigations conducted by BART PD, including internally generated investigations.

OIPA would audit active Internal Affairs investigations, serve as a resource during the pendency of the investigations, and, upon their completion, would review each case for completeness and objectivity. OIPA would then provide any feedback to Internal Affairs, suggesting any additional investigation prior to the case being completed. Similarly, prior to BART decision-makers' determination as to whether the evidence indicates a violation of policy, OIPA would offer independent recommendations on investigative outcomes. Finally, on founded cases, OIPA would present its recommendations with regard to the appropriate level of discipline. While BART PD would have ultimate authority regarding each of these internal decisions, OIPA's real time involvement in these decisions would likely make its input more impactful than the "after the fact" interaction currently deployed.<sup>12</sup>

In addition to providing quality assurance in real time for thorough investigations and evidence-based determinations on outcomes, OIPA could and should weigh in on other important investigative decisions. Sometimes, allegations of misconduct implicate potential crimes. The decision whether to forward such allegations to the District Attorney is one in which OIPA should participate. Additionally, under this approach, OIPA could play a helpful role in the proper scoping of investigations.

As importantly, OIPA should document and report on its auditing function. Currently, there is no detailed report of OIPA's auditing of BART PD cases, and the data reported regarding discipline and the outcomes by investigating agency (i.e., OIPA versus IA) is unclear. If OIPA decides to transition its current auditing function into real-time monitoring, it should significantly enhance its reporting of this function to the BART Police Citizen Review Board, the Board of Directors, and the public. OIPA should set out a narrative of each case audited, whether it found the investigation adequate, any input made by OIPA regarding improving the investigations, the disposition, and, in founded cases, the discipline imposed. OIPA should also report on the degree to which it concurred or disagreed with BART PD's case determinations. This increased level of transparency would provide stakeholders an important window into the Police Department's accountability system and an independent assessment of its vibrancy.<sup>13</sup>

***Recommendation Two: OIPA should consider modifying its monitoring function of BART PD internal affairs investigations to "real-time" monitoring, offering recommendations on the strength of investigations and appropriateness of dispositions prior to BART PD completing the process.***

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<sup>12</sup> We have been informed that, to the credit of the former Chief, occasionally OIPA had been asked in real time to provide input regarding investigative or disposition determinations by BART PD. Our recommendation is for a more comprehensive expansion of this encouraging dynamic.

<sup>13</sup> We leave to OIPA to determine based on its resources what portion of BART PD's internal investigations it could monitor in real time. One potential "bright line" suggestion would be to monitor all internal investigations conducted by the Department's Internal Affairs unit.

***Recommendation Three: Should OIPA move to real-time monitoring, it should be involved in decisions regarding whether a matter should be forwarded to the District Attorney for criminal review, and the appropriate scoping of an investigation.***

***Recommendation Four: OIPA should make its reported data on investigations and recommended discipline clearer and should publicly report its involvement and auditing functions in detail, setting out its assessment of the quality of each investigation and the appropriateness of each disposition and disciplinary determination. The Model should be modified to provide OIPA the express authority to report any resistance by BART PD to conduct additional investigation to the attention of the Board of Directors, the General Manager, the BART Police Citizen Review Board, and the public.***

### **C. Making the Complaint Process Available to All**

#### **The Model Should Be Revised to Allow Any Person to File a Complaint with OIPA or the BART Police Citizen Review Board Against Any BART Employee.**

Currently, the Model provides for a very limited universe of persons who may file a complaint with OIPA or the BART Police Citizen Review Board. Only “victims of on-duty police misconduct, a victim’s parent or guardian or a witness to misconduct” are permitted to file complaints against “a BART police officer.” The Model’s limitation on who qualifies as a complainant has led to circumstances in which OIPA has been handcuffed in its ability to investigate concerning incidents.

In one recent case, a widow of a person who died in custody did not qualify as a “complainant” under the Model’s definition. And in another case, a concerning use of force incident that occurred on a train platform, was captured on video, was uploaded on You Tube, and received thousands of views but did not qualify for OIPA purview because a qualified complainant did not file with the Auditor.

There is no rational justification for denying access to any individual who desires to file a complaint with BART’s oversight entities. In fact, progressive oversight entities even allow receipt of anonymous complaints. In addition, for the reasons discussed above, OIPA should have clear authority to investigate complaints against any BART PD employee, not just police officers.

***Recommendation Five: The Model should be revised to provide any persons the ability to file a complaint with OIPA and/or the BART Police Citizen Review Board against any BART PD employee.***

### **D. Enhancing OIPA Investigations**

#### **The Model Should Be Revised to Provide OIPA the Discretion to Investigate Any Complaint Received.**

Currently, the Model provides OIPA the authority to investigate “all complaints of allegations of police officer misconduct regarding unnecessary or excessive use of police force, racial profiling, sexual orientation bias, sexual harassment, and the use of deadly force, suspicious and wrongful

deaths.” It is inconsistent with progressive oversight practices to limit OIPA’s investigative authority to these categories. Instead of setting out what OIPA “can do,” the Model should provide OIPA the discretion and authority to investigate any complaint received.

***Recommendation Six: The Model should be revised to provide OIPA the ability to investigate any allegation of misconduct that implicates the policies of BART PD.<sup>14</sup>***

**OIPA and BART PD Should Consider New Investigative Models Designed to Create Efficiencies and Avoid Duplicative Investigations.**

Currently, when OIPA determines to investigate a complaint and proceeds with its investigation, BART PD conducts its own investigation into the same allegations. This paradigm results in two investigations of the same allegation with the same purpose – to determine whether the facts indicate a violation of BART PD policies. In addition to the inefficiencies of having two investigations being conducted for the same purpose, such an investigative scheme has the potential of requiring the complainant, witnesses, and involved officers to be interviewed twice, with any inconsistencies being used to undermine the investigation if a disciplinary determination is challenged. Moreover, the existence of two investigations with separate review criteria could lead to disparate results based on the same set of facts.

For these reasons, we recommend that OIPA and BART PD examine the possibility of developing an investigative paradigm whereby the Auditor has initial review authority on complaint allegations made to his Office. In those cases, the Auditor should determine whether to investigate the case or refer all or some of the allegations to BART PD for investigation. Any allegations referred to BART PD should be monitored by OIPA. BART PD should defer any investigation of allegations assumed by OIPA. Such a paradigm would eliminate the inefficiencies of two investigations undertaken for the same purpose and the potential negative consequences discussed above.

***Recommendation Seven: OIPA and BART PD should develop an investigative paradigm whereby OIPA would determine whether to investigate any complaint allegations received initially by the Office and BART PD would defer investigating allegations that the Auditor opted to investigate.***

**OIPA Should Develop an Investigative Handbook.**

Too frequently, investigative authority is provided to entities with little guidance or direction on how to exercise that authority. This has proven true in our experience regarding police agencies and their internal review processes, and oversight agencies are often susceptible to the same

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<sup>14</sup> To the degree that our recommendations provide clear authority for OIPA to investigate allegations of misconduct, it may become necessary for the Auditor and BART PD to work out protocols regarding which entity investigates which allegations. One “bright line” rule that may work is for the entity that initially receives the allegation to take the investigative lead. We are confident, however, that OIPA and the Police Department will be able to work out these jurisdictional questions.

omissions. OIPA apparently falls within this paradigm. While, to its credit, OIPA did create investigative templates and standard formatting for its investigations, principles of investigation were not set out in any handbook or manual. Such a handbook is particularly important for internal investigations of police officers, given the unique substantive elements and the distinctive framework of statutory requirements set forth in California’s “Police Officer’s Bill of Rights.”

An investigative handbook that codified basic principles would help ensure that OIPA investigations were conducted consistent with best internal investigative practices.<sup>15</sup> Moreover, the development of an investigative handbook should not create a substantial resource burden. Our experience suggests that, while the handbook should be tailored to OIPA’s oversight responsibilities for BART PD, universal investigative principles that already exist in handbooks of other agencies could be easily incorporated into an OIPA version.

***Recommendation Eight: OIPA should develop a handbook to provide guidance and expectations for its internal investigations.***

**OIPA Should Develop Internal Guidelines Regarding Investigative Timelines for Completion of an Investigation.**

Under California law, in order for discipline to be imposed, a subject police officer generally must be informed of the agency’s intent to discipline within a year of agency knowledge of the investigation. For that reason, with some exceptions, internal investigations of police officers need to be completed within a year of their initiation. While police agencies and oversight entities imbued with investigative authority recognize this statutory requirement, many recognize the interest in completing investigations well before the one-year deadline. There are several reasons for this.

First, if an investigation languishes unnecessarily, the complainant and subject officer will not receive timely notice of the result. More importantly, because most discipline is intended to be remedial, a delayed investigation will result in the remediation also being delayed. Nor does the quality of evidence tend to improve with age; on the contrary, memories fade and a delayed investigation can undermine the gathering of accurate and complete recollections. Finally, collateral issues such as consideration for promotion or special assignment can be unnecessarily delayed for the subject officer during the pendency of unresolved investigations.

Fortunately, OIPA has established a history of being timely in completing its investigations, in part because of its relatively small caseload. However, because the recommendations set out in

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<sup>15</sup> While a qualitative review of OIPA’s internal investigations was not the focus of our inquiry, we learned of one investigative technique that was concerning, namely the frequent use of telephone interviews by OIPA. Investigative principles strongly favor in-person interviews because of the natural limitations that exist if an interview is conducted over the telephone.

this report envision a larger caseload for OIPA, it is important to establish formal protocols for maintaining timeliness.<sup>16</sup>

***Recommendation Nine: OIPA should set out investigative timelines in its internal protocols that not only meet the statutory requirements but also reflect a commitment to prompt and efficient resolution of cases.***

**The Model Should Be Amended so that OIPA’s Disciplinary Determinations Correspond to Those Utilized by BART PD.**

Currently, the Model states that OIPA is to recommend that the matter be “dismissed” at the conclusion of an OIPA investigation in which the allegations are not supported by the evidence. Such a finding is not a generally accepted outcome for internal investigations in California. Rather, police agencies provide a menu of disposition options; for BART PD they are sustained, not sustained, exonerated or unfounded.

We have been informed that, in practice, OIPA makes findings after its investigation consistent with the four options available to BART PD. However, in order for the Model to conform to current practice, the language should be revised accordingly.

***Recommendation Ten: The Model should be clarified to reflect that upon the conclusion of an OIPA investigation, OIPA should recommend a finding of sustained, not sustained, exonerated, or unfounded.***

**OIPA Should Revise its Closing Letters to Provide the Complainant as Much Information as Legally Permissible.**

At the conclusion of an internal investigation, OIPA prepares a closing letter informing the complainant of the results. Consistent with many closing letters we have reviewed, OIPA’s closing letters are brief and provide little detail about the underlying investigation. Instead, the notification letter simply reports the outcome without explaining the basis for the decision or the nature of the investigative process. Complainants whose allegation is not proven (i.e., exonerated, unfounded, or not sustained) are left wondering about the thoroughness of the investigation and the legitimacy of the result.

California law provides restrictions on the type of information that can be provided to a complainant. Those restrictions, for example, have been interpreted to bar the agency from providing precise information about the disciplinary action taken. However, there is room under the law to give complainants more insight into the process. There is no prohibition, for example, on providing the number of witnesses interviewed, or whether video or audio evidence existed and was reviewed. By sharing this information, and otherwise tailoring the notification to the unique circumstances of the case, OIPA could move away from the type of “form letter” response that can exacerbate disappointment and undermine trust in the process. Accordingly,

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<sup>16</sup> We iterate that the ability to successfully keep to any internal timelines will be dependent on a sufficient allocation of resources to OIPA.

OIPA should craft closing letters that offer insights into the process and the means by which the result was reached.

***Recommendation Eleven: OIPA should tailor its closing letters to each individual case and provide the complainant additional information about the investigative steps taken to reach its conclusion.***

**At the End of an Investigation, OIPA Should Consider Offering the Complainant the Opportunity to View Video Evidence.**

Because of the adoption of body-worn cameras and the other video surveillance available at BART stations, there is a significant likelihood that the conduct complained about may be captured by video evidence. Video evidence can be significantly dispositive of allegations made against police officers. In cases in which video evidence exists and has contributed to the decision not to sustain an allegation, it is recommended that OIPA offer the complainant the opportunity to view the video, particularly when the complainant is the alleged victim of the misconduct.<sup>17</sup>

***Recommendation Twelve: When a concluded investigation does not result in a sustained finding, OIPA should offer the complainant the opportunity to view any video account of the incident.***

**E. Improving the Disposition Process of OIPA Investigations**

**The Model Should Be Revised so that More Transparency is Provided Regarding the BART Police Citizen Review Board's Determination on Case Outcomes.**

Currently the Model requires the Auditor to submit his findings to the BART Police Citizen Review Board for consideration. Under current practice, the Review Board considers the Auditor's recommendations and votes in closed session regarding whether to agree or disagree with those recommendations. The Model is silent about how that vote is reported. Current practice is to report out the results of any vote and the vote count when not unanimous, but the way in which individual Board members voted is not discernable.

While the case deliberation must remain private in accord with state law, there is no legal prohibition on publicizing how each Review Board member voted. Moreover, when there is a dissent, a rationale for the opposing votes should be crafted that could be made public. Accordingly, and consistent with enhanced transparency, the Model should be revised to stipulate that such information will be made public in the interest of providing further insight into the process and outcomes.

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<sup>17</sup> Competing privacy interests may prevail in cases in which the complainant is not the person being captured on video and in those situations OIPA should use its discretion on whether to offer to show the video evidence.

There may be occasions where OIPA may be interested in presenting monitored BART PD cases to the BART Police Citizen Review Board in order to receive input and feedback. Modifying the Model to provide the Auditor flexibility and discretion to do so is consistent with the document's overarching interest in gaining meaningful feedback and input from the community-based oversight entity.

***Recommendation Thirteen: The Model should be revised to instruct that the BART Police Citizen Review Board's vote tally by member on the Auditor's case recommendations and findings should be made public. In cases in which a non-unanimous majority agrees with the Auditor's case recommendations and findings, the dissenters should set out their rationale for diverging from the majority's determination.***

***Recommendation Fourteen: The Model should be revised to provide the Auditor the discretion to present BART PD internal investigations to the BART Police Citizen Review Board in order to receive input and feedback.***

**The Model Should Be Revised to Provide More Clarity Regarding Process When BART's Chief Disagrees with OIPA/BART Police Citizen Review Board's Recommendation.**

Currently the Model states that, should the BART Chief of Police disagree with the findings and recommendations of the Auditor and the BART Police Citizen Review Board, the Chief has the ability to appeal the determination to the General Manager in a confidential personnel meeting. The Model further states that the General Manager shall then make a decision and convey his/her decision to the Chief, Auditor, and the BART Police Citizen Review Board. The Model then instructs the Chief to implement the General Manager's decision.

We have been informed that this process has been used at least twice in the six-year existence of BART's oversight system. Based on recollection, we learned that in both cases, the Chief communicated with the General Manager's Office, pursuant to the Model, and the General Manager decided to accept the Chief's recommendations.

As implemented and as the current Model suggests, the appeal process has to date amounted to an ex parte meeting between the Chief and the General Manager. In that process, the General Manager only apparently heard the arguments put forth by the Chief; neither the Auditor nor the BART Police Citizen Review Board had an opportunity to be heard or to rebut the Chief's arguments. Moreover, because there was no public accounting of this process, there was no record of the Chief's reason for disagreement or the rationale for the General Manager accepting the Chief's view over those of the oversight entities.

In common law jurisprudence, most "appeal" processes consist of a forum where the appealing party submits arguments in writing, all other parties submit papers in response to the moving party and all parties can be heard in a meeting. Moreover, the decision-maker generally affords each party the opportunity to respond to any arguments put forward by the "appealing" party at the meeting. However, under the current plain language of the Model and apparent practice, the Chief of Police has the apparent ability to present his arguments to the General Manager without any opportunity for the Auditor or the BART Police Citizen Review Board to be heard.

The Model should be revised to explicitly provide for an opportunity for the Auditor and a representative (e.g., the chair) of the BART Police Citizen Review Board to have seats at the General Manager's meeting with the Chief in order to be able to listen to the Chief's arguments and to respond to them accordingly.<sup>18</sup> Such a process will provide the General Manager the opportunity to hear from all impacted parties and be able to make a better-informed determination based on input from each of them. The Model should also be revised to require the Auditor to publicly report on the outcome of any such appeals consistent with state law.

***Recommendation Fifteen: The Model should be changed to require the Chief to timely put forward the reasons and arguments for appeal in writing and provide the Auditor and the Chair of the BART Police Citizen Review Board the opportunity to respond in writing, to be present at any appeal meeting, and to respond to any additional arguments set forth by the Chief at the appeal meeting. The Model should be further revised to require the General Manager to set out her/his findings in writing.***

***Recommendation Sixteen: The Model should be changed to require the Auditor to publicly report the results of any such appeal meeting consistent with state law confidentiality requirements.***

#### **The Model Should Be Revised so that the Chief of Police Does Not Determine Disputes Between the Auditor and the BART Police Citizen Review Board on Case Outcomes.**

Currently the Model states that in cases in which the BART Police Citizen Review Board disagrees with the Auditor and fail to come to a consensus, the Review Board and the Auditor are to appeal the disagreement to the Chief of Police for a determination. Under the current model, the Chief then listens to both parties and determines whether to accept either the Review Board or the Auditor's findings.

Under the current language of the Model, the potential exists for an untenable situation in which the head of the agency subject to oversight is empowered to be the initial decision-maker when the two oversight entities disagree on outcome.<sup>19</sup> A more appropriate dispute resolution process would be for the General Manager to convene a meeting with the Auditor, the Chair of the BART Police Citizen Review Board, and the Chief of Police. During that meeting, the General Manager would hear the opposing positions of the oversight entities and render a disposition determination accordingly.

***Recommendation Seventeen: The Model should be changed so that when the BART Police oversight entities disagree on a case disposition, the General Manager will convene a meeting and, after receiving input from the oversight entities and the Chief of Police, render a disposition determination.***

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<sup>18</sup> Moreover, in order for the envisioned process to effectively work, the Chief must timely present any appeal to the General Manager.

<sup>19</sup> We have been informed that, to date, this provision has not been applied in an actual case. While this is fortunate, the potential for such a circumstance obviously continues to exist.

## **The Model Should Be Modified to Allow Complainants to Appeal to OIPA Any BART PD Internal Affairs Findings.**

Currently the Model provides complainants the right to appeal to OIPA the findings of an internal investigation conducted by BART PD regarding “on-duty incidents.” There is scant rationale for so limiting appellate rights of complainants.

***Recommendation Eighteen: The Model should be revised to provide complainants the right to appeal to OIPA the findings of any internal affairs investigation conducted by BART PD.***

## **Complainants Should Be Informed as a Matter of Course of Their Right to Appeal BART PD Internal Affairs Findings to OIPA.**

We have been informed that the right to appeal BART PD IA findings to OIPA has been used by complainants only infrequently. One explanation for this may be complainants’ unawareness of this option. Pursuant to state law, when BART PD closes an internal affairs investigation, it informs the complainant of that event by letter. The closing letter could be used as an efficacious way to make complainants aware of their right to appeal the findings to OIPA.

***Recommendation Nineteen: BART and OIPA should work with BART PD to ensure that the Police Department’s required notification letter to the complainant regarding case outcome also informs the complainant of his/her right to appeal the finding to OIPA.***

***Recommendation Twenty: OIPA should regularly report on the number of appeals received and the results of those appeals.***

## **The Model Should Be Revised to Protect all Disposition and Disciplinary Decisions from Unprincipled Changes at the End of the Process.**

Currently, the Model simply states that any discipline recommended shall be subjected to an administrative hearing prior implementation to address the “due process” rights of public employees. However, the Model does not articulate a role for either oversight entity in the post-disciplinary processes that currently exist.

Prior to the actual imposition of discipline, BART employees have the ability to argue that any decision is not supported by the evidence or is inappropriate or otherwise unfair. Currently, the Chief of Police has the ability to modify the initial determination and rescind charges or discipline as he sees fit. As a result, the potential exists for initial disciplinary findings by the oversight entities to be entirely undone by the Chief with neither notice nor opportunity for input from them. The Model’s silence on oversight’s role in post-disciplinary appellate processes creates a huge hole in the process that must be filled in order to ensure the effectiveness of oversight.

One easily implemented remedy would be to add a provision to the Model requiring the Chief to consult with the Auditor prior to modifying any disposition or discipline decision. If the employee has raised principled reasons during the post-discipline process for a modification, the Auditor should obviously be open to the Chief’s proposed amendments. Conversely, the Auditor should have the opportunity to resist changes in outcome that do not seem to have a reasonable

basis. If the proposed change is sufficiently significant in its impact on accountability, the Auditor should request a meeting with the General Manager prior to the change being effectuated. The Model should also require the Auditor to report on any post-disciplinary changes in disposition and discipline and whether he agreed with the modifications.<sup>20</sup>

After a disciplinary determination has been made, BART PD employees have the ability to appeal to an arbitrator. BART is required in this forum to establish the policy violation and discipline, and any determination by the arbitrator is binding on the parties. Again, our experience with other jurisdictions is that prior or during these proceedings, the Chief and entity may be approached by representatives of the employee with an offer to settle the case. The settlement offer is usually an agreement by the employee to drop the appeal in exchange for a lessening or removal of the disciplinary determination. Without the oversight entity's input in these settlement offers, the potential exists for a settlement that undermines accountability.

Again, an easy remedy exists. The Model should require input from the Auditor before any settlement agreement is struck between BART and the appealing employee. Should the Auditor determine that the settlement offer was unreasonable and undermined accountability, the Auditor should be able to convene a meeting with the General Manager for a final determination regarding the settlement offer. Finally, the Model should require the Auditor to report on any disciplinary determinations that are settled, whether he was consulted, and whether he agreed with the decision to settle the case.

The arbitration process itself is beyond the authority of OIPA but nonetheless warrants attention as an important influence on its work. Arbitration hearings test the strength of internal investigations and disposition determinations and can uncover potential weaknesses in those processes. In addition, an arbitrator has the authority to rescind even termination cases and order the agency to return the police officer to work – a power that is worthy of public awareness and scrutiny.

During our review, we were informed of at least one instance in which a BART police officer was returned to work after being initially terminated by the Department for a serious violation. However, because the Model sets out no role for its oversight entity in these processes, the Auditor did not review or assess the reason for the decision to return this terminated employee to BART employ. As importantly, the Model did not contemplate a public accounting of this decision as part of the Auditor's transparency responsibilities. This should be addressed.

***Recommendation Twenty-One: The Model should be revised to require the Chief of Police to consult with the Auditor prior to modifying any initial disposition or disciplinary determinations. The Model should provide the Auditor an appeal process to the General Manager should he believe that any modification would result in a serious erosion of***

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<sup>20</sup> We were informed of one case in which a BART police officer originally received notice that he was to be terminated for a serious infraction that was investigated by the Police Department. However, that decision was reversed during the grievance process and the employee was returned to work. The appropriateness of this decision notwithstanding, this is the type of case that OIPA should be reporting on publicly.

*accountability. The Model should require the Auditor to publicly report on any modification of an initial disposition or disciplinary modification and whether he agreed with the modification.*

*Recommendation Twenty-Two: The Model should be revised to require BART to apprise OIPA of any offers to settle cases after discipline has been imposed and provide the Auditor an opportunity for consultation. The Model should provide the Auditor the opportunity to appeal any intention to settle the matter to the General Manager should the Auditor find that the settlement would amount to a serious erosion of individual accountability. The Model should require the Auditor to publicly report on any cases settled at the post-discipline stage and whether OIPA agreed with the decision to settle.*

*Recommendation Twenty-Three: The Model should be revised to require the Auditor to report on any arbitration determinations that modify or rescind initial disposition and disciplinary decisions and to evaluate the reasons for any modification. The Model should require the Auditor to identify any systemic issues that formed the basis for any modification and work with BART PD to remediate those issues.*

### **OIPA Should Report Publicly the Results of Any Completed Investigation.**

While currently OIPA provides some information regarding completed investigations, we recommend that its reporting be modified to include a narrative of the allegation, the results of the investigation, whether the BART Police Citizen Review Board agreed with OIPA's recommendation, whether the Chief agreed with the proposed disposition, and whether there were any post-disciplinary changes to the initial disposition. In most cases, the reporting should begin when the investigation is initiated, with additional information being included as the process moves forward. Consistent with state law requirements, identifying information about the case or officers involved should not be included.

*Recommendation Twenty-Four: OIPA should publicly report on every investigation from inception to conclusion, providing information about the case result and the degree to which OIPA and the BART Police Citizen Review Board recommendations were implemented.*

### **F. Additional Risk Management Role for OIPA.**

#### **OIPA Should Be Expressly Authorized to Review Any Claim, Civil Complaint, and Law Suit Settlements and Judgments.**

When an individual believes he or she has been aggrieved by police officers, the person can file a complaint with the agency and/or oversight entity. Some persons, however, seek relief through the courts and file a claim or lawsuit instead. Depending on how the concern is received, the entity's response may be entirely different. Complaints filed with the agency or oversight entity are investigated as personnel matters, while the evidence-gathering for litigation has a different and inherently defensive orientation. We understand this dichotomy but see it differently – or at least more broadly. Among other things, a claim or lawsuit is essentially a “citizen complaint with a price tag attached.” If a jurisdiction handles these matters solely in litigation mode, it may overlook important questions of potential misconduct or resist the kind of investigation that might produce unwanted evidence.

For that reason, leading oversight entities routinely review claims and lawsuits to ensure that such an appropriate internal inquiry does occur in addition to other responses. In a similar vein, oversight entities monitor civil litigation to identify potential individual officer performance issues as well as systemic issues that may be unsurfaced. In cases resulting in significant settlements or adverse judgments, the oversight entity is often involved with the agency in developing a corrective action plan designed to remediate any of those issues.

In large part, because the Model did not specify a role for OIPA in these matters, it has not been involved in reviewing the civil litigation from an oversight and risk management perspective. OIPA should expressly be provided such authorization so that it can perform this important function.

***Recommendation Twenty-Five: OIPA should be provided authority to review claims and lawsuits to ensure allegations of misconduct are thoroughly investigated.***

***Recommendation Twenty-Six: OIPA should review any significant settlements and adverse judgments involving BART PD performance and work with BART PD to develop corrective actions intended to remediate any systemic issues.***

***Recommendation Twenty-Seven: OIPA should report publicly on its work in reviewing civil litigation.***

## **G. Developing a Mediation Program**

### **OIPA Should Redouble its Efforts to Develop a Robust Mediation Program.**

The Model expressly sets out a role for the Auditor in developing a mediation program. It states expressly that OIPA “shall develop a voluntary alternative dispute resolution process for resolving those complaints which may most appropriately be corrected or modified through less formal means.” The Model also contemplated that the BART Police Citizen Review Board and BART Police Associations would be part of the development process.

Nonetheless, in four years there has yet to be a case that has gone through a mediation process. While a few individual instances have come close, participants withdrew from the process at the eleventh hour.

Mediation – where involved parties can safely and productively articulate different viewpoints with a neutral arbiter – provides a process consistent with contemporary principles of restorative and procedural justice. The key to developing an effective mediation program is to make the process worthwhile to all participants, and departments have often faced challenges in getting officers to see the benefits. While these challenges are real, the experience of agencies in other jurisdictions shows they are surmountable. OIPA should examine these other jurisdictions to gain ideas for achieving a successful program. BART PD also should be more engaged in working with OIPA and the Police Associations to consider additional incentives for police officers to engage in mediation.

***Recommendation Twenty-Eight: OIPA should redouble its efforts to create a mediation process that is attractive to complainants and officers and provides an effective alternative dispute resolution process.***

## **H. Ensuring Prompt OIPA Notification of All Critical Incidents**

### **OIPA Should Receive Notification as to All Critical Incidents.**

Currently, the Model provides that the Auditor shall be notified immediately regarding an officer-involved shooting that results in the death or serious bodily injury to a member of the public or a police officer so that the Auditor can respond in real time to the investigative scene. The current language of the Model restrictively limits notification of OIPA to only uses of deadly force that result in death or serious bodily injury.<sup>21</sup> While a shooting that does not result in serious injury or loss of life has less significant consequences for the involved parties, a non-hit shooting or one that results in minor injury still involved a decision by the officer to use deadly force, and that decision is worthy of the same scrutiny. Additionally, the notification protocol does not expressly include other uses of force that result in death or serious injury, or incidents in which an off-duty officer may take police action and use deadly force.

We have been informed that, to the credit of BART PD, it has been regularly informing OIPA of a broader set of critical incidents that do not fit squarely within the Model's language. While BART PD's voluntary approach is praiseworthy, the Model should be modified so that it is clear to all that notification of OIPA should occur for a broader category of incidents.

***Recommendation Twenty-Nine: The Model should be enhanced to ensure that OIPA is timely notified of any critical incident including all officer-involved shootings (on duty or off duty) regardless of whether the use of deadly force resulted in injury or death, any use of force resulting in significant injury, and any in-custody death.***

## **I. Enhancing OIPA's Footprint Regarding Use of Force**

### **The Auditor Should Be Regularly Reviewing Uses of Force by BART Police Officers.**

In order for peace officers to perform their public safety function they are provided unique authority. In addition to being provided the power to arrest, police are provided the authority to use force when necessary. This authority, however, must be strictly limited and its exercise carefully scrutinized in light of the Constitution, the law, and internal policy. As a result, police officers are required to report when they use force, and command staff of the agency has a responsibility to review the policy and legal appropriateness of these incidents.

Because of the inherent seriousness of force incidents, and the profound ramifications of misuse or abuse of this police power, independent oversight should be significantly involved in

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<sup>21</sup> The subheading of the Model is entitled "On-Duty Officer Involved Shooting Incidents," suggesting that there is no need to notify OIPA of off-duty uses of deadly force.

monitoring force. Currently, except for some officer-involved shootings, OIPA's review of force incidents is limited to situations when a "qualified person" complains of force. As a result, both significant and minor force incidents escape the purview of BART's oversight entity and are not subjected to outside independent review.

OIPA should be afforded the opportunity to review every force incident and determine whether the force should be the subject of an internal affairs investigation. OIPA should also review the force to determine whether other issues are implicated for the involved officers or the Department as a whole. OIPA should work with BART PD to ensure that each force incident is reviewed with an eye toward identifying systemic issues such as training, equipment, supervision, and policy.

We also understand that BART PD convenes use of force review boards that examine significant force incidents. OIPA should regularly participate in those review boards to provide an independent perspective and to help assess individual performance and conduct as well as identify systemic issues. Finally, OIPA should regularly report on its involvement in the force review process and on any critical incidents.

***Recommendation Thirty: The Model should be revised to provide OIPA the authority for and responsibility of reviewing use of force incidents by BART PD, regardless of whether the incident is a subject of a complaint.***

***Recommendation Thirty-One: OIPA should regularly participate in BART PD's use of force review boards.***

***Recommendation Thirty-Two: OIPA should report publicly on its use of force review program including the outcome of BART PD's use of force review boards.***

***Recommendation Thirty-Three: OIPA should report publicly on the internal review of any officer-involved shootings, in-custody deaths, or serious uses of force.***

#### **J. Mapping Out a Significant Role for the Auditor in BART PD's Early Identification System**

##### **OIPA Should Be Involved in the Early Identification System.**

We have been informed that BART PD continues to develop an early identification system. This system is intended to use relevant data to identify police officers who may be displaying patterns of conduct that need to be addressed before they become a problem for the officer, the agency, and/or the public. For example, an early identification system may reveal an officer who uses force significantly more frequently than his or her counterparts on the shift – a potential "red flag" that could make further scrutiny worthwhile. The resultant intervention is intended to be remedial rather than punitive and might use mentoring, closer supervision, or other non-punitive strategies tailored to help mitigate or fix identified concerns.

Our experience is such programs are not only potentially beneficial, but also that independent oversight can be a helpful resource in their development, implementation, and execution. Currently, there is no role for OIPA in the Department's early identification system; we are

confident that setting out a distinct role for an independent voice will strengthen the system that BART PD has been developing.

***Recommendation Thirty-Four: The Model should be revised to provide authority and responsibility for OIPA to regularly participate in BART PD's early identification process.***

***Recommendation Thirty-Five: OIPA should report regularly on the status of the Department's early identification system and results.***

## **K. Increasing OIPA's Role as Auditor**

### **The Model Should Be Modified to Increase the Auditing Function of the Independent Police Auditor.**

While the professional oversight entity for BART PD is named the Independent Police Auditor, most of its work to date has been not auditing but investigating complaints. This incongruity stems, in large part, because the Model does not clearly define the auditing role for the Auditor.<sup>22</sup> As a result, OIPA has not conducted systemic audits of vital police functions. Other jurisdictions with robust oversight regularly conduct audits of their responsible police agencies, including the following areas:

- Recruiting and hiring practices
- Background investigations
- Supervisor performance
- Email, MDC and texting reviews
- Academy and in-service training
- Performance evaluations
- Promotional and special assignment processes
- Potential bias-based policing in stops or searches
- Stop and frisk practices
- Complaint intake procedures
- Appropriate use of the disciplinary matrix
- Transparency and public reporting of data by the police agency
- Crisis intervention practices and/or interactions with the homeless
- Police Department outreach
- Use of lock-ups
- Assessing compliance with precepts set out in pillars of 21<sup>st</sup> Century Policing

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<sup>22</sup> For example, one lost opportunity was that no role was created in the Model for OIPA to audit and report on BART PD's progress on implementing the recommendations set forth by the NOBLE report referred to above.

These oversight entities publicly report on the results of those audits.<sup>23</sup> Those same jurisdictions often monitor systems audits conducted by the police agencies themselves and publicly report on the results of those audits.

The Model should be revised so that OIPA is provided authority and responsibility to conduct systemic audits of BART PD functions that impact the quality of the Department and the service provided to its public. Similarly, the Model should provide OIPA the authority and responsibility of monitoring internal audits conducted by BART PD and to publicly report the results of those audits.<sup>24</sup>

***Recommendation Thirty-Six: The Model should be revised to provide OIPA the authority, access to data and records, staffing, and responsibility to conduct systemic audits of BART PD functions that impact the quality of the Department and the service provided to its public.***

***Recommendation Thirty-Seven: The Model should be revised to provide OIPA the authority and responsibility to monitor any audits conducted by BART PD regarding similar issues and report publicly the results of those audits.***

## **L. Expanding OIPA’s Role in Policy Development**

### **The Model Should Explicitly Authorize OIPA to Be Involved in BART PD-Initiated Policy Development.**

The current Model expressly authorizes the Auditor to develop specific recommendations concerning “General Orders and Directives, procedures, practices, and training” intended to improve “professionalism, safety, effectiveness, and accountability” of BART PD employees. To its credit, OIPA has made policy recommendations – for example, it most recently suggested changes to the way in which BART PD deals with panhandlers. However, OIPA has had little involvement in policy and training changes initiated by BART PD.<sup>25</sup> Our experience is that the most efficacious method of policy development is to have the police incorporate the feedback and input of oversight entities at an early stage, rather than the presentation of a “finished” product for review at the end of the process.

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<sup>23</sup> We were informed that the recently retired Chief requested OIPA to conduct an audit of background investigation files, but that the project was halted because of disagreement regarding the Auditor’s access and authority.

<sup>24</sup> The increased role we recommend for OIPA in auditing, reporting, and real-time monitoring of BART PD IA cases will likely result in a need to provide additional resources to the Auditor. The Board of Directors, the General Manager, and OIPA should work jointly to determine the degree to which additional resources will be needed to perform these additional functions.

<sup>25</sup> For example, BART PD recently developed language intended to modify its use of force policy; OIPA had no involvement in its initial development.

***Recommendation Thirty-Eight: The Model should be revised to provide OIPA the authority and responsibility to be involved in any policy or training initiatives being developed by BART PD and to report publicly on any reforms.***

**The Model Should Explicitly Authorize OIPA to Forward Any Policy Recommendations to the General Manager and/or the Board of Directors.**

While the Model currently authorizes the BART Police Citizen Review Board to forward any of its policy recommendations to the General Manager and/or the Board of Directors, no similar express language exists for OIPA. While we have been informed that in practice OIPA has been provided the ability to forward policy recommendations it has made to these entities, it would be advisable to revise the Model to expressly recognize this authority.

***Recommendation Thirty-Nine: The Model should be revised to provide OIPA the express authority to forward policy recommendations to the General Manager and/or Board of Directors. In situations in which OIPA's recommendations are not accepted by BART PD, OIPA should consider whether to forward its recommendations for further consideration to BART's governing entity.***

**OIPA Should Ensure that the Public Is Informed on Status and Outcome of Policy Recommendations.**

Over the years, OIPA has developed thoughtful policy recommendations. However, there is no “record” of the degree to which BART PD accepted and integrated those recommendations. For example, in its 2012-13 annual report, OIPA set out in detail recommended changes to BART PD’s recording policy. However, in the subsequent annual reports, there is no follow up on whether BART PD accepted or rejected each of the recommendations.

***Recommendation Forty: In its annual report, OIPA should include an update on any previous outstanding recommendations and the degree to which the recommendations were endorsed by the Review Board and accepted by BART PD.***

**M. Ensuring Integration of Oversight in BART PD's Policies and Practices**

**BART PD's General Orders Should Include the Authorities and Responsibilities of its Oversight Entities and a Provision Recognizing the Duty to Cooperate with those Oversight Entities.**

While the current General Orders and Directives of BART PD include some references to the existence and responsibility of the Independent Police Auditor and the BART Police Citizen Review Board, the specific responsibilities set out by the Model do not appear to be incorporated into those Orders. BART PD General Orders should make specific reference to oversight and its responsibilities. Moreover, BART PD’s Orders should inform its members of their responsibility to cooperate and respect the role of its oversight entities.

***Recommendation Forty-One: BART and OIPA should work with BART PD to ensure that BART PD's General Orders incorporate the authority of its oversight entities and the duty of members to cooperate in the execution of that authority.***

**N. Ensuring Regular Dialogue Between Oversight and BART Police Associations**

**OIPA and the BART Police Citizen Review Board Should Develop Mechanisms to Ensure At Least Annual Meets with the BART Police Associations.**

The Model instructs both OIPA and the BART Police Citizen Review Board to meet “periodically” and “seek input” from the BART Police Managers Association and the BART Police Officers Association. We have been informed that while meetings may have occurred during the first year and have been subsequently scheduled, actual meetings over the past few years have been sporadic at best. We believe that there is value in having periodic meetings between the oversight entities and those tasked with representing the interests of BART police officers. For that reason, a meeting schedule should be devised by both oversight entities to ensure there is an attempt to meet with both Police Associations at least annually. OIPA and the Citizen Review Board should annually report on any meetings that are held with the Police Associations.

***Recommendation Forty-Two: OIPA and the BART Police Citizen Review Board should attempt to schedule a meeting at least annually with the two BART Police Associations. The oversight entities should annually report on whether such meetings occurred.***

**O. Clarifying the Relationship Between OIPA and the BART Police Citizen Review Board**

**The Model Should Be Revised to Provide Further Guidance Regarding the Relationship Between OIPA and the BART Police Citizen Review Board.**

Consistent with oversight trends nationwide, BART’s oversight system includes a professional oversight office and an oversight board appointed from the community. That paradigm has resulted in OIPA being able to develop an expertise in police accountability practices adapted to a police agency designed to police an extensive transit system and a Board selected from the BART community that has a meaningful voice and role in both individual cases and systemic reform.

While it is laudatory that the drafters of the Model recognized the value in having both police practices experts and community members involved in providing oversight, more clarity is needed in defining the relationship between the two entities. The Model should expressly recognize that OIPA and the BART Police Citizen Review Board are to be considered as entities with complementary oversight roles that are independent of each other.

Much of the source of confusion about the complementary oversight entities is that the Model assigns the BART Police Citizen Review Board administrative tasks to OIPA. To eliminate this overlap, BART should consider creating an Executive Assistant position to provide

administrative support for the BART Police Citizen Review Board. The Executive Assistant would assume the administrative functions now set out in Chapter 1-05 of the Model including:

- Records of Review Board meetings
- Preparation of Review Board reports
- Review Board staff support and facilitation of training
- Review Board community outreach and communicating with the public
- Application process for open Review Board seats

In addition to the administrative tasks expressly set out in the Model, the Executive Assistant could also be responsible for assisting in developing the Review Board meeting agenda, arranging Review Board training, coordinating Review Board outreach, assisting with Review Board reporting responsibilities, and providing any additional administrative support for the BART Police Citizen Review Board.

The Model currently states that the BART Police Citizen Review Board “shall assess and report to the Board of Directors’ Personnel Committee on the performance and effectiveness” of OIPA. We have been informed that this provision of the Model has not been implemented in practice. The Auditor is subject to an annual performance review by the BART Board of Directors, the appointing authority. In assessing that performance, the Board of Directors could and should solicit input from several stakeholders, including the BART Police Citizen Review Board. However, the Model should be modified to clarify that the BART Police Citizen Review Board is not the “assessor” of the Auditor’s performance but simply another important source for input to the Board of Directors.

Similarly, when a BART Police Citizen Review Board seeks reappointment to a new term, the appointing Director should seek input from OIPA along with other important stakeholders on the performance of that Review Board member.

***Recommendation Forty-Three: The Model should be revised to expressly clarify the independent yet complementary roles of the BART Police Citizen Review Board and OIPA.***

***Recommendation Forty-Four: BART should consider creating an Executive Assistant position for the BART Police Citizen Review Board to assist with administrative tasks now assigned to OIPA.***

***Recommendation Forty-Five: The Model should be revised to acknowledge that the BART Police Citizen Review Board is one potential source of information when the Board of Directors is seeking input on the performance of OIPA.***

***Recommendation Forty-Six: The Model should be revised to provide OIPA the opportunity for input when a BART Police Citizen Review Board member seeks reappointment.***

#### **P. Clarifying and Enhancing the Roles of the BART Police Citizen Review Board**

### **The Model should provide clarification of BART Police Citizen Review Board Member Qualifications.**

Currently the Model disallows from service on the BART Police Citizen Review Board any person “currently employed in a law enforcement capacity” or any “relative of current and former BART Police Department personnel.” While prohibiting relatives of current and former BART PD personnel from serving, the Model does not expressly disallow former BART PD personnel themselves from membership on the BART Police Citizen Review Board. The Model should be revised to correct this incongruity.

***Recommendation Forty-Seven: The Model should clarify that former BART PD personnel are ineligible to serve on the BART Police Citizen Review Board.***

### **BART Police Citizen Review Board Members Should Have Requisite Training in Order to Fulfill Their Responsibilities.**

By selecting BART Police Citizen Review Board members from the community, BART oversight benefits from each member’s life experience and perspective. However, modern day policing is increasingly complex, and BART PD itself has a unique role in providing public safety for a large transit system. As detailed above, the BART Police Citizen Review Board has been provided considerable authority, including the ability to consider and vote on the Auditor’s recommendations regarding specific complaint investigation dispositions.<sup>26</sup> This authority carries with it a heavy burden of responsibility and the BART Police Citizen Review Board cannot effectively exercise that authority regarding investigation dispositions without each member undertaking a careful read of each case.<sup>27</sup>

Accordingly, in order to effectively carry out BART Police Citizen Review Board duties, each member must be afforded a basic understanding of progressive police practices, constitutional and state law, principles of civilian oversight, and BART PD’s distinctive challenges. The training should also focus on how, as expressly stated in the Model, the BART Police Citizen Review Board fulfills the “essential community involvement component” piece of the system and how it can most effectively fulfill this role. To these ends, a training curriculum developed for each new Review Board member, including ride-alongs, should be devised. In addition, Review Board members should get additional training at least semi-annually, perhaps as an agenda item during regularly scheduled meetings. As noted above, we recommend assignment of an Executive Assistant to the Review Board; that individual could be responsible, with input from the existing BART Police Citizen Review Board and the Auditor, for developing and maintaining the BART Police Citizen Review Board’s training program.

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<sup>26</sup> The Board of Directors should continue to be mindful of the weighty responsibilities demanded of each Review Board member when making future appointments.

<sup>27</sup> Review Board members who have not had the opportunity to read the investigation and accompanying materials should recuse themselves from deliberations and voting on the Auditor’s recommendation for that particular case.

***Recommendation Forty-Eight: A Training Curriculum Should Be Devised For Incoming BART Police Citizen Review Board Members, and In-Service Training Should Be Provided at Least Semi-Annually to Current Review Board Members.***

**Rotating the Location of the BART Police Citizen Review Board Meetings Would Allow the Review Board to Reach More Communities.**

As noted above, BART PD is responsible for providing public safety for a transit system to traverses multiple jurisdictions over a wide-ranging area. Yet the BART Police Citizen Review Board responsible for oversight over this region only meets at one location. Community members served must travel to this location to attend meetings and provide public comment. While this challenge is ameliorated by the transit-friendly locale of the meetings, it would demonstrate the Review Board's responsiveness to other communities to rotate the meeting locations. While such a rotation may provide some logistical challenges, it appears worth exploring whether those hurdles can be overcome.

***Recommendation Forty-Nine: The BART Police Citizen Review Board should consider rotating its meetings to a wider array of locales served by BART.***

**The BART Police Citizen Review Board's Outreach Should Be More Vibrant.**

The current Model notes that the existence of the BART Police Citizen Review Board effectuates the essential community involvement component of the oversight system. To advance that crucial role, the Model expects that the BART Police Citizen Review Board will lead in outreach efforts to the community, particularly constituencies impacted most by policing, including communities of color, immigrant communities, and individuals with psychiatric disabilities. While the Review Board's regularly scheduled public meetings fulfills that role to some degree, the Model certainly contemplated that more could and should be done in the outreach arena. We gather from the BART Police Citizen Review Board's annual reports that outreach has been largely undertaken by a few members. However, outreach should be an expected responsibility of all members of the Review Board.

To that end, before a Review Board member is appointed, the appointing authority should emphasize the outreach expectation to the potential appointee. Moreover, at one year intervals, the BART Police Citizen Review Board should place an item on the agenda in which each member publicly reports on the outreach efforts he/she has undertaken. The degree to which a member has engaged in public outreach should be considered by the appointing authority in determining whether to reappoint the member to an additional term. The Executive Assistant (recommended elsewhere) for the BART Police Citizen Review Board should track the outreach efforts of individual members and the Review Board as a whole.

***Recommendation Fifty: Procedures should be adopted by the BART Police Citizen Review Board intended to ensure that the Model's commitment to outreach is achieved. To that end, each incoming member should be alerted to outreach expectations by his/her appointing authority. On an annual basis, each Review Board member should report publicly on the outreach he/she has undertaken the previous year. Finally, the degree of each member's***

*public outreach will be considered prior to reappointing the Review Board member to an additional term.*

### **The Model Should Provide More Flexibility for “Good Cause” Meeting Absences.**

Currently, the Model calls for removal of any BART Police Citizen Review Board member who misses more than three regularly scheduled meetings per year. While the interest in having Review Board members attend meetings is well-placed, there may be situations where a member has “good cause” to miss a meeting. For that reason, it would be advisable to provide each Director with flexibility to excuse his/her appointed Review Board member’s absence for good cause. Such excusal would not count against the absence limit requirements.

*Recommendation Fifty-One: The Model should be revised to authorize excused absences for good cause that would not count against the absence limitations.*

### **Q. Providing Increased Transparency Authority for BART Oversight**

#### **The BART Oversight Entities Should Be Expressly Authorized to Make Public Statements.**

It is not uncommon for officer-involved shootings, in-custody deaths, significant force incident or allegations of misconduct to engender immediate controversy and concern, particularly if part of the incident is captured on videotape. In those cases, the existence of oversight entities can assist in tempering that concern with the recognition that there will be an independent review and accounting of the incident at the conclusion of any investigation. In recognition of this, jurisdictions have provided their oversight entities full rein to make public statements about their role in the wake of controversial incidents.

We have been informed that the Auditor has interpreted the Model to allow him the authority to make public statements about his work and BART policing issues. That being said, the Model should be revised to expressly authorize the Auditor freedom to make such statements.

Moreover, the Auditor should be free to speak with any media outlets about any aspect of oversight and in conjunction with any public report or findings. The BART Police Citizen Review Board’s ability to make timely public statements provides logistical challenges since the Review Board meets as a body only periodically. However, the BART Police Citizen Review Board should consider authorizing the Chair to make public statements on behalf of the Review Board regarding role and process when an exigency to respond is presented.

*Recommendation Fifty-Two: The Model should be revised to expressly authorize OIPA and the BART Police Citizen Review Board to make public statements about their oversight work.*

### **R. Ensuring Periodic Review of BART Oversight**

#### **BART’s Oversight Entities Should Be Reviewed on a Regular Basis.**

As noted above, the current Model provided for an assessment of oversight after one year of implementation. Because the world of oversight is new and constantly evolving, there should be a commitment to a periodic review of BART’s oversight entities on a going forward basis.

*Recommendation Fifty-Three: The Model should be revised to call for periodic reviews of BART's oversight entities at a minimum of four-year intervals.*

**Carnahan, David**

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**From:** Daniel Martin <[danielmartin@gmail.com](mailto:danielmartin@gmail.com)>  
**Sent:** Saturday, March 17, 2018 12:37 AM  
**To:** Billups, Janet  
**Cc:** Council, City  
**Subject:** Re: Claim Against the City form  
**Attachments:** 20180228 rejection of claim Palo Alto.pdf

Ms. Billups,

Attached is the rejection of my claim, for identification.

There is another large dead branch about to fall from the tree in front of our house, this one large enough to kill someone, or once again cause significant vehicular damage. This is apparently an oversight of the arborists who trimmed the trees about 6 months ago. With this note, it is more likely that a repeat episode will be classified as a liability of the city.

In the handwritten note I left when I visited your office in late February, prior to rejection, I expressed my dissatisfaction with the process for investigating my claim. The issues are as follows:

1. I provided full information on the event when I first reported it in December. You could easily have told me that car damage from a falling city tree is not covered by city insurance.
2. You have wasted your own time, my time, the damage appraisal fee, and the city attorney's time by not giving me this information up front. On the City side, that represents at least \$2000 of taxpayer money, just to feed the claim through your system. I made several inquiries in follow up, before I was provided the claim rejection.
  - In this sense the City Attorney's office is serving its own existence, rather than serving the city and taxpayers
  - Why bother paying an appraiser come to my house and verify the damage I had reported, if it is clearly outside that accepted as liability ?
3. The response from the city was approximately 2 weeks late, beyond their required response time. This delayed my having repairs done on my car.
4. The city has made no effort to inspect the trees on our street to determine if The falling branch damage is likely to recur in the near future.

Please notify the proper dept of CPA, to have the current falling branch threat addressed. If it would kill someone, it would be much worse than my car damage.

Sincerely,  
Dan Martin

1157 Harker Ave

On Feb 26, 2018, at 10:58 AM, Billups, Janet <[Janet.Billups@CityofPaloAlto.org](mailto:Janet.Billups@CityofPaloAlto.org)> wrote:

Mr. Martin,

I'm still waiting for a response from the attorney. As soon as I have that I will contact you. I apologize for the delay.

Regards,

<image001.png> Janet Billups | Claims Investigator  
Office of the City Attorney  
250 Hamilton Avenue, 8<sup>th</sup> Floor | Palo Alto, CA 94301  
O: 650.329.2171 | F: 650.329-2646  
E: [janet.billups@cityofpaloalto.org](mailto:janet.billups@cityofpaloalto.org)

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**From:** Daniel Martin [<mailto:daneleemartin@gmail.com>]  
**Sent:** Monday, February 26, 2018 1:50 AM  
**To:** Billups, Janet <[Janet.Billups@CityofPaloAlto.org](mailto:Janet.Billups@CityofPaloAlto.org)>  
**Subject:** Re: Claim Against the City form

Any news? Maybe I can come by today.

DM

On Dec 19, 2017, at 8:25 AM, Billups, Janet  
<[Janet.Billups@CityofPaloAlto.org](mailto:Janet.Billups@CityofPaloAlto.org)> wrote:

Mr. Martin,

I received the claim you submitting via email. Please forward an original "wet signature" claim form to the City Clerk, 250 Hamilton Avenue, 7<sup>th</sup> Floor, Palo Alto. Emailed or faxed claims are not accepted.

Best regards,  
Janet

<image001.png> Janet Billups | Claims Investigator  
Office of the City Attorney  
250 Hamilton Avenue, 8<sup>th</sup> Floor | Palo Alto, CA 94301  
O: 650.329.2171 | F: 650.329-2646  
E: [janet.billups@cityofpaloalto.org](mailto:janet.billups@cityofpaloalto.org)

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Please consider the environment before printing this email.

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**From:** Daniel Martin [<mailto:danleemartin@gmail.com>]

**Sent:** Monday, December 18, 2017 9:38 PM

**To:** Billups, Janet <[Janet.Billups@CityofPaloAlto.org](mailto:Janet.Billups@CityofPaloAlto.org)>

**Subject:** Re: Claim Against the City form

Ms. Billups:

Thank you for the information you provided on the telephone today regarding insurance claims against the city.

Attached is the form with the information, and photos of the car before it was moved, after the tree damage. The Person carrying the tree branch is neighbor Larry Donnelly, who carried the branch away.

The electronic form is filled out in red font, and I do not know how to change font color. I have provided a signed copy.

I will get repair estimate. Please initiate the claim against city insurance. Please advise any further action required by me at this time.

Best regards,  
Dan Martin  
650 867 0367  
1157 Harker Avenus

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On Dec 18, 2017, at 2:48 PM, Billups, Janet  
<[Janet.Billups@CityofPaloAlto.org](mailto:Janet.Billups@CityofPaloAlto.org)> wrote:

Dear Mr. Martin,

Attached is a claim form and instruction letter. The furnishing to you of a claim form is not an admission by the City of any liability. Feel free to contact me if you have any questions.

Regards,  
Janet Billups

<image001.png> Janet Billups | Claims Investigator  
Office of the City Attorney  
250 Hamilton Avenue, 8<sup>th</sup> Floor | Palo Alto, CA 94301  
O: 650.329.2171 | F: 650.329-2646  
E: [janet.billups@cityofpaloalto.org](mailto:janet.billups@cityofpaloalto.org)

**CONFIDENTIALITY STATEMENT:** This message, together with any attachments is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this message or any attachment is strictly prohibited. If you have received this item in error, please notify the original sender and destroy this item, along with any attachments. Thank you.

Please consider the environment before printing this email.

<Claim Form.pdf>



OFFICE OF THE CITY ATTORNEY

CITY OF  
**PALO**  
**ALTO** 250 Hamilton Avenue, 8th Floor  
Palo Alto, CA 94301  
650.329.2171

February 28, 2018

Daniel Lee Martin  
1157 Harker Avenue  
Palo Alto, CA 94301

Re:              Claim No.:              C18-0002  
                    Date of Loss:            12/17/2017

Dear Mr. Martin:

Notice is hereby given that the claim you presented to the City of Palo Alto dated January 8, 2018 is hereby rejected.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on this claim. See California Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.7 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in the matter and it is determined that the action was not brought in good faith and with reasonable cause.

If you have any questions or would like to discuss your claim, please feel free to give me a call.

Sincerely,

  
Janet L. Billups  
Claims Investigator

pc: Terence Howzell, Chief Assistant City Attorney

PROOF OF SERVICE BY MAIL

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of 18 years and not a party to the within action or proceeding. My business address is 250 Hamilton Avenue, 8<sup>th</sup> Floor, Palo Alto, California 94301, which is located in the county in which the within-mentioned mailing occurred. I am familiar with the practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence will be deposited with the United States Postal Service on the same day in the ordinary course of business.

On February 28, 2018, I served true copies of the following document:

**REJECTION NOTICE**

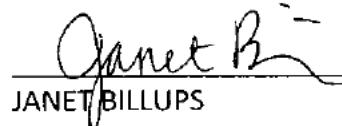
by placing a true copy in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Daniel Lee Martin  
1157 Harker Avenue  
Palo Alto, CA 94301

and by sealing the envelope and placing it for collection and mailing it with postage fully prepaid, in accordance with ordinary business practices.

Executed on February 28, 2018, at Palo Alto, California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
JANET BILLUPS

## **SECTION 945.6**

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b), any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced:

(1) If written notice is given in accordance with Section 913, not later than six months after the date such notice is personally delivered or deposited in the mail.

(2) If written notice is not given in accordance with Section 913, within two years from the accrual of the cause of action. If the period within which the public entity is required to act is extended pursuant to subdivision (b) of Section 912.4, the period of such extension is not part of the time limited for the commencement of the action under this paragraph.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limit for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

## **SECTION 128.7**

128.7. (a) Every pleading, petition, written notice of motion, or other similar paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. Except when otherwise provided by law, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, petition, written notice of motion, or other similar paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, all of the following conditions are met:

(1) It is not being presented primarily for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(2) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

(3) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation. In determining what sanctions, if any, should be ordered, the court shall consider whether a party seeking sanctions has exercised due diligence.

(1) A motion for sanctions under this section shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). Notice of motion shall be served as provided in Section 1010, but shall not be filed with or presented to the court unless, within 21 days after service of the motion, or any other period as the court may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

(2) On its own motion, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b), unless, within 21 days of service of the order to show cause, the challenged paper, claim, defense, contention, allegation, or denial is withdrawn or appropriately corrected.

(d) A sanction imposed for violation of subdivision (b) shall be limited to what is sufficient to deter repetition of this conduct or comparable conduct by others similarly situated. Subject to the limitations in paragraphs (1) and (2), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorney's fees and other expenses incurred as a direct result of the violation.

(1) Monetary sanctions may not be awarded against a represented party for a violation of paragraph (2) of subdivision (b).

(2) Monetary sanctions may not be awarded on the court's motion unless the court issues its order to show cause before a voluntary

**Carnahan, David**

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**From:** Kenney Mencher <kenney.mencher@gmail.com>  
**Sent:** Wednesday, March 14, 2018 8:47 PM  
**To:** Borges, Paula; Council, City  
**Cc:** Arp, Ron; Rice, Danille; Gaines, Chantal  
**Subject:** Re: Email regarding waste containers

Dear Paula,

Thank you so much! This is awesome and exactly what I wanted thank you.

Kenney Mencher  
Phone: (510) 390-3952  
[Kenney.Mencher@gmail.com](mailto:Kenney.Mencher@gmail.com)

<http://www.kenney-mencher.com/>  
<http://www.etsy.com/shop/kmencher>  
<http://www.youtube.com/user/kmencher>

On Tue, Mar 13, 2018 at 4:48 PM, Borges, Paula <[Paula.Borges@cityofpaloalto.org](mailto:Paula.Borges@cityofpaloalto.org)> wrote:

Dear Mr. Mencher,

I received a copy of your email correspondence from March 12 regarding waste containers being left out in your neighborhood. We will look further into the issue and connect with the residents and/or property managers. I have the following locations are as being an issue:

- 183 Everett
- Businesses at the corner of High and Everett Street
- Businesses at the corner of Alma and Everett
- Apartment complex on Hawthorne and High Street

Please contact me if you have further questions.

Sincerely,

Paula Borges Fujimoto | Manager, Environmental Programs – Zero Waste



Public Works Department | Environmental Services

3201 East Bayshore Road | Palo Alto, CA 94303

D: 650.496.5914 | E: paula.borges@cityofpaloalto.org

**Carnahan, David**

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**From:** CeCi Kettendorf <cecihome@gmail.com>  
**Sent:** Sunday, March 18, 2018 9:33 PM  
**To:** Council, City  
**Subject:** Removal of Mr. Alcheck from his position

Dear Council Members:

You are duty bound to remove Mr. Alcheck from his appointed post.  
At best his ethics are appalling as reflected in the recent 'expose' in both our local papers. At worst, his actions are criminal.  
It is a violation of the public trust for him to remain in his position on the PTC.  
I would ask you to watch the PTC meeting from a week ago. His behavior was peculiar, bizarre and shameful to the chamber.  
Please unseat Mr. Alcheck. He should not be in a position of power and influence.

CeCi Kettendorf  
Luke F. Brennan

3719 Grove Ave  
Palo Alto, 94303

**Carnahan, David**

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**From:** Jyotsna Nimkar <jnimkar@gmail.com>  
**Sent:** Wednesday, March 14, 2018 8:06 PM  
**To:** Architectural Review Board  
**Cc:** Council, City; Clerk, City  
**Subject:** Request to.deny approval to Verizon

Dear ARB,

I urge you to deny approval to Verizon's request unless all their battery and adjunct equipment is undergrounded and does not create visual or sound pollution in our neighborhoods.

Thank you,  
Jyotsna Nimkar

**Carnahan, David**

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**From:** sherry heller <Sherry\_Mark@yahoo.com>  
**Sent:** Friday, March 16, 2018 9:09 AM  
**To:** Council, City  
**Subject:** Ross Road

Dear Palo Alto City Council Members,

I had been communicating with Chris Corrao about the Ross Road bicycle blvd and how it feels so much less safe for my 6th grader to ride along it each day to and from school. I have watched him almost get side-swiped by cars who pass along next to him at the pinch points. I have also watched cars trail two-feet behind him at the pinch points. What would happen if he suddenly fell down?

Mr. Corrao assured me that when all the construction is complete, we should see a much safer street than what we had before. He also assured me that he was continuing to monitor the progress of the blvd to make sure it was meeting intended expectations. Now I have heard he is no longer with the City of Palo Alto. Hmm. I can't say I am surprised he left. Kind of like getting out of a burning building while you still can. But what about all the rest of us who are left stuck with this mess?

I would like to ask each of you to come down to Ross Road at 7:45am and 3pm every day (and at 1:45pm on Wednesdays) and watch our kids biking to and from school in the path of impatient drivers. Would you really feel comfortable putting your child into the path of these cars? Yes, some people are driving slower. But if a child is injured by one of the drivers who is not slowing down, and that child could have been out of that driver's way on the old Ross Road, what will your response be?

Thank you,  
Sherry Heller

Sent from my iPad

**Carnahan, David**

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**From:** rogersac@aol.com  
**Sent:** Wednesday, March 21, 2018 11:19 AM  
**To:** Council, City  
**Subject:** Ross Road and adjacent streets.

Dear City Council

My name is Carol Rogers and I live at 3395 Stockton Place. I am a member of the YMCA and I regularly walk there as well as walk around the neighbourhood including to my church on Middlefield Road.

I am sending this email to you because I am very concerned about the changes that have been made on Ross Road. I have seen the bulbouts being constructed and am watching how the traffic and in particular the bike traffic deal with the bumps (sleeping policemen) and the road narrowing. I have seen that traffic entering and exiting the Y car park is very impacted and that there is damage to the kerbs and the plants in the bulbout on the north entrance/exits. I have also used the roundabout on Meadow at Ross and find this a very difficult manoeuvre due to the steep curve on the road along with the narrowing of the roadway due to large bulbouts as well as traffic islands. I am from England so very familiar with roundabout use, but this roundabout is very different from the small mini roundabouts we have which are often just nothing more than raised painted circles which traffic uses to efficiently cross the roundabout while keeping roundabout rules. The pedestrian traffic islands in England are also very different as they are used as pedestrian waiting areas so that pedestrians cross each side as a separate road only needing to be alert about traffic coming in one direction at a time. This particular roundabout has none of these features so in my opinion is very difficult for me to see as an improvement to efficient traffic flow. I happen to believe that roundabouts are much more efficient and safe than four way stops or traffic lights due to less time being wasted and the need to watch for traffic from one direction at the junction

There will always be a great deal of traffic on Ross because of the Y. The membership includes many people with mobility issues who will not be able to walk or ride a bike there. Also the Y attracts people from quite a large area who will use cars. There is also the added issue that many members go there on the way to or from work or other activities so they will also need to come by car. Many of the staff live so far away that their car is necessary and with the hours the Y operates it is not likely that public transport would suit them. Ross Road itself gets plenty of traffic from home delivery services among others and those drivers are not always the same individuals who will become familiar with the constraints Ross Road now holds.

My other big concern is what is happening to other roads as a result of the changes to Ross. I have not seen numbers published of how many vehicles used Ross before the work started, but I presume you did a comprehensive traffic count for a before and after analysis. I also have not seen any published vehicle counts done for Louis, Christine, Ames and other streets that will be impacted by the changes. I personally do not like using Louis outside Palo Verde school when I am driving as it seems wrong to me to add to the dangers of having additional traffic to those children who walk to school there. My own children walked to Palo Verde and I felt that it was usually a very safe thing for them to do. However now there is probably additional traffic due to Ross and I think that is not a good thing. I will be very interested to see the data on the vehicle counts for Louis before and after the changes to Ross as well as the before and after vehicle counts to the previous quiet cross streets of Ames, Christine and others.

Finally, I would mention that crossing Ross Road at Colorado, Loma Verde or Meadow is something I have to do frequently to get to anywhere on Middlefield. Although I walk frequently, of course there are many times I have to drive these streets. The traffic islands are narrow and can be troublesome for those who approach them without familiarity. Many visitors and guests to my home have commented how unexpected they are. The particular design seems poor since they are not designed for pedestrians to use as a waiting area while crossing the street and the narrowing makes little sense, particularly if a bus has to turn. There is also the problem of the telephone box on Loma Verde which often necessitates utilities workers to set up a little camp while they work. It leaves very little space for safe negotiation of the junction.

Please take these concerns into account as the work progresses on Ross. I believe there will be some type of accident as a result of the changes.

Sincerely,

Carol Rogers.  
3395 Stockton Place.

**Carnahan, David**

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**From:** Emily Jaquette <ebreuner@gmail.com>  
**Sent:** Wednesday, March 21, 2018 6:06 AM  
**To:** Council, City  
**Subject:** Ross Road changes need to be reversed

Dear City Council -

Recently I was driving a group of girls to Rick's for ice cream after their final basketball game for the season. All were JLS student. As I pulled out of the YMCA, I had to cross into oncoming traffic because it was not possible to make a right turn without doing so as I left the YMCA because of the new bulb outs. Seriously, all council members should go attempt it to see what I am talking about.

As we approached the new roundabout at Ross Road and E Meadow on our way to Rick's, all the girls in car told me that they now avoid the roundabout to get from their homes to JLS each day because it's so scary being forced into traffic to get through it. Instead they ride up Louis Road, through Ramos park and up Mayfield to cross Middlefield. Was your intent in spending millions to make Ross bike friendly that bikers actually avoid using it?

Second, I heard from parent the other day that as he was driving down Ross Road, an oncoming truck sped up to avoid the speed bump before this parent passed him. To this parent's horror, the truck avoided the speed bump by crossing the middle line, straddling the two lanes and putting his tires in each of the divets in the speed bumps in the middle of each lane meant for bikes. So the crazy design is actually causing unsafe driving behavior!

Your effort to make Ross Road bike safe is a failure and the roundabout is unsafe.

Tear it out and for heaven's sake, DO NOT build any new ones.

I ride my bike to work at the District office at 25 Churchill most days. I enjoy using the clearly marked Colorado road, and then the Bryant bike boulevard. Those are safe bike routes that required no ridiculous roundabout to make them safer and did not cost several million dollars. Please - come to your senses and reverse the madness!

Emily Jaquette

**Carnahan, David**

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**From:** Katherine Lose <klose01@comcast.net>  
**Sent:** Tuesday, March 20, 2018 8:47 PM  
**To:** Council, City  
**Subject:** Ross road modifications

Dear Council Members,

I live on Coastland Drive. I am horrified by the changes to Ross road. I do not ride a bike. I will never ride a bike. But I do walk, a lot. I walk to California Ave. for dinner, to Midtown for errands|services and to walk 2 dogs. I am constantly on the lookout for cars that will aggressively take my right of way crossing in a crosswalk at a stop sign or at a red light when I get the walk sign. The changes to Ross road don't even provide the cue of a stop sign or a red light to protect pedestrians. I can't imagine cars being willing to stop with no other cue than me standing there on the sidewalk in the middle of a block. I am deliberating about giving up my membership to the Ross Road YMCA. I just don't want to deal with getting to and fro. I will depend more on Amazon to deliver goods to my house rather than drive thru my neighborhood. It is particularly troubling that our neighborhood has yet to get underground utilities but the city spends a huge amount of money on making our daily lives more difficult.

Respectfully,  
Katherine Lose'

Sent from my iPhone

**Carnahan, David**

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**From:** sarit schube <saritschube@gmail.com>  
**Sent:** Thursday, March 15, 2018 10:01 AM  
**To:** Council, City  
**Subject:** Ross Road

I am writing to express my concern over the changes that are being made to Ross Road. I do not know the logic behind them, but I do not feel safer now neither as a bicyclist nor as a driver of a car. Narrowing the street makes everyone have less room to navigate it.

Sincerely,  
Sarit Schube  
3833 Corina Way

**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Friday, March 16, 2018 5:36 PM  
**To:** stephanie@dslextreme.com; Council, City  
**Cc:** Bjohnson@embarcaderopublishing.com; supervisor.yeager@bos.sccgov.org; sdremann@pawEEKLY.com; essenceoftruth@gmail.com; roberta.ahlquist@sjsu.edu; allison@padAILYpost.com; GSHEYNER@pawEEKLY.com; emibach@padAILYpost.com; jgreen@DAILYnewsgroup.com; apersky@scscourt.org; dryan@scscourt.org; aFlint@scscourt.org; bwalsh@scscourt.org; Van Der Zwaag, Minka; HRC; smanley@scscourt.org; sscott@scscourt.org; mharris@scscourt.org  
**Subject:** Speak out on Persky recall

FYI:

Please post your comments re your views on the Persky recall. See link below. We encourage everyone to post including members of the press, like the Palo AltoFree Press, members of the Palo Alto HRC, city council members, members of law enforcement.. you all have 1st Amendment rights, so here's your chance to express your views. Go for it!! Don't bite your tongue!!!

Aram James

<http://archives.siliconvalleydebug.org/articles/2016/07/28/brock-turners-probation>

Sent from my iPhone

**Carnahan, David**

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**From:** Wen Xu <wendy\_xu21cn@yahoo.com>  
**Sent:** Saturday, March 17, 2018 8:19 PM  
**To:** Architectural Review Board  
**Cc:** Council, City; Clerk, City  
**Subject:** Verizon cell tower?!

Hello,

I'm a Palo Alto resident and a tax-payer, who very much appreciate this well-cared-for town and neighborhood. I recently learned about a proposal by Verizon to construct cell towers in residential neighborhoods of Palo Alto. Please do not approve the proposal without a) asking Verizon to have all the equipment except the antenna to be located completely underground and b) comply with Palo Alto's noise ordinances.

We, at Silicon Valley, should set a high standard when it comes to evaluating construction project of such nature and scale. The rest of the state and country look up to silicon valley leaders to adopt advanced technologies and push for a safer, better living environment (not the other way around).

I appreciate your reading this email and give sincere considerations.

Wen

**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Friday, March 16, 2018 10:23 AM  
**To:** paloaltofreepress@gmail.com; stevendlee@alumni.duke.edu; HRC; Binder, Andrew; Cullen, Charles; gkirby@redwoodcity.org; Jonsen, Robert; council@redwoodcity.org; Council, City; citycouncil@menlopark.org  
**Subject:** What do body worn cameras actually reveal?

<https://www.nytimes.com/interactive/2016/04/01/us/police-bodycam-video.html?mtrref=www.google.com&gwh=55C620504C4C42B35C4A1DC2B437D786&gwt=pay>

Shared via the [Google app](#)

Sent from my iPhone

## Carnahan, David

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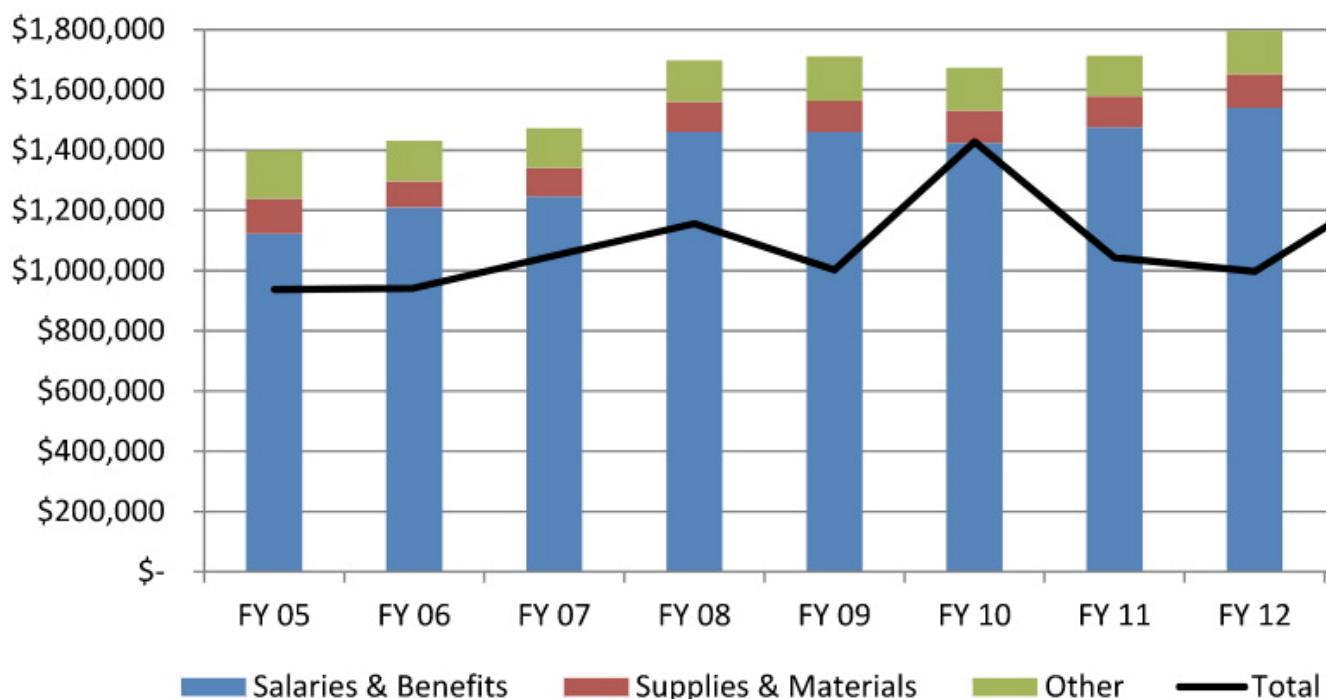
**From:** Scottie Zimmerman <bigwheel.spot@gmail.com>  
**Sent:** Tuesday, March 20, 2018 5:48 PM  
**To:** Council, City  
**Cc:** De Geus, Robert  
**Subject:** Years of inaction concerning Palo Alto's animal shelter

Dear Council Members and Rob De Geus,

One of the most important documents to come out of the long process debating the future of Palo Alto Animal Services (PAAS) was the 2015 Police Department Audit of shelter operations. I'm writing to remind you of some results of the audit. I'm attaching visual aids that clarify issues of expense vs. revenue at the shelter and that compare sources of revenue among various shelters in the Bay Area.

First, PAAS expenditures, with the blue portion representing staff salaries and benefits:

**Exhibit 6: Palo Alto Animal Services Revenues and Expenditures - FY 2005**



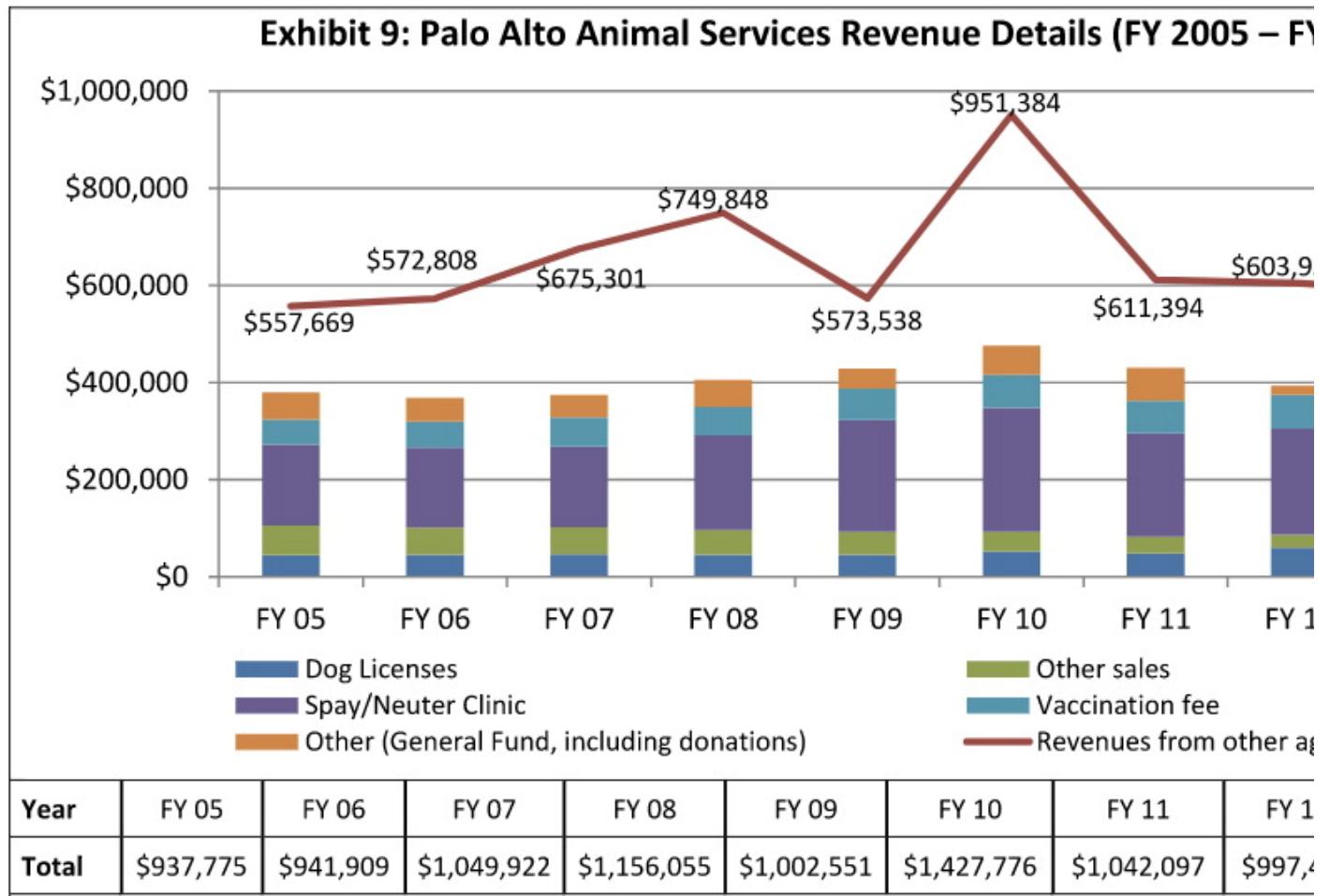
- Notes:**
1. "Other" includes indirect charges, direct charges, and contract expenses.
  2. FY 2014 revenue decline is due to loss of the Mountain View contract and temporary neuter clinic.

**Source:** City of Palo Alto Financial Records (SAP)

The jagged black line represents annual revenues between FY 2005 and FY 2014. Most notably, you can see a precipitous drop in income between FY 13 and FY 14. That decline occurred because the three Vet. Techs at

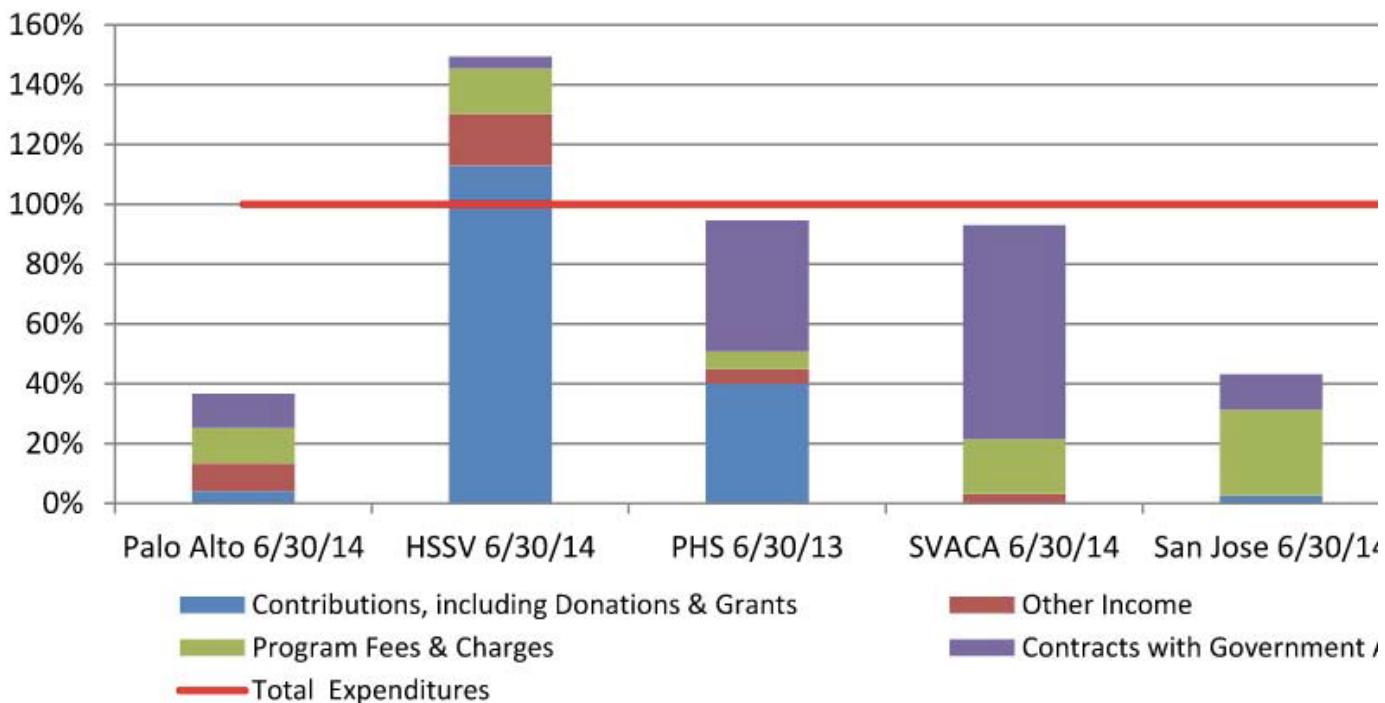
PAAS resigned or retired in July 2012 (FY 2013), and they were not replaced for more than a year. This made it impossible for PAAS to offer spay/neuter services to the public during that time, cutting off a primary source of income. I've attended Council meetings at which members expressed consternation over the drop in income in 2013-2014. Well, here's the cause: Inability to interview, process, and hire replacement Vet. Techs, thus no spay/neuter income.

Next are details of PAAS annual revenue between FY 2005 - FY 2014:



And finally, here is a chart illustrating a comparison among shelters in our area:

**Exhibit 8: Comparison of Animal Services Agency Revenues as a Percent of Total Expenditures**



**Note:** Revenues are shown as a percent of total agency expenditures in the specified fiscal year (the information available for PHS and SF SPCA was for FY 2013). Bars exceeding 100 percent (HSSV) indicate that the agency's revenues exceeded its expenditures.

**Source:** Financial Records Provided by Each Agency

Notice that Humane Society Silicon Valley (HSSV), Peninsula Humane Society (PHS), and San Francisco SPCA have large blue segments. That's because these organizations are 501(c)(3) nonprofits free to solicit donations that support their animal care and public services. You can see also that PAAS and San Jose barely earn enough to pay 40% of their annual expenditures.

The audit that was performed is clear and comprehensive. If you haven't read it in a while, here's the URL to see the document:

<https://www.cityofpaloalto.org/civicax/filebank/documents/47385>

Resolving the problems the auditor found has taken 3 years. I hope I'm clear that I want the City to act! We want necessary commitments so Pets In Need takes over management of an upgraded current shelter with fundraising plans for new facilities that bring Palo Alto's animal services proudly into the 21st century.

Sincerely,

— Scottie Zimmerman

City of Palo Alto | City Clerk's Office | 3/21/2018 8:13 AM

Scottie Zimmerman

[bigwheel.spot@gmail.com](mailto:bigwheel.spot@gmail.com)

(650) 494-8141



Railway Trench and Tunnel Cost Recovery

(1)

CCRC  
COUNCIL MEETING  
3/21/2018

[ ] Placed Before Meeting

Received at Meeting

I'm thinking about the following idea as a funding source for Trenching or Tunneling the railroad through Palo Alto and eliminating grade crossings:

City of Palo Alto to enter into a Lease Agreement between the Railroad Property Owner and the City of Palo Alto for use of the air rights above the railroad right-of-way.

City of Palo Alto to enter into Lease Agreements between City of Palo Alto and Property Developers for various sized air space parcels.

Developers apply for Planning and Building Permits to construct housing, retail, and office buildings within the air space parcels along an open space corridor with a continuous bike path as a public benefit.

City of Palo Alto to structure the lease terms of the City of Palo Alto and Property Developer Agreement so full cost recovery is received by City of Palo Alto for the cost of Trenching or Tunneling of the the railroad.

There is a similar air rights arrangement between City of Palo Alto and a Property Developer currently and successfully in effect at the properties:

432 High Street, Palo Alto, CA 94301.

436 High Street, Palo Alto, CA 94301.

425 Alma Street, Palo Alto, CA 94301.

432 Alma Street, Palo Alto, CA 94301.

(Abitare Condominiums, Ground Floor Retail, On-Site Parking.

I look forward to continuing our conversation about this idea.

Best, Martin

MARTIN BERNSTEIN ARCHITECT

## Railway Trench or Tunnel Cost Recovery

### If Trench cost is \$2,400,000,000.

In the leased air space above the railroad right-of-way, construct a building footprint: 50 ft x 100 ft = 5,000 SF.

8-story building floor area: 8 stories x 5,000 SF = 40,000 SF.

Rental income per month per building: 40,000 SF x \$10 per SF = \$400,000.

Rental income per year per building: \$400,000/month x 12 months = \$4,800,000.

Rental income per 10 years per building: \$4,800,000/year @ 3% increase per year = \$55,026,621 per bldg.

\$2,800,000,000 trench cost / \$55,026,621 rental income in 10 years per building = 51 buildings.

51 buildings x 150 ft per building length and open space = 7,650 ft / 5,280 ft per mile = **1.5 miles.**

Explore additional funding sources for air lease and building construction.

Does not include rebuilding of University Avenue, Embarcadero Road, Oregon Expressway crossings.  
Smaller and less number of buildings reduces the projected income.

### If Tunnel cost is \$4,000,000,000.

In the leased air space above the railroad right-of-way, construct a building footprint: 50 ft x 100 ft = 5,000 SF.

8-story building floor area: 8 stories x 5,000 SF = 40,000 SF.

Rental income per month per building: 40,000 SF x \$10 per SF = \$400,000.

Rental income per year per building: \$400,000/month x 12 months = \$4,800,000.

Rental income per 10 years per building: \$4,800,000/year @ 3% increase per year = \$55,026,621 per bldg.

\$4,000,000,000 tunnel cost / \$55,026,621 rental income in ten years per building = 73 buildings.

73 buildings x 150 ft per building length and open space = 10,950 ft / 5,280 ft per mile = **2 miles.**

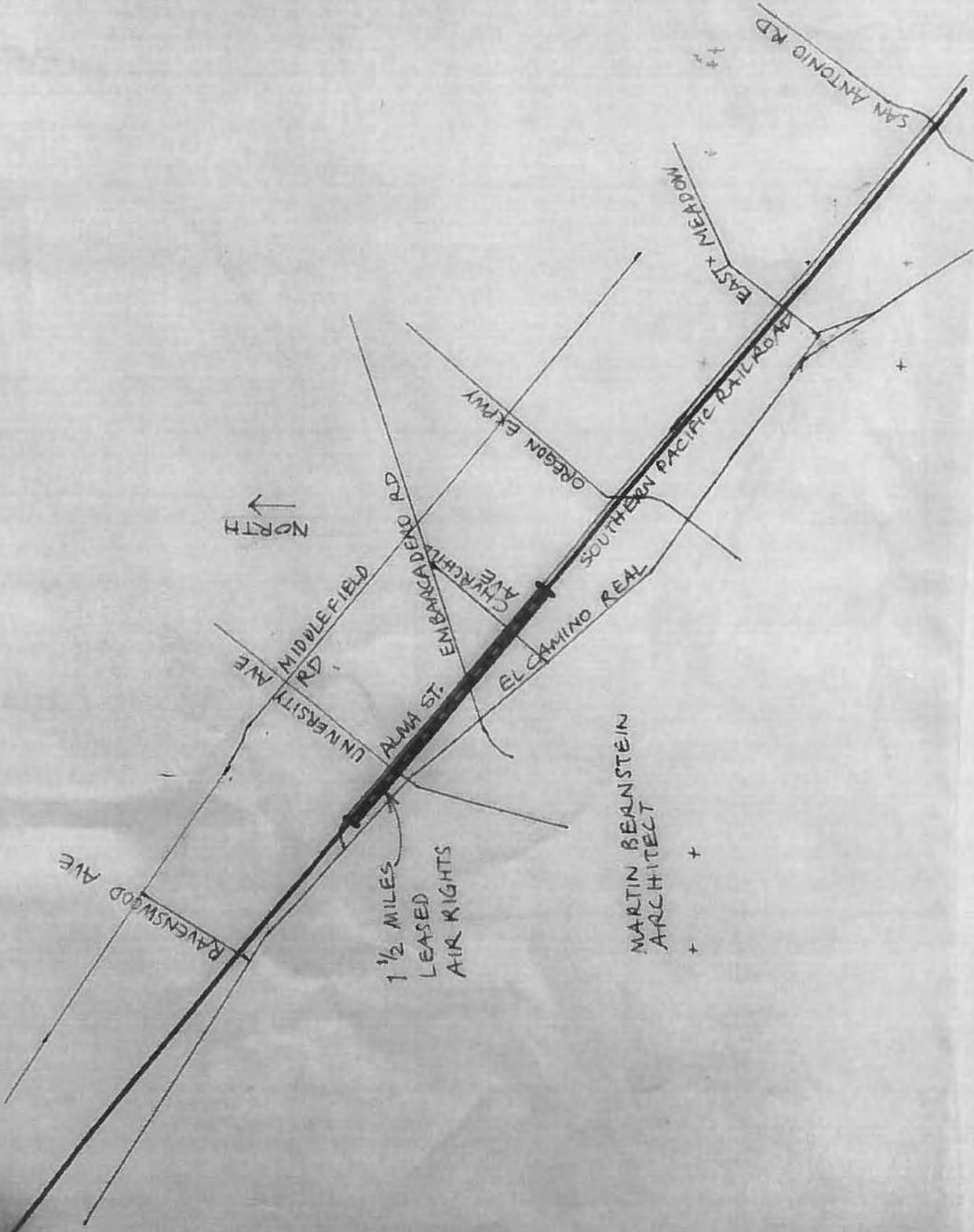
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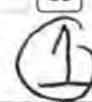
I look forward to continuing our conversation about this idea.

Best, Martin

MARTIN BERNSTEIN ARCHITECT



Alerts ATTN: Non Muni collision at Fillmore and Bush the 3 and 22 may see delays through that area in both directions. (More: 12 in last 24hrs) (/tweets/sfmta\_muni)



# Central Subway Project

San Francisco's T Third Line light rail extension to downtown

Home (/) / Projects (/projects) / Central Subway Project

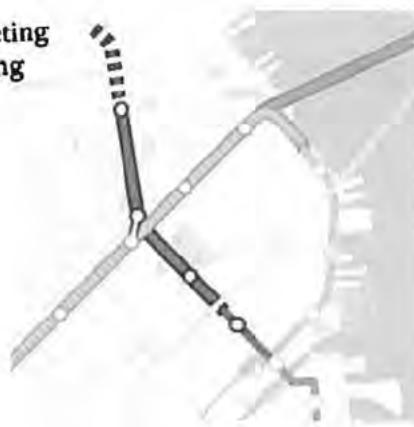
+ MORE IN THIS SECTION

CCRC  
COUNCIL MEETING  
3/21/2018

Placed Before Meeting  
 Received at Meeting

## Central Subway Project

Share this: Facebook (<https://www.facebook.com/sharer.php?u=https://www.sfmta.com/fbk/projects/central-subway-project>) Twitter (<https://twitter.com/share?url=https://www.sfmta.com/twr/projects/central-subway-project>) Email ([mailto:?subject=Central%20Subway%20Project%20-%20from%20the%20SFMTA%20website&body=I%20am%20sharing%20a%20page%20from%20the%20San%20Francisco%20Municipal%20Transportation%20Agency%20\(SFMTA\)%20website%20with%20you.%0D%0A%0D%0ACentral%20Subway%20Project%0D%0Ahttps://www.sfmta.com/emi/projects/central-subway-project%0D%0A%0D%0AI%20hope%20you%20find%20this%20useful.](mailto:?subject=Central%20Subway%20Project%20-%20from%20the%20SFMTA%20website&body=I%20am%20sharing%20a%20page%20from%20the%20San%20Francisco%20Municipal%20Transportation%20Agency%20(SFMTA)%20website%20with%20you.%0D%0A%0D%0ACentral%20Subway%20Project%0D%0Ahttps://www.sfmta.com/emi/projects/central-subway-project%0D%0A%0D%0AI%20hope%20you%20find%20this%20useful.))



The Central Subway Project will improve public transportation in San Francisco by extending the Muni Metro T Third Line through SoMa, Union Square and Chinatown. By providing a direct, rapid transit link between downtown and the existing T Third Line route on 3rd Street, the Central Subway will vastly improve transportation to and from some of the city's busiest, most densely populated areas.

When the Central Subway is completed, T Third Line trains will travel mostly underground from the 4th Street Caltrain Station to Chinatown, bypassing heavy traffic on congested 4th Street and Stockton Street. Four new stations will be built along the 1.7-mile alignment:

- 4th and Brannan Station at 4th and Brannan streets (street level)
- Yerba Buena/Moscone Station at 4th and Folsom streets (subway)
- Union Square/Market Street Station on Stockton Street at Union Square (subway)
- Chinatown Station at Stockton and Washington streets (subway)

Check out our video tour of the project alignment (<https://www.youtube.com/watch?v=cZK8zucLwbw>).

### Additional Resources

### PROJECT UPDATES

Temporary Bus Stop Closure Geary & Stockton Streets  
(/node/15112)

### PAST MEETINGS & EVENTS FOR THIS PROJECT

16  
FEB

Central Subway  
Community Advisory  
Group

At this meeting, the Central Subway team will provide a general update on project status and...  
(/node/4924)

David Shwen

To: City Council Members, Palo Alto City Council  
From: Residents of North Old Palo Alto Community Association

RE: Rail Grade Separation Project / "Connecting Palo Alto"

COUNCIL MEETING

3/21/2018

Oral Communication

Dear City Council Member,

Placed Before Meeting

Received at Meeting

We, the residents of the *North Old Palo Alto* community district, **support public transportation**, the electrification of Caltrain, and the expansion of commuter rail capacity. We support a collaborative, transparent and data-driven selection process that engages relevant Palo Alto constituencies to find the best outcomes. We feel strongly that the best option will include holistic research considering **financial, community, environmental** and **safety** cost-benefit analyses.

### Guiding Principles

We strongly believe that the City's research and prioritization for grade-separation projects should conform to generally accepted principles that should be non-controversial to Palo Alto City Council and the citizens they represent, including:

1. Projects that return the highest ROI on invested dollars;
2. Projects that maximize use of existing and/or underused infrastructure;
3. Making pedestrian safety a highest priority;
4. Maintaining community neighborhoods integrity; and,
5. Ensuring no eminent domain of City homes.

### Summary Position on Grade Separation

Given the large relative benefits to the above Guiding Principles:

- 1) **We support Lowered Rail (tunnel or trench) grade separation at the Churchill Avenue crossing.**
- 2) We are adamantly **opposed to any full or hybrid Lowered Road grade separation at Churchill Avenue** given the clear disadvantages relative to other solutions.
- 3) We are adamantly **opposed to any Raised Rail solutions at Churchill Avenue given several clear disadvantages to the community.**
- 4) As an alternative to Lowered Rail (#1), we support keeping the Churchill Avenue crossing at-grade and closing it at the West entrance if several cost-effective measures to increase East-West traffic capacity and student/pedestrian safety in the neighborhood are implemented. (see next)

Supporting discussion in select priority order:

#### **#4 - Specific Solutions to Increase Traffic Capacity and Pedestrian Safety in North Palo Alto:**

We have already invested significantly in the Embarcadero Road underpass, so before creating another half-billion-dollar project 400 yards to the South (including the costs of eminent domain), let's optimize and improve the existing solution that we have today. We believe the following relatively low-cost solutions will increase **the daily traffic capacity on Embarcadero**

**Road underpass and dramatically improve Palo Alto H.S. student safety** without taking any homes or costing the City a half-billion dollars:

- 1) Implement a **pedestrian/bike underpass** at Churchill Avenue for safe Palo Alto H.S. student transit.
- 2) Build **2x bike/pedestrian underpasses** underneath Embarcadero Road at the intersections with Kingsley Avenue and entrance of Palo Alto H.S. on **existing public lands**, which will dramatically increase student safety and eliminate the 3<sup>rd</sup> traffic signal on Embarcadero Road that significantly impede East-West traffic today.
- 3) Significantly **Increase Capacity and Utility of the Embarcadero Grade Separation**
  - a. Broaden underpass to 4 lanes eliminating a huge bottleneck to E-W traffic
  - b. Remove pedestrian crossing light from Paly H.S. to Town & Country (*per above*)
  - c. Implement Left Turn signals from West & East bound Embarcadero to Alma Rd.

**NOTE #1:** *There is a consistent span of open, usable public space on both sides of Embarcadero Road spanning between 50-100 feet wide in different locations between PA HS entrance and Kingsley Avenue (see map in appendix).*

**NOTE #2:** *Our proposals above intend to increase the capacity of the Embarcadero Road underpass to accommodate for the lost Eastbound capacity if Churchill Avenue is closed at the West side. It is not intention our intention to imply that we want to increase the speeds on Embarcadero Road, nor eliminate any existing stop lights or controls.*

## **#2 - Critical Disadvantages of Full or Hybrid Lowered Road Underpass at Churchill Avenue:**

Churchill Avenue is a relatively **low capacity intersection that is less than 400 yards away from an existing major grade separation at Embarcadero Road**, and any proposal to create a Road Underpass at Churchill would have **costs and disadvantages that far outweigh the benefits**:

- 1) **Financial:** There are 36 homes that would be fully claimed and 6 homes that would be partially claimed by eminent domain in any underpass design given the maximum 6% decline required on both sides of the railway. At this intersection alone, that would add at least **\$200,000,000 for this single underpass before construction has even begun**. Spending a total of \$350-400MM for grade separation at a single intersection that is 400 yards from an existing underpass is **not an acceptable use of taxpayer funds**.
- 2) **Community & Environment:** Building an underpass at Churchill would likely require lowering the Alma Street 22 feet and all the arteries feeding it to the same level. At 6% maximum grade, that **would wipe out an entire neighborhood more than 370 feet in both directions**, make homeless hundreds of residents and school children, kill hundreds of trees, and constitute a new “concrete jungle” in what is today historic Old Palo Alto and Southgate neighborhoods. It would also leave Palo Alto H.S. staff parking lot stranded and possibly impact part of their football field. In a city committed to increasing housing stock and school infrastructure, **this is unacceptable**.
- 3) **Construction Impact:** Building an underpass at Churchill would require a massive, multi-year long construction project that would shut down Alma Street. An underpass would require dropping the elevation of Alma Street **and** Churchill Avenue roughly 22 feet, which would utterly shut down all north and southbound traffic and leave all surrounding communities stranded for years.

## COUNCIL MEETING

**#3 - Critical Disadvantages of Raised Rail Solutions:** Placed Before Meeting

We are strongly opposed to raising the rail ~~above grade~~ on a berm or structure (ie, Raised Rail solutions), as it would cause increased visibility of the train within the neighborhood, reduced privacy for those along the tracks, increased risks for those living along the tracks in the event of derailment, and an increase in noise. We feel we should be reducing, not increasing, the impact and visibility of the train on our community, and this option is in contradiction with that.

**#1 - Significant Advantages of a Lowered Rail Solution:**

The benefits are significant for any grade separation that drives the rail below grade.

- 1) **Construction Impact:** A bored tunnel construction would dramatically reduce the enormous construction impact to our larger community, which would be near cataclysmic in any Underpass proposal. [Building a 22 foot deep underpass at Alma & Churchill would shut down traffic for the entire community for years.] There is almost no price that can be placed on the avoidance of this construction on our community.
- 2) **Financial Benefit:** Implementing a bored tunnel solution would open the above ground right-of-way for various community uses, including a parkway and ped/bike path spanning Palo Alto, but also provide income generating opportunities like leasing land to low-income housing developers and an open air farmers' market. Leasing the land for these purposes would generate significant income to offset the cost of construction.
- 3) **City / Community Benefit:** Reclaiming the open space created in a bored tunnel approach would allow the City to realize several of its stated goals that are otherwise very difficult to realize given a lack of available open space. These types of objectives have been proven already in several cities, like NYC that recently reclaimed an elevated train track to create a public parkway. The City could achieve objectives including:
  - Increased low income housing
  - Increase pedestrian/bike pathways
  - Increased open space
- 4) **Student Safety:** This is our chance to get a double win and solve a critical safety issue in our community - eliminating direct contact between the rail and pedestrians.

In summary, we believe that there are many viable solutions to create acceptable traffic and safety conditions at the Churchill Avenue intersection, including Lowered Rail, or blocking the Churchill Avenue crossing while making traffic and pedestrian improvements at Embarcadero and Churchill. We are, however, adamantly opposed to a Lowered Road / Underpass solution and Raised Rail given the large and unacceptable detrimental impacts that would create.

Thank you for your consideration of our community's concerns and interests.

***Endorsed by the members of the North Old Palo Alto (NOPA) community association  
(NOTE: Reference Signature Page for Names & Addresses)***



Figure 1 – Existing  
Embarcadero Road  
Underpass Satellite  
Image Demonstrating  
the Ample Room  
Available for  
Renovation and  
Improvements

**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

We the members of the Old North Palo Alto Community (ONPA) support the attached positioning letter regarding the Rail Grade Separation Project /ie, Connecting Palo Alto. We also endorse the corrections and recommendations cited in the responses to the Circulation Study and Financial Study conducted by the City of Palo Alto.

Enclosures:

- Enclosure 1: Community Letter to City Council on Grade Separation
- Enclosure 2: Response to Rail Grade Separation Financing White Paper
- Enclosure 3: Response to Existing Conditions Report Draft & Travel Demand Model Validation Report

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Rosalyn Liao	Rosalyn Liao	[REDACTED]
Jason Mattox	Jason Mattox	[REDACTED]

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Neva Yarkin	Neva Yarkin	[REDACTED]
Mary Sylvester	Mary Sylvester	[REDACTED]
Kim Martz	Kim Martz	[REDACTED]
Lance Martin	Lance Martin	[REDACTED]
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GRACE BERRY	GRACE BERRY	[REDACTED]

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<u>Anne Kramer</u>	<u>ANNE KRAMER</u>	
<u>DK</u>	<u>David Kramer</u>	
<u>Sam</u>	<u>Sam Lada</u>	
<u>Amisha Patel</u>	<u>Amisha Patel</u>	
<u>Lance Martin</u>	<u>Lance Martin</u>	
<u>Kim Martin</u>	<u>Kim Martin</u>	
<u>Yinan Li</u>	<u>Yinan Li</u>	
<u>Amy Choi</u>		
<u>Ronie Cho</u>		

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	Erkay UZUN	
	Patricia O'DONNELL	
	EDWARD O'DONNELL	
	Roberta BOLLIN	
	SANGEETA BOLLIN	
	Anand Boulton	
	Mohamed HEDI	
	Young-Je OH	
	JASON STINSON	
	Eduardo LINDO	

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<u>Kevin Colb</u>	<u>Kevin Colb</u>	
<u>Jeanne Watako</u>	<u>Jeanne Watako</u>	
<u>\$18</u>	<u>Elif Uzun</u>	
<u>Muri</u>	<u>Ateenjee</u>	

**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

SIGNATURE

NAME

ADDRESS

Irene AuIrene Au

[REDACTED]

Bradley HorowitzBradley Horowitz

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NOPA Community Letter to Council on Grade Separation – Signature Page  
http://www.northoldpaloalto.org

SIGNATURE

NAME

ADDRESS

Manish BaldiaManish Baldia

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Chris WaldoChris Waldo

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SIGNATURE  
Gordon ThompsonNAME  
Gordon ThompsonADDRESS  
[REDACTED]Marie Thompson    Marie ThompsonMatt Yarkin    Matt YarkinAtiv ZomotDavid    DavidWilliam SchmidRosemary Knight

[REDACTED]

### SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

SIGNATURE	NAME	ADDRESS
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	Janice Duraj	
	Daniel Puchay	
	Sidney Wilkins	

SIGNATURE	NAME	ADDRESS
	Enoch Choi	

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

#### Mariposa Support for NOPA Position with Emphasis on Tunneling (March 2018)

Dear Southgate and PA neighbors,

As you probably know, Palo Alto is working to decide the Caltrain grade separation design for the Churchill crossing (and all PA crossings) by December 2018. A group of Churchill residents (NOPA group - for North Palo Alto) is circulating a position statement for signatures that supports a first and second preference and opposes other options (see attached).

We support the NOPA position with additional emphasis on Preference 1 (tunneling) because it reflects our interests and concerns for our neighborhood and the city.

Please sign on with us if you agree with this position, as the city has asked for hundreds of signatures from the community to show that this position has enough support to influence the eventual decision for Churchill. If you have any concerns, questions, or if you do not support it, we would appreciate an opportunity to discuss it with you. Thank you!

Rachel Croft, 1547 Mariposa, crofr@gmail.com  
 Inyoung Cho, 1511 Mariposa, myoungcho0@gmail.com  
 Chandru Venkataraman, 1539 Mariposa

The NOPA positioning and our reasons for support:

- 1) Preference 1: Tunnel Caltrain, deep bore. While NOPA states a preference for tunneling, we emphasize that this is the only option we wholly support. Benefits include: safety for pedestrians and cars, reduced environmental impact of the train (visible and audible), improved cross city circulation, and ability to construct below while leaving surface transportation functional. We feel this is the true 21<sup>st</sup> century option and we believe the city should be working with other cities along the corridor to plan for this.
- 2) Preference 2: In the absence of a decision to move forward with tunneling (or if tunneling is delayed), the only other option we support is to close Churchill, build a pedestrian undercrossing at Churchill, and widen Embarcadero to accommodate the loss of Churchill. Benefits of this option include improved safety and prevention of the destruction of the Churchill neighborhood that would occur with lowering Churchill or raising the track over Churchill (as described in 3 and 4).
- 3) Oppose: We oppose lowering Churchill under the train. While an underpass might sound OK, once you see the details of how deep the road would go and how this would impact our community, we cannot support this. Under this scenario, most homes on Churchill between Castilleja and Emerson, most homes for a full block on Alma each way, and possibly homes on Mariposa, would be taken to enable roads to be lowered, with concrete infrastructure taking their place (see diagram below).
- 4) We oppose raising the rail, which would result in higher visibility of the train, loss of privacy for our homes along the tracks, increased noise, and safety issues with potential derailment. With an expected 150-200 trains a day in the future, we strongly oppose this ultra-visible option for the tracks.

Yellow represents whole properties taken by eminent domain if Churchill is lowered under train  
 Purple represents partial properties taken by eminent domain if Churchill is lowered under train



### SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We support the positions advocated in *NOPA Community Letter to Council on Grade Separation v4.4 – 2/12/2018* and *Mariposa Support for NOPA Position with Emphasis on Tunneling (March 2018)*.

Enclosures:

- 1: NOPA Community Letter to City Council on Grade Separation
- 2: Mariposa Group Support for NOPA Position with Emphasis on Tunneling (Feb 26, 2018)

SIGNATURE	NAME	ADDRESS
	Rachel Croft	
	Javier Gonzalez	
	Inyoung Cho	
	Qiang Wang	
	Xiuhong Wang	
	Rui Zhang	
	Chandru Venkataraman	
	Kiran Pak	
	Anisha Patel	

NOPA Community Letter with Mariposa emphasis – Signature Page  
<http://www.northoldpaloalto.org>

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SIGNATURE	NAME	ADDRESS
	LADH	[REDACTED]
	John W. Day	[REDACTED]
	SUZANNE DEGIER	[REDACTED]
	FENELLA LEIGHTON	[REDACTED]
	ESTHER BEULSEN	[REDACTED]
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	CARL C. WINDLEY	[REDACTED]
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NOPA Community Letter with Mariposa emphasis – Signature Page  
<http://www.northoldpaloalto.org>

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We support the positions advocated in NOPA Community Letter to Council on Grade Separation v4.4 – 2/12/2018 and Mariposa Support for NOPA Position with Emphasis on Tunneling (March 2018).

Enclosures:

- 1: NCPA Community Letter to City Council on Grade Separation
- 2: Mariposa Group Support for NOPA Position with Emphasis on Tunneling (Feb 26, 2018)

SIGNATURE	NAME	ADDRESS
	Sietzen Hollingsworth	[REDACTED]
	Karen McDay	[REDACTED]
	JANET R. PEACOCK	[REDACTED]
	KAREN MC DAY	[REDACTED]

NOPA Community Letter with Mariposa emphasis – Signature Page  
<http://www.northoldpaloalto.org>

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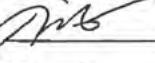
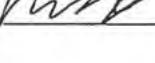
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	CAROLYN SCHMITZ	[REDACTED]
	DIANE MACDANIELS	[REDACTED]
	DEBORAH FIFE	[REDACTED]
	WALTER FIFE	[REDACTED]
	JENNIFER FIFE	[REDACTED]
	BRADLEY DORN	[REDACTED]

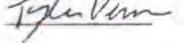
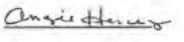
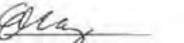
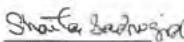
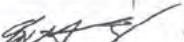
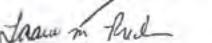
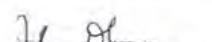
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	Diane James	[REDACTED]
	BRIAN FISHER	[REDACTED]
	DAVID SCOTT	[REDACTED]
	STEVE JOHNSON	[REDACTED]
	HENNIE FAGAN	[REDACTED]
	BARBARA KOTSCHEON	[REDACTED]
	EMILIE SULIVANA	[REDACTED]
	BEVERLY RADIN	[REDACTED]
	DIANA YOUNGBERG	[REDACTED]
	RICKI FINKELMAN	[REDACTED]

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

SIGNATURE	NAME	ADDRESS
	<u>Michael Liu</u>	[REDACTED]
	<u>Jennifer Guo</u>	[REDACTED]
	<u>Jiayang Liu</u>	[REDACTED]
	<u>Rui Zhang</u>	[REDACTED]

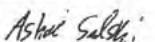
NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

SIGNATURE	NAME	ADDRESS
	<u>Jennifer Darcy</u>	[REDACTED]
	<u>Tyler Vorn</u>	<u>Tyler VINCIGERD, Jr.</u> [REDACTED]
	<u>Angie Herzog</u>	[REDACTED]
	<u>Brian M. Lee</u>	[REDACTED]
	<u>Enka Strandberg</u>	[REDACTED]
	<u>Hartmut Sadrozinski</u>	[REDACTED]
	<u>Shaila Sadrozinski</u>	[REDACTED]
	<u>Gina Craig</u>	[REDACTED]
	<u>Tom Craig</u>	[REDACTED]
	<u>Laarmi von Ruden</u>	[REDACTED]
	<u>John Dancy</u>	[REDACTED]

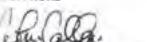
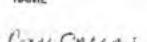
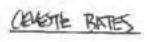
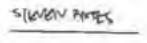
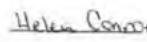
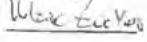
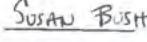
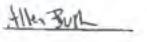
NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

SIGNATURE	NAME	ADDRESS
	<u>Ashok Sadrozinski</u>	[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

SIGNATURE	NAME	ADDRESS
	<u>Leah Callan</u>	[REDACTED]
	<u>Julie Callan</u>	[REDACTED]
	<u>Christy Bates</u>	[REDACTED]
	<u>Steven Bates</u>	[REDACTED]
	<u>Helen Conroe</u>	[REDACTED]
	<u>Mark Ziegler</u>	[REDACTED]
	<u>E. Finch Hendel</u>	[REDACTED]
	<u>Susan Bush</u>	[REDACTED]
	<u>Allen Bush</u>	[REDACTED]
	<u>Pamela Strelakoff</u>	[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / i.e. Connecting Palo Alto.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE

NAME

ADDRESS

Iker C. Llach

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Audit Trail

**TITLE** Churchill Alma Grade Separation Project Position Statement...  
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03/08/2018 06:17:04 UTC The document has been completed

**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / i.e. Connecting Palo Alto.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE

NAME

ADDRESS

Tim Roper

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Audit Trail

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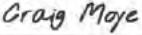
We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**HELLOSIGN**

Audit Trail

SIGNATURE	NAME	ADDRESS
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NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

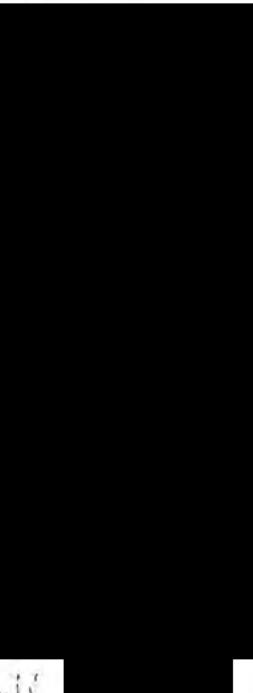
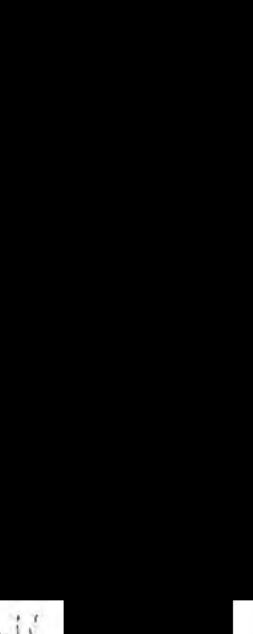
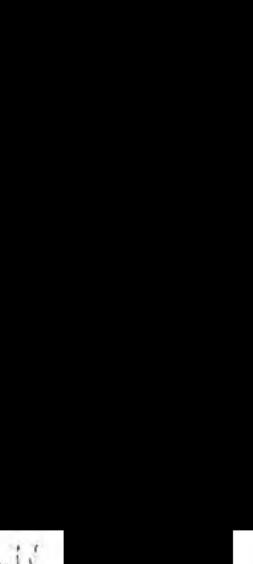
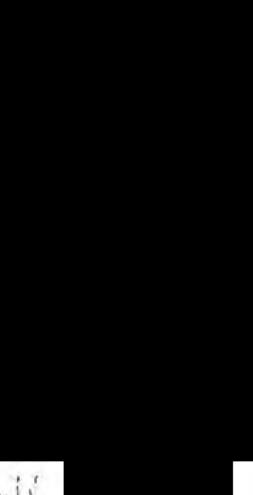
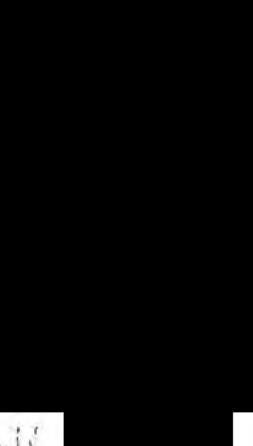
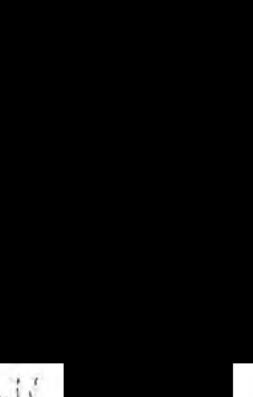
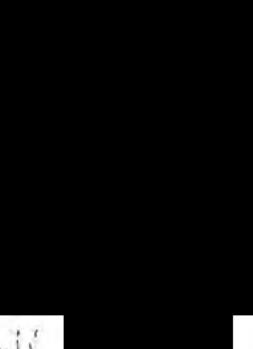
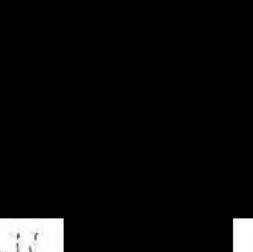
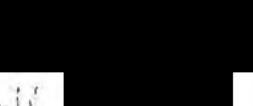
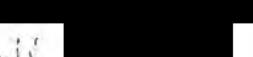
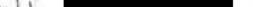
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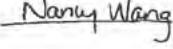
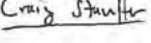
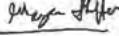
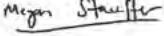
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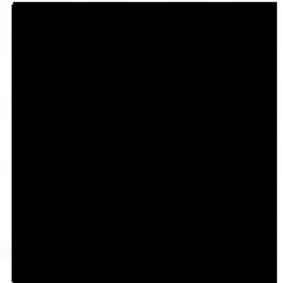
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**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

SIGNATURE	NAME	ADDRESS
		
		
		
		
		
		
		
		
		
		
		
		
		
		

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>



**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project /ie, Connecting Palo Alto.

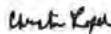
## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

## SIGNATURE

## NAME

## ADDRESS



christine Roper



Audit Trail

## TITLE

## FILE NAME

## DOCUMENT ID

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Church/Alma Grade Separation Project Position Statement...

Community Signature Page 2.14\_18.1.pdf and 2 others:

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+ Completed.

## Document History



03/09/2018

14:33:03 UTC

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IP: 98.207.42.120



03/09/2018

14:34:40 UTC

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IP: 98.207.42.120



03/09/2018

14:34:40 UTC

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NOPA Community Letter to Council on Grade Separation – Signature Page

<http://www.northoldpaloalto.org>

Doc ID: 8273cc04195d99a46cd7e3bae0b1ca050508a8

**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project /ie, Connecting Palo Alto.

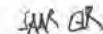
## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

## SIGNATURE

## NAME

## ADDRESS



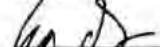
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**SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT**

## SIGNATURE

## NAME

## ADDRESS



Ben Choi

NOPA Community Letter to Council on Grade Separation – Signature Page

<http://www.northoldpaloalto.org>

NOPA Community Letter to Council on Grade Separation – Signature Page

<http://www.northoldpaloalto.org>

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## Audit Trail

**TITLE** Churchill/Alma Grade Separation Project: Position Statement...

**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others

**DOCUMENT ID** 3e1e5064ab82d3f348ffbbfb27021403b11407a

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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Ava Hahn


NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: d0738652317ff5ad7ea4fe33aaabcb589902b69



## Audit Trail

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**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others

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COMPLETED 00:53:29 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Christopher A Kantarjiev


NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 8ef1fa753b61e32addb0940eb08f509ff91dbaf2



## Audit Trail

TITLE: Churchill Alma Grade Separation Project Position Statement.  
FILE NAME: Community Signature Page 2.14.18.1.pdf and 2 others  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Evelyn Chan-Cox

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

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## Audit Trail

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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Jane Harris

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 57bd8580d1a6a85389c5088c356cd48290a4fb

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## Document History

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**03/10/2018** The document has been completed.  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

Enclosures:

Endlosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

*Kevin A. Leighton* \_\_\_\_\_ Kevin Leighton \_\_\_\_\_

**TITLE**: Churchill/Arlia Grade Separation Project Position Statement  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

Enclosures:  
 Endlosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

*Kate McKenzie* \_\_\_\_\_ Kate McKenzie \_\_\_\_\_

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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / i.e., Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_ **ADDRESS:** \_\_\_\_\_

Pam Morano

[REDACTED]

NOPA Community Letter to Council on Grade Separation - Signature Page  
<http://www.northoldpaloalto.org>

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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / i.e., Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_ **ADDRESS:** \_\_\_\_\_

Peter Shambora

[REDACTED]

NOPA Community Letter to Council on Grade Separation - Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 1a146c20ac560151b87750187e69b0c1a9d25

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FILE NAME Community Signature Page 2.14.18.1.pdf and 2 others  
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STATUS ≈ Completed

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	03/10/2018 20:09:53 UTC	The document has been completed.

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.  
Enclosures:  
Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE NAME ADDRESS

Robert S Rubenstein

Robert S Rubenstein

[REDACTED]


NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 853e1c38cae87e06cf038315dec0ec4002a13b3

TITLE ChurchillAlma Grade Separation Project Position Statement...  
FILE NAME Community Signature Page 2.14.18.1.pdf and 2 others  
DOCUMENT ID 853e1c38cae87e06cf038315dec0ec4002a13b3  
STATUS ≈ Completed

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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

Enclosures:  
Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE NAME ADDRESS

Hsinya Shen

Hsinya Shen

[REDACTED]


NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: a01348a3574197b521ff5003d3e47dc66349c80

**TITLE** Churchill Alma Grade Separation Project Position Statement...  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Dave Schneidler

\_\_\_\_\_

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 38146cf02451c70b48dd83700f0921fd019de624

**TITLE** Churchill Alma Grade Separation Project Position Statement...  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Susan Whitehead

\_\_\_\_\_

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 1f7d6531de1d97462bd478730327ae91b043c5f

**TITLE** Churchill Alma Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.1B.1.pdf and 2 others  
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**STATUS** \* Completed

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 00:46:03 UTC IP: 76.126.241.47

**SIGNED** 03/12/2018 Signed by - (susan\_whitehead@yahoo.com)  
 00:47:49 UTC IP: 76.126.241.47

**COMPLETED** 03/12/2018 The document has been completed.  
 00:47:49 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE** **NAME** **ADDRESS**

*Albert Hua*

Albert Hua

[REDACTED]

**TITLE** Churchill Alma Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.1B.1.pdf and 2 others  
**DOCUMENT ID** 77fb996ad1c232fb4eb085bc537411e6666791  
**STATUS** \* Completed

## Document History

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 03:33:46 UTC IP: 173.239.198.173

**COMPLETED** 03/19/2018 The document has been completed.  
 03:33:46 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE** **NAME** **ADDRESS**

*Ewa A. Goodearl*

Ewa Goodearl

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 4b0c95ec0a7f75e43b4f740c50c0b61a9471dd8

**TITLE** Churchill/Ains Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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03/16/2018 17:47:29 UTC Signed by - (antonewa@yahoo.com) IP: 73.223.116.38

03/16/2018 17:47:29 UTC The document has been completed.

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE NAME ADDRESS

Bruce Greenwood

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 1566784612b50b511db4e4b06250a445c38fc

**TITLE** Churchill/Ains Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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**STATUS** Completed

## Document History

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03/12/2018 01:46:46 UTC Signed by - (brucegre@pacbell.net) IP: 172.5.154.14

03/12/2018 01:46:46 UTC The document has been completed.

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE NAME ADDRESS

Nancy McGaraghan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: edff2210ea3115b95bd151583bd257e67c21e2

**TITLE** Churchill/Alma Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

*Daniel Cox*

Daniel Cox

[REDACTED]



Figure 1 – Existing Embarcadero Road Underpass Satellite Image Demonstrating the Ample Room Available for Renovation and Improvements

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

*[Signature]*

Daniel K Marshall

[REDACTED]

**TITLE** Churchill/Alma Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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**03/12/2018** The document has been completed.  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Martha Angell

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 4e60379797c18a85ca41604ec0fb0668a0c0180

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**15:16:27 UTC** IP: 108.210.205.72

**03/13/2018** The document has been completed.  
**15:16:27 UTC**

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Henry Hwong

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 480a2527a0d953a2006259b52947eb47ec4

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**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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**STATUS** + Completed

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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

John Koval

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 0108547da24d196171e113aec705a4dc2eb7c965

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**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Laura Tannenwald

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: e49b10all095465be0a707225cd15f90743dc817

**TITLE** ChurchillAina Grade Separation Project Position Statement.  
**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
**DOCUMENT ID** e48b10fa8955465bae02707235cd45b9743dc817  
**STATUS** Completed.

## Document History

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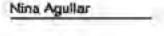
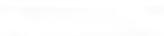
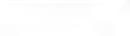
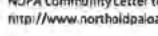
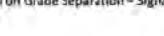
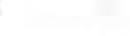
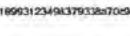
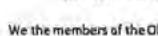
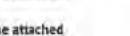
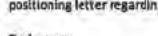
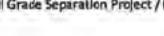
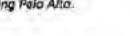
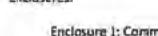
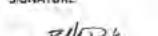
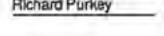
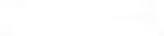
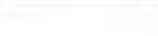
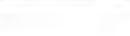
## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE** Nina Aguilar **NAME** Nina Aguilar **ADDRESS** 

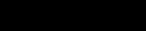
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		

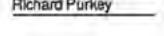
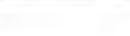
## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE** Richard Purkey **NAME** Richard Purkey **ADDRESS** 

NOPA Community Letter to Council on Grade Separation – Signature Page

<http://www.northoldpalooalto.org>

**TITLE** Churchill Alma Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.1B.1.pdf and 2 others  
**DOCUMENT ID** 3681fa3f29c5b88f734650cf9aba3fb3298c8  
**STATUS** \* Completed

## Document History

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05:40:45 UTC IP: 69.106.48.14

**SIGNED** 03/12/2018 Signed by - (rapurkey@aol.com)  
18:59:06 UTC IP: 174.215.16.43

**COMPLETED** 03/12/2018 The document has been completed.  
18:59:06 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE** **NAME** **ADDRESS**

*Rebecca Friend*

Rebecca Friend

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 8a5d7c04cd81ac8cab7ff10865279a16cc0e94e

**TITLE** Churchill Alma Grade Separation Project Position Statement  
**FILE NAME** Community Signature Page 2.14.1B.1.pdf and 2 others  
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**STATUS** \* Completed

## Document History

**VIEWED** 03/08/2018 Viewed by - (rebeccafriend@yahoo.com)  
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17:24:24 UTC IP: 73.231.32.79

**COMPLETED** 03/15/2018 The document has been completed.  
17:24:24 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

**SIGNATURE** **NAME** **ADDRESS**

*Rebecca Fox*

Rebecca Fox

[REDACTED]

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 7a9ef030256ac4b2c93909579b3c7c9655546a1

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## Document History

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**03/12/2018** The document has been completed.  
**03:37:11 UTC**

## Audit Trail

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Thomas Hoffmann

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 61100f262e251fb2008fb66e1825b7791d050

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## Document History

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**20:55:51 UTC** IP: 75.126.208.235

**03/12/2018** The document has been completed.  
**20:55:51 UTC**

## Audit Trail

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, Connecting Palo Alto.

## Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE \_\_\_\_\_ NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Tina Hua

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: d52aa946b196992d225e837b4a4da66ce7ef9

TITLE	Church/Alma Grade Separation Project Position Statement
FILE NAME	Community Signature Page 2.14.18.1.pdf and 2 others
DOCUMENT ID	c952aa946b1969920225eb3a7b4a4da88ce7ef9
STATUS	Completed

## Document History

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03.27.13 UTC IP: 173.239.198.173

 03/19/2018 Signed by - (inayhua@gmail.com)  
03.29.49 UTC IP: 173.239.198.173

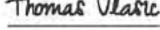
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03.29.49 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPOA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, *Connecting Palo Alto*.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE	NAME	ADDRESS
	Thomas Vlasic	[REDACTED]
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NOPOA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: b641ca9c7c463e131a827db4c030077fb428dad

TITLE	Church/Alma Grade Separation Project Position Statement
FILE NAME	Community Signature Page 2.14.18.1.pdf and 2 others
DOCUMENT ID	b641ca9c7c463e131a827db4c030077fb428dad
STATUS	Completed

## Document History

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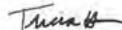
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22.27.19 UTC

## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

We the members of the Old North Palo Alto Community (NOPOA) support the attached positioning letter regarding the Rail Grade Separation Project / ie, *Connecting Palo Alto*.

Enclosures:

Enclosure 1: Community Letter to City Council on Grade Separation

SIGNATURE	NAME	ADDRESS
	Tricia Herrick	[REDACTED]
<hr/>	<hr/>	<hr/>

NOPOA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpaloalto.org>

Doc ID: 753e67cc55955d5cae648226703947967ba0459

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**FILE NAME** Community Signature Page 2.14.18.1.pdf and 2 others  
**DOCUMENT ID** 753a67cc95055d5dace648226703947967ba0459  
**STATUS** • Completed

## Document History

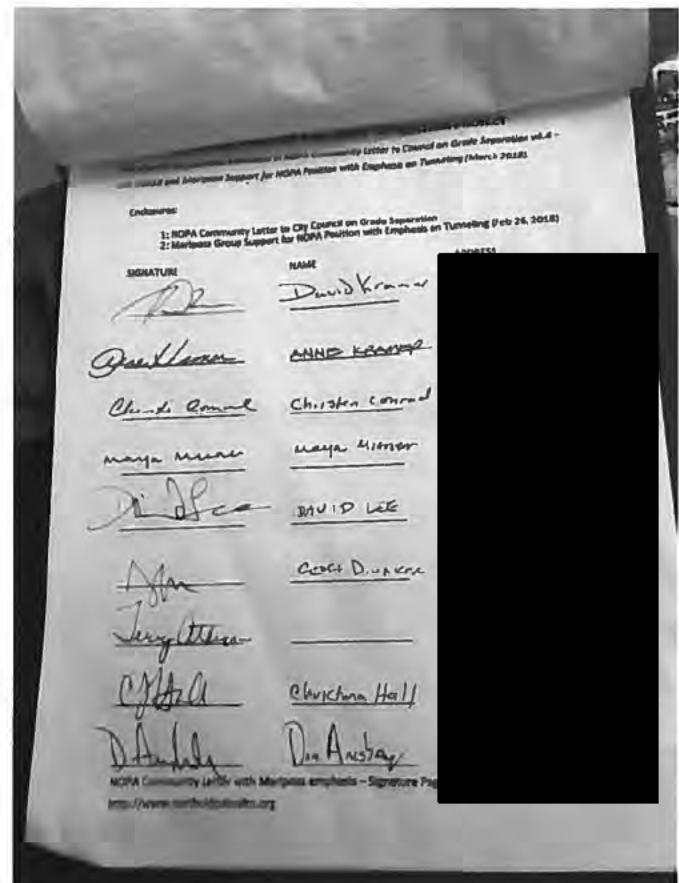
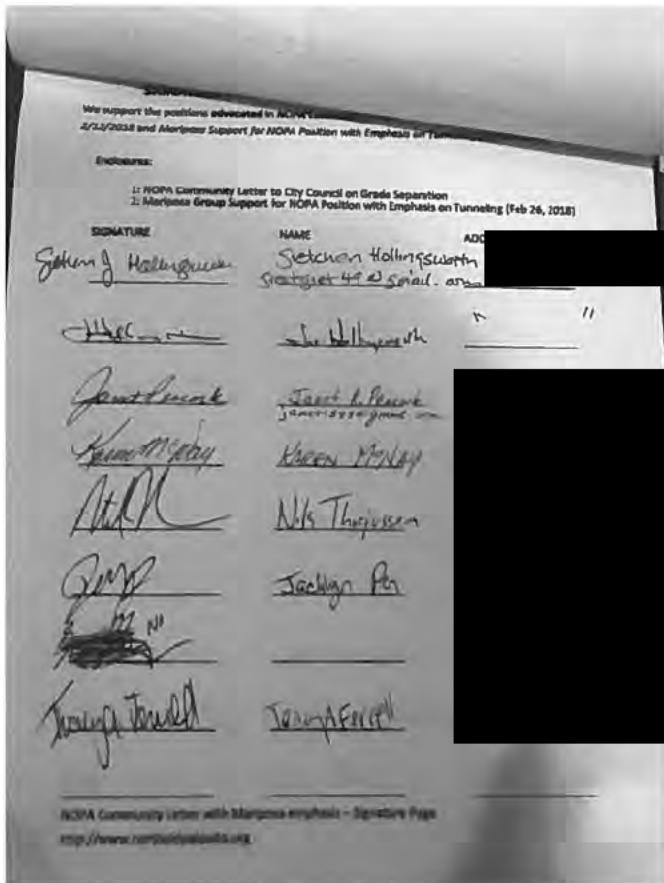
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## SIGNATURE PAGE FOR RAIL GRADE SEPARATION PROJECT

**SIGNATURE** \_\_\_\_\_ **NAME** \_\_\_\_\_ **ADDRESS** \_\_\_\_\_

1. Heidi Hsu  
 2. John Fawcett  
 3. Ly Ishvara Sury  
 4. Triciah Gilgarte  
 5. Tina Hua  
 6. Rasmey Piek  
 7. Zachariah Silva

NOPA Community Letter to Council on Grade Separation – Signature Page  
<http://www.northoldpalabto.org>



	ADDRESS		
1	Kathleen Judge	Palo Alto	CA
2	Hank Sousa	Palo Alto	CA
3	Andie Reed	Palo Alto	CA
4	Grace Luo	Palo Alto	CA
5	Janice Luo	Palo Alto	CA
6	Rosalyn Luo	Palo Alto	CA
7	Jason Matlaf	Palo Alto	CA
8	Palam Guk	Palo Alto	CA
9	David Fence	Palo Alto	CA
10	Rachael Callcut	Palo Alto	CA
11	Matthew Mell	Palo Alto	CA
12	Chikuo Shen	Palo Alto	CA
13	Li-hsiang Yu Shen	Palo Alto	CA
14	Jeffrey Brown	Palo Alto	CA
15	Kyle Bordeau	Palo Alto	CA
16	Gitanjali Jain	Palo Alto	CA
17	Monica Tan Brown	Palo Alto	CA
18	Raymond Ogawa	Palo Alto	CA
19	Leslie Matlaf	Palo Alto	CA
20	Samantha Shen	Palo Alto	CA
21	David Shen	Palo Alto	CA
22	Sean Hee	Palo Alto	CA
23	Lena Hee	Palo Alto	CA
24	Ben Venfunum	Palo Alto	CA
25	Tanya Tran	Palo Alto	CA
26	Mandy Anderson	Palo Alto	CA
27	Brian Holcomb	Palo Alto	CA
28	Helen Tombropoulos	Palo Alto	CA
29	John Todd	Palo Alto	CA
30	Hao-Hua Chu	Palo Alto	CA
31	Emily Hung	Palo Alto	CA
32	Kerry Yarkin	Palo Alto	CA
33	Neva Yarkin	Palo Alto	CA
34	Mary Sylvester	Palo Alto	CA
35	Kim Martin	Palo Alto	CA
36	Lance Martin	Palo Alto	CA
37	Stephane Moreau	Palo Alto	CA
38	Gerald Berry	Palo Alto	CA
39	John W. Day	Palo Alto	CA
40	Suzanne Degler	Palo Alto	CA
41	Anne Kramer	Palo Alto	CA
42	David Kramer	Palo Alto	CA
43	Sam Lada	Palo Alto	CA
44	Anisha Patel	Palo Alto	CA
45	Yinan Li	Palo Alto	CA

	ADDRESS		
46	Andy Choi	Palo Alto	CA
47	Renee Choi	Palo Alto	CA
48	Chris Waldo	Palo Alto	CA
49	Erkay Uzun	Palo Alto	CA
50	Patricia F. O'Donnell	Palo Alto	CA
51	Edward O'Donnell	Palo Alto	CA
52	Kirk Latour	Palo Alto	CA
53	Sangetha Bollini	Palo Alto	CA
54	Anand Bollini	Palo Alto	CA
55	Mohamed Hadidi	Palo Alto	CA
56	Young-jeh Oh	Palo Alto	CA
57	Jason Stinson	Palo Alto	CA
58	Eduardo Llach	Palo Alto	CA
59	Carol J. Anderson	Palo Alto	CA
60	Karen McNay	Palo Alto	CA
61	Kevin Carlson	Palo Alto	CA
62	Leilani Waldo	Palo Alto	CA
62	Elif Uzun	Palo Alto	CA
63	Aileen Lee	Palo Alto	CA
64	Bob Krentler	Palo Alto	CA
65	Felice Shieh	Palo Alto	CA
66	Dayton S. Misheldt	Palo Alto	CA
67	Rob Levitsky	Palo Alto	CA
68	Irene Au	Palo Alto	CA
69	Bradly Horowitz	Palo Alto	CA
70	Manish Baldua	Palo Alto	CA
71	Gordon Thompson	Palo Alto	CA
72	Marie Thompson	Palo Alto	CA
73	Matt Yarkin	Palo Alto	CA
74	Ativ Zomet	Palo Alto	CA
75	William Schmarzo	Palo Alto	CA
76	Rosemary Knight	Palo Alto	CA
77	Yossef Zomet	Palo Alto	CA
78	Janina Duraj	Palo Alto	CA
79	Daniel Puduay	Palo Alto	CA
80	Sidney Wilkins	Palo Alto	CA
81	Enoch Choi	Palo Alto	CA
82	Rachel Croft	Palo Alto	CA
83	Javier Gonzales	Palo Alto	CA
84	Inyoung Cho	Palo Alto	CA
85	Qiang Wang	Palo Alto	CA
86	Xicohong Wang	Palo Alto	CA
87	Rui Zhang	Palo Alto	CA
88	Chandru V	Palo Alto	CA
89	Kiran Oak	Palo Alto	CA
90	S. Ladh	Palo Alto	CA
91	Fenella Leighton	Palo Alto	CA
92	Rebecca Branson	Palo Alto	CA
93	Gail C. Woolley	Palo Alto	CA
94	Bradford Woolley	Palo Alto	CA
95	Bing Zhang	Palo Alto	CA
96	Gretchen Hollingsworth	Palo Alto	CA

	ADDRESS		
97	John Hollingworth	Palo Alto	CA
98	Janet R. Peacock	Palo Alto	CA
99	Karen McNay	Palo Alto	CA
100	Joan MacDaniels	Palo Alto	CA
101	Carolyn Schmarzo	Palo Alto	CA
102	Dianne MacDaniels	Palo Alto	CA
103	Deborah Fife	Palo Alto	CA
104	Walter Fu	Palo Alto	CA
105	Joanne Fu	Palo Alto	CA
106	Bradly Brom	Palo Alto	CA
107	Jenna Brom	Palo Alto	CA
108	Stepanie James	Palo Alto	CA
109	Brad Forrol	Palo Alto	CA
110	Steve Jarvis	Palo Alto	CA
111	Carol Acott	Palo Alto	CA
112	Henie Faghani	Palo Alto	CA
113	Bahma Kohestani	Palo Alto	CA
114	Emilia Suviala	Palo Alto	CA
115	Beverly Radin	Palo Alto	CA
116	Donnie Youngbery	Palo Alto	CA
117	Rikki Faktou	Palo Alto	CA
118	Michael Lin	Palo Alto	CA
119	Jennifer Gu	Palo Alto	CA
120	Jiayang Liu	Palo Alto	CA
121	Rui Zhang	Palo Alto	CA
122	Janette Herceg	Palo Alto	CA
123	Tyler Vinciguerra	Palo Alto	CA
124	Angie Herceg	Palo Alto	CA
125	Brain Mabe	Palo Alto	CA
126	Harmut Sadrozinski	Palo Alto	CA
127	Shaila Sadrozinski	Palo Alto	CA
128	Gina Craig	Palo Alto	CA
129	E. Tom Craig	Palo Alto	CA
130	Laarni Von Ruden	Palo Alto	CA
131	John Dhney	Palo Alto	CA
132	Ashok Sadrozinski	Palo Alto	CA
133	Colm Callan	Palo Alto	CA
134	Julie Callan	Palo Alto	CA
135	Celeste Bates	Palo Alto	CA
136	Steven Bates	Palo Alto	CA
137	Helen Conroe	Palo Alto	CA
138	Mark Zucker	Palo Alto	CA
139	K. Fansh Haydel	Palo Alto	CA
140	Susan Bush	Palo Alto	CA
141	Allen Bush	Palo Alto	CA
142	Aaron Strauch	Palo Alto	CA
143	Teri Llach	Palo Alto	CA
144	Lisa Hwong	Palo Alto	CA
145	Carole Fonck	Palo Alto	CA
146	Inhwa Song	Palo Alto	CA
147	Lucia Ugarte	Palo Alto	CA
148	Tim Roper	Palo Alto	CA

	ADDRESS	
149	Craig Moye	Palo Alto
150	Cynthia Lee	CA
151	Hersha Mittakanti	Palo Alto
152	Michael Davenport	CA
153	Mark Grundberg	Palo Alto
154	Leo Chen	CA
155	Alex Kasman	Palo Alto
156	Erica Sohlberg	CA
157	Rustin Massoudi	Palo Alto
158	Craig Stauffer	CA
159	Megan Stauffer	Palo Alto
160	Christine Roper	CA
161	Saar Gur	Palo Alto
162	Ben Choi	CA
163	Jane Harris	Palo Alto
164	Peter Shambora	CA
165	Kevin Leighton	Palo Alto
166	David Schnedler	CA
167	Pam Molano	Palo Alto
168	Ava Hahn	CA
169	Kate McKenzie	Palo Alto
170	Christopher Kantarjiev	CA
171	Hsinya Shen	Palo Alto
172	Evelyn Chan-Cox	CA
173	Robert Rubenstein	Palo Alto
174	Susan Whitehead	CA
175	Bruce Greenwood	Palo Alto
176	Daniel K. Marshall	CA
177	Daniel Cox	Palo Alto
178	Rebecca Fox	CA
179	Tina Hua	Palo Alto
180	Rasmey Picek	CA
181	Zeehan Selha	Palo Alto
182	Richard Purkey	CA
183	Thomas Hoffman	Palo Alto
184	Nancy McGaraghan	CA
185	John Koval	Palo Alto
186	Christen Conrad	CA
187	Nils Thorjussen	Palo Alto
188	Jacklyn Pen	CA
189	Tracy A. Ferrell	Palo Alto
190	Martha Angell	CA
191	Tricia Herrick	Palo Alto
192	Tom Vlasic	CA
193	Henry Hwong	Palo Alto
194	Rebecca Friend	CA
195	Nina Aguilar	Palo Alto
196	Laura Tannenwald	CA
197	Ewa Goosell	Palo Alto
198	Maya Misner	CA
199	David Lee	Palo Alto
200	Geoff Dinaker	CA

201 Terry Atkinson  
202 Christina Hall  
203 Don Ansbay  
204 Tina Hua  
205 Albert Hua

ADDRESS

Palo Alto CA  
Palo Alto CA  
Palo Alto CA  
Palo Alto CA  
Palo Alto CA

*CRC*  
**COUNCIL MEETING**  
3/21/2018

Received Before Meeting  
 Received at Meeting

*Future Meetings*

Rail Committee Items Tentatively Scheduled*			
Committee Meeting	Agenda Item	Item Title	Council Approval Date
3/21/18	1	Summary of Trenching and Tunneling Roundtable	n/a
	2	Initial Screening of the Master List of Ideas	n/a
4/18/2018 (Move to Early April)	1	Final Review of Master List of Ideas (16) - Recommend Council Approval	5/7/18
	2	VTA Measure B Grade Separation Funding Plan - Discussion Only	n/a
Late April Meeting (to be scheduled)	1	Introduction of New Consultant Team and Workplan	4/16/2018 (tentative)
	2	Agreement with Peninsula Corridor Joint Powers Board Relating to the Peninsula Corridor Electrification Project - Recommend Council Approval	5/7/18
5/16/2018 (to be rescheduled)	1	Grade separation alternatives to be evaluated (4-8) - Recommend Council Approval	6/4/18
	2	VTA Measure B Grade Separation Funding Plan - Recommend Council Approval	6/4/18
	3	Caltrain Business Plan - Discussion/Potentially Recommend Council Position	n/a
6/20/18	1	Schedule and Stakeholder Engagement Plan for Grade Separation Alternatives Evaluation	n/a
8/15/18	1	Outline of Interagency Roles and Responsibilities through Design and Construction - Recommend Council Approval	9/10/18
9/19/18	1	Preliminary Grade Separation Alternatives Evaluation - Discussion Only	n/a
10/17/18	1	Grade Separation Alternatives Evaluation - Discussion On	n/a
11/21/18	1	Preferred Grade Separation Solutions - Recommend Council Approval	12/10/18
12/19/18	1	No meeting	n/a

\* Does not include standing agenda items

**COUNCIL MEETING**  
CCRC 3/21/10  
 Received Before Meeting  
 Received at Meeting

2

**Connecting Palo Alto: Rail Program**  
**Master List of Ideas – Results of Initial Screening of 34 Ideas**

**Connecting Palo Alto: Rail Program**  
**Master List of Ideas – Results of Initial Screening of 34 Ideas**

Type of Separation (Alphabetical Order)	Citywide	Palo Alto	Churchill	Meadow	Charleston
Closure		Palo Alto Ave Closed, Everett Bike/Ped (PCE) Palo Alto Ave Closed, Widen University (PCU)	Churchill Ave Closed, Widen Embarcadero (CAE) Churchill Ave Closed, Seale Bike/Ped (CAS)	Meadow Dr Closed, Loma Verde Bike/Ped (MDL)	
Hybrid (Road under Rail)		Palo Alto Ave Hybrid (PAH)	Churchill Ave Hybrid (CAH)	Meadow + Charleston Hybrid, Loma Verde Bike/Ped (MCL) Meadow Dr Hybrid (MDH)	Meadow + Charleston Hybrid (MCH) Charleston Road Hybrid (CRH)
No Build / Do Nothing		Palo Alto Ave No Build, Safety Upgrades (PAN)	Churchill Ave No Build, Safety Upgrades (CAN)	Meadow Dr No Build, Safety Upgrades (MDN)	
Rail under Road (Trench)				Meadow + Charleston Trench (MCT)	Meadow Dr Closed, Charleston Trench (MCX)
Rail under Road (Tunnel)					
Road over Rail (Berm/Viaduct)					
Road under Rail					

**Abbreviations**

CAE – Close Churchill Ave. crossing, widen existing Embarcadero Rd. undercrossing

CAH – Churchill Ave. crossing with roadway under railroad Hybrid

CAN – Churchill Ave. crossing with No grade separation. Implement minor safety improvements

CAS – Close Churchill Ave. crossing, build bike/ped crossing near planned Seale Ave. bike boulevard to connect to Peers Park and Stanford Ave. bike boulevard

CRH – Charleston Rd. crossing with Hybrid (maintain connection b/w Charleston Rd. and Alma St.)

MCH – Meadow Dr. and Charleston Rd. crossings with roadway under rail Hybrid

MCL – Meadow Dr. and Charleston Rd crossings with roadway under rail Hybrid; new hybrid bike/ped path under rail near Loma Verde Ave.

MCT – Meadow Dr. to Charleston Rd Trench; Alma St. not within trench (maintain connections between Meadow Dr. and Charleston Rd.)

MCX – Close Meadow Dr. crossing; Railroad under roadway trench at Charleston Rd.; Alma St not (x) in trench (maintain connection b/w Meadow Dr. and Charleston Rd.)

MDH – Meadow Dr. crossing with roadway under railroad Hybrid (maintain connection b/w Meadow Dr. & Alma St.)

MDL – Close Meadow Dr. crossing, build bike/ped crossing near Loma Verde Ave. to connect to planned Matadero Ave. bike boulevard

MDN – Meadow Dr. crossing with No grade separation; implement safety improvements

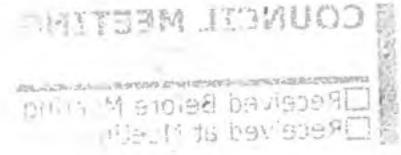
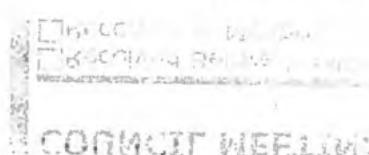
PAH – Continue proposed Menlo Park Hybrid across San Francisquito Creek and Palo Alto Ave. on a viaduct structure

PAN – Palo Alto Ave. crossing with No grade separation; implement safety improvements (quad-gates and wayside horns) with the goal of making a quiet zone

PCE – Palo Alto Ave. crossing Closed; build Everett Ave. bike/ped undercrossing

PCU – Palo Alto Ave. crossing Closed; widen University Ave. roadway undercrossing

DRAFT FOR DISCUSSION ONLY



**Connecting Palo Alto: Rail Program**  
**Master List of Ideas – Results of Initial Screening of 34 Ideas**

Alternative ID	Type of Separation Icon	Description of Alternative	Initial Screening Criteria											
			Tier 1					Tier 2				New		
			Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped-Bike Circulation	Support Rail Operations	Funding Feasibility	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability	TAC Opinion
<b>Citywide or Multiple Crossing Alternatives</b>														
MCH		Roadway under rail hybrid at Meadow Drive and Charleston Road crossings	●	●	○	●	✓	○	○	○	○	○	X	?
MCL		Roadway under railroad hybrid at Meadow Drive and Charleston Road crossings; new hybrid path under rail bicycle and pedestrian crossing near Loma Verde Avenue	●	●	●	●	✓	○	○	○	○	○	X	?
MCT		Railroad under roadway trench from Meadow Drive to Charleston Road; Alma Street not within trench (maintain connections between Meadow Drive and Charleston Road)	●	●	○	○	X	●	●	●	●	●	X	?
MCX		Railroad under roadway trench at Charleston Road; Close Meadow Drive crossing; Alma Street not within trench (maintain connections between Meadow Drive and Charleston Road)	○	○	○	○	✓	●	○	●	●	●	X	?

DRAFT FOR DISCUSSION ONLY

Alternative ID	Type of Separation Icon	Description of Alternative	Initial Screening Criteria											
			Tier 1				Tier 2				New			
			Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped-Bike Circulation	Support Rail Operations	Funding Feasibility	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability	
<b>Palo Alto Avenue (AKA Alma Street) Alternatives</b>														
PAH		Continue proposed Menlo Park hybrid alternative across San Francisquito Creek and Palo Alto Avenue on a viaduct structure	●	●	●	●	✓	●	●	●	●	X	?	
PAN		No grade separation at Palo Alto Avenue crossing; implement minor safety improvements (quadgates and wayside horns) with the goal of making a quiet zone	○	○	○	●	✓	○	●	●	●	○	✓	?
PCE		Close Palo Alto Avenue crossing and build planned Everett Avenue bicycle and pedestrian undercrossing	○	○	●	●	✓	○	●	●	●	○	X	?
PCU		Close Palo Alto Avenue crossing and widen existing University Avenue roadway undercrossing	○	○	○	●	✓	○	●	●	●	○	✓	?

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Alternative ID	Type of Separation Icon	Description of Alternative	Initial Screening Criteria											
			Tier 1					Tier 2				New		
			Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped-Bike Circulation	Support Rail Operations	Funding Feasibility	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability	TAC Opinion
<b>Churchill Avenue (Only) Alternatives</b>														
CAE		Close Churchill Avenue crossing and widen existing Embarcadero Road roadway undercrossing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
CAH		Roadway under railroad hybrid at Churchill Avenue crossing	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
CAN		No grade separation at Churchill Avenue crossing; implement minor safety improvements (quadgates and wayside horns) in addition to planned Section 130 project to be completed in 2018-2019.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
CAS		Close Churchill Avenue crossing and build a new bicycle and pedestrian crossing near the planned Seale Avenue bicycle boulevard to connect to the existing Peers Park and planned Stanford Avenue bicycle boulevard	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

DRAFT FOR DISCUSSION ONLY

Alternative ID	Type of Separation Icon	Description of Alternative	Initial Screening Criteria										
			Tier 1					Tier 2			New		
			Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped-Bike Circulation	Support Rail Operations	Funding Feasibility	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability
<b>Meadow Drive (Only) Alternatives</b>													
MDH		Roadway under railroad hybrid at Meadow Drive crossing (maintain connection between Meadow Drive and Alma Street)	●	●	●	●	✓	●	●	●	●	X	?
MDL		Close Meadow Drive crossing and build a new bicycle and pedestrian crossing near Loma Verde Avenue to connect to the planned Matadero Avenue bicycle boulevard.	○	●	○	●	✓	○	●	●	●	○	✓
MDN		No grade separation at Meadow Drive crossing; implement minor safety improvements (quadgates and wayside horns) in addition to potential Section 130 project to be completed in 2020-2022.	○	○	○	○	✓	○	●	●	●	○	✓

DRAFT FOR DISCUSSION ONLY

Alternative ID	Type of Separation Icon	Description of Alternative	Initial Screening Criteria											
			Tier 1				Tier 2				New			
			Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped/Bike Circulation	Support Rail Operations	Funding Feasibility	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability	TAC Opinion
<b>Charleston Road Alternatives</b>														
CRH		Roadway under railroad hybrid at Charleston Road crossing (maintain connection between Charleston Road and Vista Street)	●	●	●	●	✓	●	●	●	●	●	X	?

**Connecting Palo Alto: Rail Program**  
**Master List of Ideas – 34 Ideas Generated from Community Engagement Efforts**

Alternative ID	Description of Alternative	Initial Screening Criteria												Notes	
		Tier 1						Tier 2			New				
		Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped/Bike Circulation	Support Rail Operations	Funding Feasibility [Fatal Flaw]	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability [Fatal Flaw]	TAC Opinion		
<b>Citywide or Multiple Crossing Alternatives</b>															
MCH	Roadway under rail hybrid at Meadow Drive and Charleston Road crossings	●	●	●	●	✓	●	●	●	●	X	?	Y		
MCL	Roadway under railroad hybrid at Meadow Drive and Charleston Road crossings; new hybrid path under rail bicycle and pedestrian crossing near Loma Verde Avenue	●	●	●	●	✓	●	●	●	●	X	?	Y		
MCT	Railroad under roadway trench from Meadow Drive to Charleston Road; Alma Street not within trench [maintain connections between Meadow Drive and Charleston Road]	●	●	●	●	X	●	●	●	●	●	?	Y		
MCX	Railroad under roadway trench at Charleston Road; Close Meadow Drive crossing; Alma Street not within trench [maintain connections between Meadow Drive and Charleston Road]	●	●	●	●	✓	●	●	●	●	X	?	Y		
MCA	Railroad under roadway trench within existing railroad corridor from Meadow Drive to Charleston Road; Alma Street within trench [no connections between Meadow Drive and Charleston Road]	●	●	●	●	X	●	●	●	●	X	?	N		
WBE	Citywide deep bore railroad tunnel from Menlo Park city limits to Mountain View city limits under El Camino Real with two new underground rail stations	●	●	●	●	X	●	●	●	●	X	?	N		
WBR	Citywide deep bore railroad tunnel from Menlo Park city limits to Mountain View city limits under existing rail corridor with two new underground rail stations	●	●	●	●	X	●	●	●	●	X	?	N		
WCE	Citywide cut-and-cover railroad tunnel from Menlo Park city limits to Mountain View city limits under El Camino Real with two new underground rail stations	●	●	●	●	X	●	●	●	●	X	?	N		
WCR	Citywide cut-and-cover railroad tunnel from Menlo Park city limits to Mountain View city limits under existing railroad corridor with two new underground rail stations	●	●	●	●	X	●	●	●	●	X	?	N		
WER	Citywide railroad berm from Menlo Park city limits to Mountain View city limits within existing rail corridor with two new elevated stations	●	●	●	●	X	●	●	●	●	X	?	N		
WTR	Citywide railroad under roadway trench within existing railroad right-of-way from Menlo Park city limits to Mountain View city limits with two new depressed rail stations	●	●	●	●	X	●	●	●	●	X	?	N		
WVR	Citywide railroad viaduct from Menlo Park city limits to Mountain View city limits within existing rail corridor with two new elevated stations	●	●	●	●	X	●	●	●	●	X	?	N		

DISCUSSION ONLY

DRAFT FOR DISCUSSION ONLY

Alternative ID	Description of Alternative	Initial Screening Criteria												Notes	
		Tier 1						Tier 2			New				
		Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped/Bike Circulation	Support Rail Operations	Funding Feasibility (Fiscal/Few)	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability (Fiscal/Few)	TAC Opinion		
<b>Palo Alto Avenue (AKA Alma Street) Alternatives</b>															
PAH	Continue proposed Menlo Park hybrid alternative across San Francisquito Creek and Palo Alto Avenue on a viaduct structure	●	●	●	●	✓	●	●	●	●	●	●	?	Y	
PAN	No grade separation at Palo Alto Avenue crossing; implement minor safety improvements (quadgates and wayside horns) with the goal of making a quiet zone	○	○	○	○	✓	●	●	●	●	●	●	✓	?	
PCE	Close Palo Alto Avenue crossing and build planned Everett Avenue bicycle and pedestrian undercrossing	○	○	○	●	●	●	●	●	●	●	●	X	?	
PCU	Close Palo Alto Avenue crossing and widen existing University Avenue roadway undercrossing	●	●	●	●	●	✓	●	●	●	●	●	✓	?	
PAT	Connect Alma Street south of Palo Alto Avenue to Sand Hill Road with a roadway undercrossing beneath the railroad corridor and El Camino Real; dead-end Palo Alto Avenue east of Alma Street; connect the bicycle path from Menlo Park to El Camino Park	●	●	●	●	●	X	●	●	●	●	●	X	N	
PCA	Close Palo Alto Avenue crossing and connect Alma Street to Alma Street in Menlo Park	○	○	○	●	●	✓	●	●	●	●	●	X	?	
PCQ	Close Palo Alto Avenue crossing and extend Quarry Road under rail corridor to Alma Street to tie into Lytton Avenue	●	●	●	●	●	✓	●	●	●	●	●	?	N	

DRAFT FOR DISCUSSION ONLY

Creek is 27' deep.  
There is a storm drain at Alma and train tracks that might need to be relocated.  
Utilities: Main underground lines, 12KV electric.  
El Camino Park is Stanford Property (leased through 2045) and has a water well and underground reservoir under easement, 12' deep.  
Gas Line will cost \$250k to relocate.  
Sewer can be relocated.  
SFPUC has 16" transmission along El Camino.  
Relocating Power line is a substantial cost - If moved, need new easement with Stanford,  
Quarry Road / Everett has 16" water line, emergency well site (need to avoid), electric fiber, new 24" bore concrete casing, and 16" stormwater (can be moved).  
12" water line under Palo Alto Transit Center, as well as 8" sewer (could be problematic).  
Potential for Indian burial ground in area.

Alternative ID	Description of Alternative	Initial Screening Criteria												Notes	
		Tier 1						Tier 2							
		Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped Bike Circulation	Support Rail Operations	Funding Feasibility (Fatal Flaw)	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability (Fatal Flaw)	TAC Opinion		
<b>Churchill Avenue Alternatives</b>															
CAE	Close Churchill Avenue crossing and widen existing Embarcadero Road roadway undercrossing	●	●	●	●	●	✓	●	●	●	●	✓	?	Y	
CAH	Roadway under railroad hybrid at Churchill Avenue crossing	●	●	●	●	●	✓	●	●	●	●	X	?	Y	
CAN	No grade separation at Churchill Avenue crossing; implement minor safety improvements (quadgates, and sidewalks) in addition to planned Section 130 project to be completed in 2018-2019.	●	●	●	●	●	●	●	●	●	●	✓	?	Y	
CAS	Close Churchill Avenue crossing and build a new bicycle and pedestrian crossing near the planned Seale Avenue bicycle boulevard to connect to the existing Peers Park and planned Stenforo Avenue bicycle boulevard	●	●	●	●	●	✓	●	●	●	●	X	?	Y	
CAK	Close Churchill Avenue crossing and build a new bicycle and pedestrian crossing near Kellogg Avenue to connect to the existing Embarcadero Shared-use Path	●	●	●	●	●	✓	●	●	●	●	X	?	N	
CAT	Railroad under roadway trench at Churchill Avenue crossing	●	●	●	●	●	X	●	●	●	●	X	?	N	

DRAFT FOR DISCUSSION ONLY

Seale has more landing area than Kellogg, emergency water well, water lines for irrigation, sewer, 18" storm drain 4' deep, overhead lines (want to underground).  
Embarcadero has no electric, has stormwater pump station at corner with Alma.  
Alma has 60KV overheads, 12" water, fiber, looking at undergrounding electric (would need to be more than 36" deep).  
Churchill has 24" water, 6 1/2" deep sewer. Can only go down 3'. Would have to lower all pipes on Alma with positive gravity flow, otherwise need a retaining wall. Bike/ped crossing would need to clear 32' to be above top rail.  
Trench would need to go 40' deep and be 3000+ feet long. If Shoot-fly is constructed on top of utility lines, would need double-encasing for everything.

Alternative ID	Description of Alternative	Initial Screening Criteria												Notes	
		Tier 1				Tier 2				New					
		Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped/Bike Circulation	Support Rail Operations	Funding Feasibility [Fetal Flow]	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability [Fetal Flow]	TAC Opinion		
<b>Meadow Drive [Only] Alternatives</b>															
MDH	Roadway under railroad hybrid at Meadow Drive crossing (maintain connection between Meadow Drive and Alma Street)	●	●	●	●	✓	●	●	●	●	●	?	Y	Meadow has 14' deep sewer trunk line, water (would need to be relocated), 12" gas (would need to be relocated), 27" stormwater, looking at undergrounding electric. Park has 5 1/2' deep stormwater (significant). Houses would need retaining wall.	
MDL	Close Meadow Drive crossing and build a new bicycle and pedestrian crossing near Loma Verde Avenue to connect to the planned Matadero Avenue bicycle boulevard	○	○	○	○	✓	●	●	●	●	●	?	Y		
MDN	No grade separation at Meadow Drive crossing; implement minor safety improvements (quadgates and wayside horns) in addition to potential Section 130 project to be completed in 2020-2022.	○	○	○	○	✓	●	●	●	●	●	?	Y		
MDA	No grade separation at Meadow Drive crossing; depress Alma Street into trench within existing Alma Street right-of-way under Meadow Drive (no connection between Meadow Drive and Alma Street)	○	●	●	●	●	X	●	●	●	●	?	N		
MDU	Roadway under railroad undercrossing at Meadow Drive crossing (no connection Alma Street connection)	●	●	●	●	✓	●	●	●	●	●	X	?	N	

DRAFT FOR DISCUSSION ONLY

Alternative ID	Description of Alternative	Initial Screening Criteria												Notes	
		Tier 1						Tier 2			New				
		Facilitate Movement - All Modes	Reduce Delay and Congestion	Ped Bike Circulation	Support Rail Operations	Funding Feasibility [Fatal Flaw]	Reduce Noise	Minimize Visual Changes	Minimize Right-of-way	Minimize Construction Impacts	Estimated Community Support	Constructability [Fatal Flaw]	TAC Opinion		
<b>Charleston Road (Only) Alternatives</b>															
CRH	Roadway under railroad hybrid at Charleston Road crossing (maintain connection between Charleston Road and Alma Street)	●	●	●	●	✓	●	●	●	●	●	X	?	Y	
CRA	Roadway under railroad undercrossing at Charleston Road crossing (no connection between Charleston Road and Alma Street)	●	●	●	●	✓	●	●	●	●	●	X	?	N	
CRO	Roadway over railroad overcrossing at Charleston Road crossing (no connection between Charleston Road and Alma Street)	●	●	●	●	✓	●	●	●	●	●	X	?	N	
CRU	Roadway under railroad undercrossing at Charleston Road crossing (maintain connection between Charleston Road and Alma Street)	●	●	●	●	✓	●	●	●	●	●	X	?	N	

DRAFT FOR DISCUSSION ONLY

All except CRO have huge impact on the (e) sewer gravity collection system, with no options for relocation.  
 Due to the high impact on (e) utilities there needs to be a study of the relocation of critical gas, water, and sewer facilities.  
 Pump station needs to be installed for all options.  
 Existing electric distribution lines primary (high voltage) and secondary are overhead on the joint utility poles.

November 28, 2017

**COUNCIL MEETING**

3/19/18

[ ] Placed Before Meeting

[ ] Received at Meeting

**VIA E-MAIL AND  
FIRST CLASS MAIL**

Hillary Gitelman  
Director  
Planning and Community Environment  
CITY OF PALO ALTO  
250 Hamilton Avenue  
Palo Alto, CA 94301

Jonathan Lait  
Assistant Director  
Planning and Community Environment  
CITY OF PALO ALTO  
250 Hamilton Avenue  
Palo Alto, CA 94301

**Re: Demand for Immediate Issuance of Building Permit 17000-02057**  
**Address: 558 Madison Way, Palo Alto**

**Owner: Michael Alcheck**

Dear Director Gitelman and Assistant Director Lait:

Following up on our appeal request dated October 10, 2017, please consider this letter a demand for the immediate issuance of building permit 17000-02057 ("Permit").

The Permit was denied on the sole basis that Assistant Director Jonathan Lait had provided a short position memorandum recommending the denial of the building permit, erroneously concluding that the applicant's request to enclose the carport into a garage would violate PAMC Section 18.12.040(f). The language of the City's Code does not support the opinion in that "denial memorandum" as more fully explained in our October 10 letter.

By our October 10 letter, we requested an appeal of the Assistant Director's interpretation under PAMC Section 18.01.025, as well as an appeal of the denial of the building permit. As you are aware, the City Council was required to place this appeal on the Council agenda within 45 days, on or before November 27, 2017, if the City intended to affirm or implement the staff action. The City did not do so. Accordingly, the informal opinion reflected in Mr. Lait's memorandum is not controlling and is not to be deemed to be the operative interpretation of the Code in Palo Alto.

Because the denial memorandum was the sole reason stated for the prior staff denial of the Permit, there is no lawful basis under which the City may continue to withhold the Permit. Immediate Permit issuance is now appropriate, as requested, and may be mandated by a court if necessary. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183.)

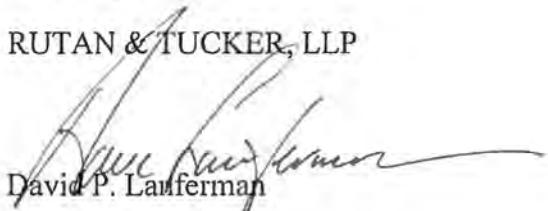
Hillary Gitelman  
Jonathan Lait  
November 28, 2017  
Page 2

Since, there is no lawful reason for the City to continue to withhold the requested Permit, immediate issuance of the Permit is again requested. We look forward to receiving confirmation from the City that the Permit will be issued without further delay, and appreciate your consideration and quick reply to this letter.

Please contact me or my colleague Alyssa Roy if you have any questions, or other information relating to this matter that you would like to call to our attention. Thank you.

Sincerely,

RUTAN & TUCKER, LLP

  
David P. Lauferman

DPL:abr

cc:     Molly Stump, City Attorney  
          George Hoyt, Building Official

November 28, 2017

**VIA E-MAIL AND**  
**FIRST CLASS MAIL**

Hillary Gitelman  
Director  
Planning and Community Environment  
CITY OF PALO ALTO  
250 Hamilton Avenue  
Palo Alto, CA 94301

Jonathan Lait  
Assistant Director  
Planning and Community Environment  
CITY OF PALO ALTO  
250 Hamilton Avenue  
Palo Alto, CA 94301

**Re: Demand for Immediate Issuance of Building Permit 17000-02059**  
**Address: 11 Phillips Road, Palo Alto**

**Owner(s): Alcheck Investments, LLC**

Dear Director Gitelman and Assistant Director Lait:

Following up on our appeal request dated October 10, 2017, please consider this letter a demand for the immediate issuance of building permit 17000-02059 ("Permit").

The Permit was denied on the sole basis that Assistant Director Jonathan Lait had provided a short position memorandum recommending the denial of the building permit, erroneously concluding that the applicant's request to enclose the carport into a garage would violate PAMC Section 18.12.040(f). The language of the City's Code does not support the opinion in that "denial memorandum" as more fully explained in our October 10 letter.

By our October 10 letter, we requested an appeal of the Assistant Director's interpretation under PAMC Section 18.01.025, as well as an appeal of the denial of the building permit. As you are aware, the City Council was required to place this appeal on the Council agenda within 45 days, on or before November 27, 2017, if the City intended to affirm or implement the staff action. The City did not do so. Accordingly, the informal opinion reflected in Mr. Lait's memorandum is not controlling and is not to be deemed to be the operative interpretation of the Code in Palo Alto.

Because the denial memorandum was the sole reason stated for the prior staff denial of the Permit, there is no lawful basis under which the City may continue to withhold the Permit. Immediate Permit issuance is now appropriate, as requested, and may be mandated by a court if necessary. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183.)

Hillary Gitelman  
Jonathan Lait  
November 28, 2017  
Page 2

Since, there is no lawful reason for the City to continue to withhold the requested Permit, immediate issuance of the Permit is again requested. We look forward to receiving confirmation from the City that the Permit will be issued without further delay, and appreciate your consideration and quick reply to this letter.

Please contact me or my colleague Alyssa Roy if you have any questions, or other information relating to this matter that you would like to call to our attention. Thank you.

Sincerely,

RUTAN & TUCKER, LLP



David P. Lanferman

DPL:abr

cc: Molly Stump, City Attorney  
George Hoyt, Building Official

I would like to support the tax on sweetened beverages as proposed by Ken Ho

In 2015, 38.2 % of the US population was classified as obese. Obesity, as defined as being 20% over ideal weight, is a MAJOR Public Health disaster and a ticking time bomb. The obesity rate among children 2-5, according to a recent NRP report, has EXPLODED.

Diabetes Type 2, stroke, osteoarthritis, coronary artery disease, clinical depression, bullying and a "miserable life" have been linked to processed foods and high fructose corn syrup.

For a fascinating read try **Combat Ready Kitchen**, available at the Main Library. It details the Department of Defense's role in shaping and promoting processed foods and the now universal use of "excess" sugar (AKA high fructose corn syrup) and salt as food preservatives.

America is eating combat ready food, which will last forever, provide excessive calories and can be dropped into any combat zone in the world!

From 1947-2005, the average per capital consumption of carbonated soft drinks increased from 11 gallons to 53 gallons per person per year. These figures do not include the since 2005 increase in other widely consumed sugar sweetened alternative drinks.

The average US consumption of **sugar/high fructose corn syrup in beverages** is 50 gms. of sugar per person/day. There are 4 grams of sugar in 1 teaspoon; 50 grams of sugar is 12.5 teaspoons of sugar.

Processed AKA packaged food contribute another 76 grams of sugar to each person's intake. So, between processed food and sugar sweetened beverages the per person consumption of sugar in the US is **126 grams or 31.5 teaspoons of sugar per day**. The world's average per capita consumption is 34 gms/day; still too high.

Chile recently made news by taxing ALL processed food and sugar loaded beverages or food, explicit labeling and banning all advertising of these foods to children as a way to combat their growing obesity crisis which followed the introduction of the "Western diet".

We tax cigarettes and ban their advertising but sugar sweetened beverages and processed foods get a pass.

As a Chilean Senator, who is also a surgeon said: "Sugar is the poison of our times. It kills more people than terrorism and car accidents combined".

Currently 17-18% of our GDP is spent on Health care. Diabetes and heart disease are the most expensive to treat. In 2016, America's **total health care costs were 3.2 trillion**.

Dates may vary but the health care cost of heart disease and stroke are, according to the CDC, nearly 1 billion dollars a day.

The health care of obesity, described as one of the biggest drivers of preventable chronic diseases and health care crisis in the US, costs 147-210.00 billion dollars a year to treat. The health care cost of Diabetes is 322 billion a year. All costs are rising with the increase in obesity.

The increase in processed foods and use of high fructose corn syrup tracks with the obesity crisis and increased health care costs.

Please support a tax on sugar sweetened beverages. Follow Berkeley's courageous lead.



CITY OF  
PALO ALTO, CA  
CLERK'S OFFICE  
*18 MAR 20 AM 10:08*

Gunn High School Parent Teacher Student Association  
780 Arastradero Road  
Palo Alto, CA 94306

March 14, 2018

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

Dear City Council Members,

Please find attached three letters from Gunn High School PTSA in support of the Charleston- Arastradero Project; one is from March 2018, one from 2017 and the third is from 2015.

Thank you.

A handwritten signature in black ink that reads "Sigrid K Pinsky".

Sigrid K Pinsky  
Gunn PTSA President



CITY OF PALO ALTO, CA  
Gunn High School Parent Teacher Student Association  
18 MAR 20 AM 10:09  
780 Arastradero Road  
Palo Alto, CA 94306

March 13, 2018

Dear Palo Alto City Council Members,

Over many years, Henry M. Gunn High School PTSA has supported the Charleston-Arastradero Plan. Please note the attached letter Gunn PTSA wrote in support when Council approved the Charleston-Arastradero project in 2015. In addition, we also have attached the letter we sent in 2017 to support the city's grant application for traffic adaptive signal timing equipment funding for the project. Gunn PTSA has repeatedly supported the project through its various phases of development.

We are writing to affirm our strong support of the project as the city considers its infrastructure funding priorities. Please move the project forward expediently this Spring as planned. After more than a decade of working in partnership with the City of Palo Alto and PAUSD on this project, we look forward to construction of the long-awaited school commute safety hardscape improvements.

Thank you for your ongoing support of Safe Routes to School.

Sincerely,

A handwritten signature in black ink, appearing to read "Sigrid K. Pinsky".  
Sigrid K. Pinsky  
President, Henry M. Gunn High School PTSA



HIGH SCHOOL DISTRICT  
Serving the communities of Mountain View,  
Los Altos and Los Altos Hills

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

CITY OF PALO ALTO, CA  
CITY CLERK'S OFFICE

18 MAR 16 AM 11:15

BOARD OF TRUSTEES

Phil Faillace, Ph.D.  
Joe Mitchner  
Susan Sweeny  
Debbie Torok  
Fiona Walter

SUPERINTENDENT  
Jeff Harding, Ed.D.

March 12, 2018

**TO:** City of Los Altos – Planning Commission & City Council  
Town of Los Altos Hills – Planning Commission & City Council  
City of Mountain View – Planning Commission & City Council  
City of Palo Alto – Planning Commission & City Council  
County of Santa Clara – Planning Commission & Board of Supervisors  
Los Altos School District – Business Services  
Mountain View Whisman School District – Business Services

**FROM:** Irene Aguilar, Business Services

**RE:** Developer Fee Increase

---

The attached resolution has been passed by our Board of Trustees to increase our developer fees. The following fees will take effect on May 11, 2018.

Residential fee: \$1.26/sq. ft  
Commercial fee: \$.20/sq. ft.

Please give me a call if you have any questions. Thank you for your continued support.



CITY OF PALO ALTO, CA  
BOARD MEETING DATE: March 12, 2018 & CITY CLERK'S OFFICE

18 MAR 21 PM 2:04

PUBLIC HEARING  
and  
FOR ACTION

**SUBJECT:** *PUBLIC HEARING*  
and  
Resolution No. 18-14 Developer Impact Fee Adjustment

**BACKGROUND INFORMATION:** By state law, school districts are authorized to assess developer impact fees to offset the cost of providing facilities for students resulting from new development. Previously, the maximum allowable developer impact fee was \$3.48 per square foot for residential development and \$0.56 per square foot for commercial/industrial development. The maximum fee is allocated two-thirds for the elementary districts and one-third for MVLA.

Effective January 24, 2018, the maximum allowable fee increased to \$3.79 per square foot for residential development and \$0.61 for commercial/industrial development, of which the MVLA share is \$1.26 for residential and \$0.20 for commercial/industrial.

The 2014 revised MVLA impact fee justification study establishes that, based on the expected cost of providing facilities for students resulting from new development, the District is justified in charging fees up to \$1.35 per square foot for residential development and up to \$0.60 per square foot on a sliding scale for commercial/industrial development.

Currently, MVLA developer impact fees are \$1.16 for residential and \$0.19 for most commercial/industrial development. Revenue for the 2016-17 fiscal year was \$1,627,515. The revenue fees in recent years have been used for debt service on certificates of participation, the proceeds of which were used to construct additional classrooms and classroom support space.

**REPORT/PROPOSAL:** This resolution increases the residential fee to \$1.26 per square foot. The commercial/industrial fee will increase to \$0.20 per square foot. A Notice of Public Hearing was published in the Mountain View Voice on March 2<sup>nd</sup> and March 9<sup>th</sup> and in the Los Altos Town Crier on February 28<sup>th</sup> and March 7<sup>th</sup>. This increase will become effective on April 11, 2018, sixty days after Board approval.

**FINANCIAL IMPACT:** The increase in revenue will assist the Capital Facilities Fund (25) to meet its future expenditure obligations.

**SUPERINTENDENT'S RECOMMENDATION:** That the Board of Trustees adopts Resolution No. 18-14, Developer Impact Fee Adjustment, increasing the developer impact fee on residential development from \$1.16 per square foot to \$1.26 per square foot and the commercial development fee from \$0.19 per square foot to \$0.20 per square foot.

**MOUNTAIN VIEW-LOS ALTOS UNION HIGH SCHOOL DISTRICT**  
**DEVELOPER IMPACT FEE ADJUSTMENT**  
**RESOLUTION NO. 18-14**

**WHEREAS**, Statute AB 2926 (Chapter 887/Statutes 1986) authorizes the governing board of any school district to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of school facilities; and

**WHEREAS**, Government Code section 65995 establishes a maximum amount of fee that may be charged against such development projects and authorizes the maximum amount set forth in said section to be adjusted for inflation every two years as set forth in the state-wide cost index for Class B construction as determined by the State Allocation Board at its January meeting; and

**WHEREAS**, at its January 24, 2018 meeting, the State Allocation Board increased the maximum fee authorized by Education Code section 17620 to \$3.79 per square foot of residential construction described in Government Code Section 65995(a)(1) and \$0.61 per square foot for commercial and industrial construction described in Government Code Section 65995(a)(2); and

**WHEREAS** the purpose of this Resolution is to approve and adopt fees on residential projects in the amount of \$3.79 per square foot (\$1.26 to MVLA UHSD when split with the Mountain View-Whisman School District and the Los Altos School District pursuant to existing allocation agreements) as authorized by Education Code Section 17623; and to approve and adopt fees on commercial and industrial construction in the amount of \$0.61 per square foot (\$0.20 to MVLA UHSD when split with the Mountain View-Whisman School District and the Los Altos School District pursuant to existing allocation agreements);

**NOW THEREFORE BE IT RESOLVED** by the Board of Trustees of the Mountain View-Los Altos Union High School District as follows:

1. Procedure The Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing, giving interested persons the opportunity to present oral or written comments, as part of the Board's regularly scheduled March 12, 2018 meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, was published in a newspaper in accordance with Government Code Section 66018, and a notice including a statement that the data required by Government Code Section 66016 was available, was mailed at least 14 days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least 10 days prior to the meeting, the District made available to the public data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to this Resolution, and the revenue sources anticipated to provide this service.

2. Findings The Board has reviewed the report as it relates to proposed and potential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon and upon all other written and oral presentations to the Board, hereby makes the following findings:
- A. Enrollment at the District school(s) presently exceeds capacity. The District's practical capacity has been determined to be 3,600 students. The District's 2017-2018 enrollment is 4,302 students.
  - B. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction will increase the need for school facilities and/or the need for reconstruction of school facilities.
  - C. Without the provision of new school facilities, and/or reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District;
  - D. Substantial residential development and commercial or industrial development is projected within the District's boundaries and the enrollment produced thereby will exceed the capacity of the schools of the District. As a result, conditions of overcrowding exist within the District, which will impair the normal functioning of the District's educational programs;
  - E. The fees proposed in the report and the fees implemented pursuant to this Resolution are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District, including replacement of old relocatable buildings.
  - F. The fees proposed in the report and implemented pursuant to this Resolution will be used for payment obligations associated with construction and/or reconstruction of school facilities as identified in the Plan;
  - G. The uses of the fees proposed in the report and implemented pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed;
  - H. The fees proposed in the report and implemented pursuant to this Resolution bear a reasonable relationship to the need for school facilities created by the types of development projects on which the fees are imposed;
  - I. The fees proposed in the report and implemented pursuant to this Resolution do not exceed the estimated amount required to provide funding for the construction or reconstruction of school facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenues;

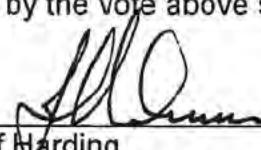
- J. The fees imposed on commercial or industrial development bear a reasonable relationship and are limited to the needs of the community for schools and are reasonably related and limited to the need for school facilities caused by the development;
  - K. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the district has adopted a construction schedule and/or to reimburse the District for expenditures previously made.
3. Amount of Fee. Based upon the foregoing findings, the Board hereby increases the previously levied fee to the amount of \$1.26 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas; and to the amount of \$0.20 per square foot for new commercial or industrial construction
4. Fee Adjustments and Limitation. The fees adjusted herewith shall be subject to the following:
- A. The amount of the District's fees as authorized by Education Code section 17620 shall be reviewed every two years to determine if a fee increase according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board is justified.
  - B. Any development project for which a final map was approved and construction had commenced on or before September 1, 1986, is subject only to the fee, charge, dedication or other form of requirement in existence on that date and applicable to the project.
  - C. The term "development project" as used herein is as defined by section 17620 (a) (2) of the Education Code.
5. Additional Mitigation Methods The policies set forth in this Resolution are not exclusive and the Board reserves the authority to undertake other or additional methods to finance school facilities including but not limited to the Mello-Roos Community Facilities Act of 1982 (Government Code section 53311, et seq.) and other such funding mechanisms. This Board reserves the authority to substitute the dedication of land or other property or other form of requirement in lieu of the fees levied by way of this Resolution at its discretion, so long as the reasonable value of land to be dedicated does not exceed the maximum fee amounts contained herein or modified pursuant hereto.
6. Implementation For residential, commercial or industrial projects within the District, the Superintendent, or the Superintendent's designee, is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Resolution.
7. California Environmental Quality Act The Board hereby finds that the implementation of Developer Fees is exempt from the California Environmental Quality Act (CEQA).

8. **Commencement Date** The effective date of this Resolution shall be April 11, 2018 which is 60 days following its adoption by the Board.
9. **Notification of Local Agencies** The Secretary of the Board is hereby directed to forward copies of this Resolution and a map of the District to the Planning Commission and Board of Supervisors of Santa Clara County and to the Planning Commissions and City Councils of the Cities of Los Altos, Los Altos Hills, Mountain View and Palo Alto.
10. **Severability** If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares its intent to adopt this Resolution irrespective of the fact that one or more of its provisions may be declared invalid.

PASSED AND ADOPTED BY the Board of Trustees of the Mountain View-Los Altos Union High School District at a regular meeting of the Board held March 12, 2018, by the following vote:

AYES:	Faillace, Mitchner, Torok, Walter
AYES:	Bobba, Srinivas (Preferential Vote)
NOES:	None
ABSENT:	Dave
ABSTAIN:	None

I, Jeff Harding, Secretary of the Board, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board at a regular meeting thereof held at its regular place of meeting on the date shown above and by the vote above stated, which resolution is on file in the office of the said Board.



Dr. Jeff Harding  
Secretary of the Board

March 7, 2018

CITY OF PALO ALTO, CA  
CITY CLERK'S OFFICE

18 MAR 15 AM 10:03

Honorable Palo Alto City Council Members,

Over many years, the Terman Middle School PTA has supported the Charleston-Arastradero Plan. Please note the attached letter that the Terman PTA wrote in support when Council approved the Charleston-Arastradero project in 2015. In addition, we also have attached the letter we sent in 2017 to support the city's grant application for traffic adaptive signal timing equipment funding for the project. The Terman Middle School PTA has repeatedly supported the project through its various phases of development.

We are writing to affirm our strong support of the project as the city considers its infrastructure funding priorities. Please move the project forward expediently this Spring as planned. After more than a decade of working in partnership with the City of Palo Alto and PAUSD on this project, we look forward to construction of the long-awaited school commute safety hardscape improvements.

Thank you for your ongoing support of Safe Routes to School.

Sincerely,

Terman PTA Executive Board

Liane Lawler      Anna  
Mark      Judy Gold  
Safe Routes  
Star Teacher  
Chela

Ms. Celeste Fiore  
Valley Transportation Authority Programming & Grants  
3331 North First Street  
San Jose, CA 95134

February, 27, 2017

Dear Ms. Fiore,

We are writing to offer support for the City of Palo Alto grant application for Charleston/Arastradero Adaptive Traffic Signal Timing.

Terman Middle School directly abuts Charleston/Arastradero Road. With very few exceptions, students who commute to this site must use this City of Palo Alto School Commute Corridor for some portion of their school commute. On average, 279 students bicycle to Terman each day. Many also walk to school or ride a bus. Terman Middle School PTA actively encourages alternative commutes, so we consider the safety of this corridor for foot-powered student commuters to be a high priority. Adaptive Signal Timing is a key component of the City of Palo Alto's multi-modal improvement plan for this sensitive arterial.

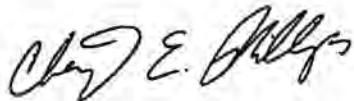
Active traffic signal management supports safe and efficient roadways. The Adaptive Traffic Signal Timing on Charleston/Arastradero will improve traffic operations by improving travel time, reducing congestion, and reducing idling, especially during the morning peak hour when crosstown commuter traffic and school commute traffic converges, creating severe congestion. Traffic signal enhancements will minimize the number of drivers slowing down suddenly, which also causes pollution. In turn, air quality around our schools and in Palo Alto will be improved.

Adaptive traffic signal timing would enable completion of the transformation of this school commute corridor that carries nearly 20,000 car trips per day and many hundreds of students on foot and on bicycles to nearby schools.

Please approve the City of Palo Alto application for funding. We look forward to a safer street environment for all road users—people who drive, people who bike, and people who walk.

Thank you.

Sincerely,



Cheryl Phillips  
2016-17 Executive Vice President (acting president),  
Terman Middle School PTA



CITY OF PALO ALTO, CA  
CITY CLERK'S OFFICE

18 MAR 15 AM 10:03

**JUANA BRIONES ELEMENTARY SCHOOL PTA**  
**4100 Orme Street, Palo Alto, CA 94306 • (650)856-0877**

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March 10, 2018

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

Dear City Council,

Dear Palo Alto City Council Members,

Over the many years, Juana Briones Elementary School PTA has supported the Charleston-Arastradero Plan. Please note the attached letter Juana Briones Elementary School PTA wrote in support when Council approved the Charleston-Arastradero project in 2015. Juana Briones Elementary School PTA has repeatedly supported the project through its various phases of development.

We are writing to affirm our strong support of the project as the city considers its infrastructure funding priorities. Please move the project forward expediently this Spring as planned. After more than a decade of working in partnership with the City of Palo Alto and PAUSD on this project, we look forward to construction of the long-awaited school commute safety hardscape improvements.

Thank you for your ongoing support of Safe Routes to School.

Sincerely,

Suzanne Waxman  
Juana Briones Elementary School PTA President

2015 JULY

Dear City Council and Planning & Transportation Commissioners,

Juana Briones Elementary School's attendance boundaries cross Charleston/Arastradero. Students who commute to Juana Briones from south of Charleston-Arastradero must travel along or across some portion of this City of Palo Alto School Commute Corridor. Most Juana Briones students who live north of Charleston-Arastradero eventually have to commute across the corridor to get to Terman Middle School. Juana Briones PTA actively encourages alternative commutes, so we consider the safety of this corridor to be a very high priority.

Juana Briones PTA Traffic Safety Representatives and administrators have participated on the Charleston/Arastradero Stakeholders Group and the City School Traffic Safety Committee, providing comment and support for the Charleston/Arastradero Plan as the project has evolved over many years.

**Please approve the recommended Concept Plan Lines** for the permanent hardscape improvements to the street. Paint striping was adequate for a test of road operations but it provided minimal safety improvements. We are glad the striping plan was approved in 2012. It is time to put the hardscape improvements in place that will deliver the lion's share of safety benefits to all users. These plans provide planted medians with pedestrian refuges, intersection and signal improvements, bulb-outs, multi-use paths, buffered bicycle lanes, and other permanent enhancements. The project is a key component of the south Palo Alto bike boulevard network as envisioned in the City of Palo Alto Bicycle & Pedestrian Transportation Plan. It will safely connect PAUSD corridor schools to thousands of community residences and after-school destinations.

We look forward to a safer street environment for all road users—people who drive, people who bike, and people who walk, including Juana Briones students.

Thank you for supporting Safe Routes to School.

Heewon Park  
Juana Briones Elementary School PTA President

5

City School  
**COUNCIL MEETING**  
3/15/2018

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[ ] Placed Before Meeting  
 Received at Meeting

Exhibit A  
**Legal Description**  
**Bike Trail Easement**

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of that real property shown on the map entitled "Survey for Palo Alto Unified School District" prepared by Mark Thomas & Co., dated October 1965, on file in the Office of Public Works and Engineering of the City of Palo Alto as Drawing No. 15996, File No. 170-1501-023 and being more particularly described as follows:

**BEGINNING** at the most southerly corner of that certain Bike Trail Easement described as Parcel 2 in that certain Grant of Easement, recorded October 05, 1994 as Document No. 12676844 in Book N623 Pages 230 through 238, Santa Clara County Records;

Thence, southwesterly along the southeasterly line of said real property South 39°19'51" West 825.48 feet to an angle point; (bearing of said southeasterly line is the basis of the bearings for this description and is shown as South 38°16'10" West on the hereinabove referenced Survey and Easement)

Thence, continuing along said line, South 50°33'17" West 31.15 feet;

Thence, continuing along said line, South 73°00'17" West 23.47 feet;

Thence, leaving said line, North 42°00'04" East 12.42 feet;

Thence, North 39°19'51" East 93.09 feet to the beginning of a tangent curve;

Thence, along said curve to the right having a radius of 68.00 feet, through a central angle of 24°48'05", an arc length of 29.43 feet to a point of reverse curvature;

Thence, along a curve to the left, having a radius of 35.00 feet, through a central angle of 24°48'05", an arc length of 15.15 feet to a point of tangency;

Thence; along a line lying parallel with, measured 9.00 feet perpendicular therefrom said southeasterly line, North 39°19'51" East 726.86 feet to the southwesterly line of said Parcel 2;

Thence; along said Parcel 2, South 50°39'43" East 9.00 feet to the **POINT OF BEGINNING**;

Said Easement containing 8,776 Square Feet, more or less, as shown on "Exhibit B" attached hereto and made a part hereof. This description was prepared by me or under my direction in conformance with the requirements of the California Professional Land Surveyors Act.

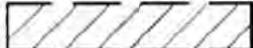


Kelly S. Johnson, PLS 9126  
January 24, 2018

## CALTRAIN R/R

BIKE TRAIL EASEMENT, PARCEL 1 (12676844)

LEGEND

- — — PROPERTY LINE
- — — ADJACENT PARCEL LINES
- — — EXISTING EASEMENT LINES
-  DESCRIBED EASEMENT
- P.O.B. POINT OF BEGINNING

LANDS OF PALO ALTO UNIFIED  
SCHOOL DISTRICT  
(PALO ALTO HIGH SCHOOL)

APN 124-21-001

PUBLIC ACCESS EASEMENT  
8,776 SQ.FT. $\pm$

$R=35.00'$   
 $L=15.15'$   
 $\Delta=24^{\circ}48'05''$

$R=68.00'$   
 $L=29.43'$   
 $\Delta=24^{\circ}48'05''$

N39°19'51"E 93.09'

N42°00'04"E 12.42'

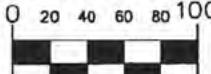
N39°19'51"E 726.86'  
S39°19'51"W 825.48'

S50°33'17"W 31.15'  
S73°00'17"W 23.47'

EL CAMINO REAL  
138' WIDE



## GRAPHIC SCALE



1 inch = 100 ft.

CHURCHILL AVENUE  
60' WIDEMARIPOSA AVE.  
50' WIDECASTILLEJA AVE.  
50' WIDE

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

## EXHIBIT "B"

**SANDIS**CIVIL ENGINEERS  
SURVEYORS  
PLANNERS1700 Winchester Boulevard, Campbell, CA 95008 | P. 408.636.0900 | F. 408.636.0999 | [www.sandis.net](http://www.sandis.net)

SILICON VALLEY TRI VALLEY CENTRAL VALLEY SACRAMENTO EAST BAY/SF

DATE: 1/24/18  
SCALE: 1"=100'  
DRAWN BY: KSJ  
APPROVED BY: RS  
DRAWING NO.: 614005.11

BIKE TRAIL EASEMENT  
PALO ALTO HIGH SCHOOL  
CHURCHILL AVENUE  
PALO ALTO CALIFORNIA

SHEET

1

OF 1 SHEETS

City School  
COUNCIL MEETING  
3/15/2018  
[ ] Placed Before Meeting  
 Received at Meeting

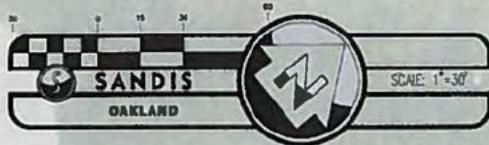
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# Churchill Avenue Enhanced Bikeway

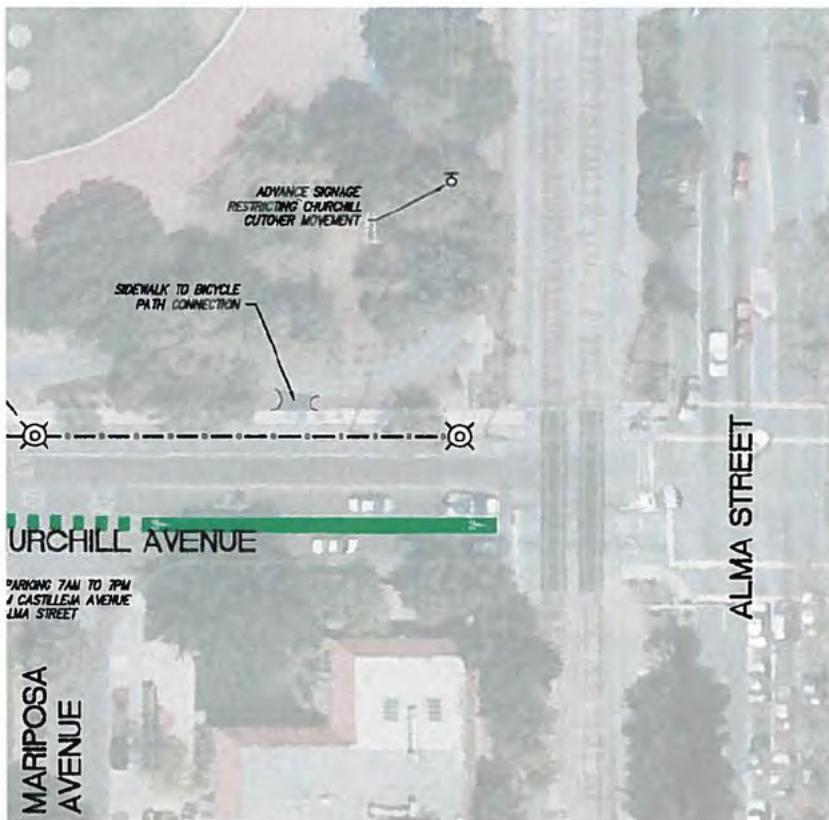
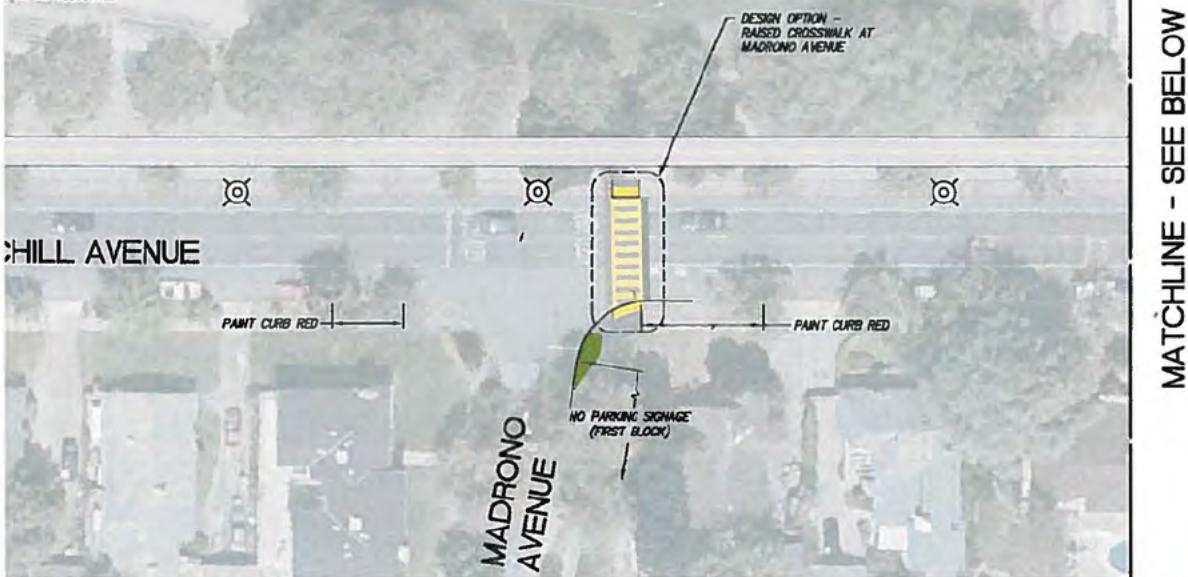
## Proposed Project Schedule

Milestone	Week Of
Easement request to PAUSD	3/18/18
Easement approved by PAUSD board	5/27/18 (or earlier)
Caltrans encroachment permit application submitted	3/05/18
Caltrans first round of comments	4/30/18
Caltrans approval	6/11/18
Invitation for Bid (IFB) posted	7/9/18
Bids received	8/06/18
Award contract	9/03/18
Start construction	10/01/18
Finish construction	10/01/19

Date Prepared: 3/1/2018



VISIFORMER /  
TO BE RELOCATED

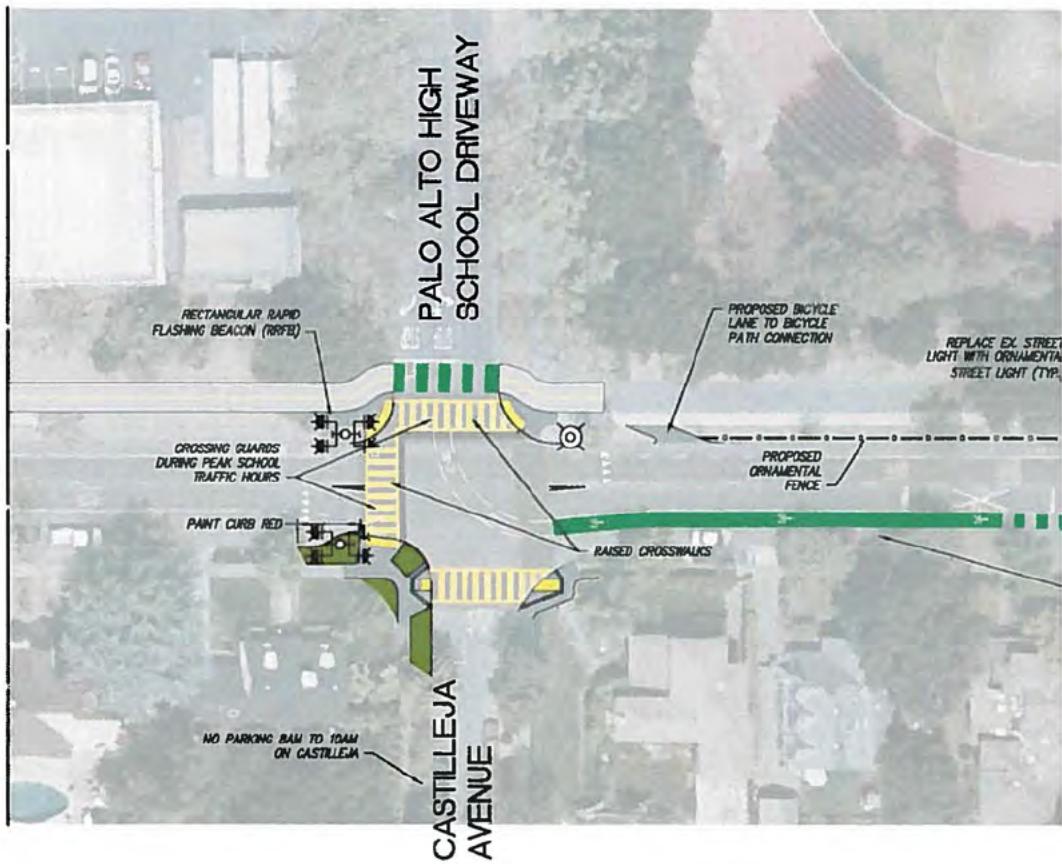


*City/School*  
**COUNCIL MEETING**  
3/15/2018  
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DATE	BY	CHURCHILL AVENUE IMPROVEMENTS PALO ALTO CALIFORNIA	CONCEPTUAL PLAN LINE EXHIBIT	EX-1
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MATCHLINE - SEE ABOVE



 <b>SANDIS</b>	CIVIL ENGINEERS SURVEYORS PLANNERS		DATE: 11-25-14 SCALE: 1"-30' DRAWN BY: SEC APPROVED BY: RCS DRAWING NO.: 614005	No. _____	Revision _____
636 Ninth Street   Oakland, CA 94607   P. 510.873.8866   <a href="http://www.sandis.net">www.sandis.net</a>	SUNNYVALE ROSEVILLE OAKLAND				