

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: 9/3/2018**  
**Document dates: 8/15/2018 – 8/22/2018**

**Set 1**

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

**Carnahan, David**

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**From:** John Wiggin <john@napawiggin.com>  
**Sent:** Thursday, August 16, 2018 2:49 PM  
**To:** Council, City  
**Subject:** Council Agenda

Item number 2, mitigation to avert fire danger. YOU CANNOT BE SERIOUS in your effort, for undergrounding overhead lines is not even mentioned. That is the obvious answer but for some reason never comes up for serious discussion I assume because of cost. The alternative cost could far exceed the cost to underground. Overhead wires are the nexus for many of the fires. To ignore this fact is to stick your head in the sand. I am very disappointed. Thanks



5

**TO:** HONORABLE CITY COUNCIL  
**FROM:** ED SHIKADA, ASSISTANT CITY MANAGER / UTILITIES GENERAL MANAGER  
**DATE:** AUGUST 20, 2018  
**SUBJECT:** SUPPLEMENTAL INFORMATION FOR AGENDA ITEM 5

This is an informational addendum to assist with discussion of the August 20, 2018 Council Agenda Item 5 (Adoption of a Resolution Supporting the Objectives of the State Water Resources Control Board's Bay Delta Plan and a Negotiated Voluntary Settlement of Water Issues on the Tuolumne River). Last week the State Water Resources Control Board chose not to make a decision on the Bay Delta Plan at its meeting tomorrow, continuing the action to a later date and emphasizing the value of a voluntary settlement. The letter was based on a request from the California Natural Resources Agency. Both letters are attached.

Ed Shikada  
General Manager / Assistant City Manager  
Utilities Department

James Keene  
City Manager



EDMUND G. BROWN JR., Governor  
JOHN LAIRD, Secretary for Natural Resources

August 15, 2018

Felicia Marcus, Chair  
Steven Moore, Vice-Chair  
Tam M. Doduc, Member  
Dorene D'Adamo, Member  
E. Joaquin Esquivel, Member  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

**Re: August 21, 2018 Meeting, Agenda Item 4: Consideration of a Proposed Resolution to Adopt Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary and Adopt the Final Substitute Environmental Document**

Dear Chair Marcus, Vice-Chair Moore, and Members:

I write on behalf of my agency and the Departments of Water Resources and Fish and Wildlife (Departments) pursuant to the procedures stated in your "Notice of Public Meeting" (July 6, 2018), p. 3. Specifically, I request that you give the Departments the opportunity to discuss information they could present on scientific methods available to evaluate the relative benefits of flow and non-flow actions to protect native salmonid fish species in the San Joaquin Basin. We request 30 minutes for the presentation. This information bears on adaptive implementation, as well as the voluntary settlement agreements which the Departments expect to complete and submit. SED Appendix K, pp. 30, 36. Further, we request that the State Water Board exercise your authority to continue the meeting beyond August 22, 2018 (Notice, p. 1) so that final board action will take place at a future board meeting.

Thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink that appears to read "John Laird".

John Laird  
Secretary for Natural Resources

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>

Baldwin Hills Conservancy • California Coastal Commission • California Coastal Conservancy • California Conservation Corps • California Tahoe Conservancy  
Coachella Valley Mountains Conservancy • Colorado River Board of California • Delta Protection Commission • Delta Stewardship Council • Department of Boating & Waterways • Department of Conservation  
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Resources Recycling and Recovery • Department of Water Resources  
Energy Resources, Conservation & Development Commission • Native American Heritage Commission • Sacramento-San Joaquin Delta Conservancy • San Diego River Conservancy  
San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy • San Joaquin River Conservancy  
Santa Monica Mountains Conservancy • Sierra Nevada Conservancy • State Lands Commission • Wildlife Conservation Board





## State Water Resources Control Board

August 15, 2018

Honorable John Laird  
Secretary for Natural Resources  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

VIA U.S. MAIL AND EMAIL

Dear Secretary Laird:

I have received the request you submitted on behalf of the California Natural Resources Agency, Department of Fish and Wildlife, and Department of Water Resources for an opportunity to present at next week's board meeting on adaptive implementation and voluntary settlement agreements. Your letter also requests that the board defer final action on the item. As discussed below and after conferring with the Executive Director, both requests are granted.

Throughout the last two years, board members and staff have repeatedly emphasized that voluntary settlement agreements can provide a faster, more durable solution to reasonably protect beneficial uses in the Lower San Joaquin River and its tributaries. The pending board action recognizes the important of both flow and non-flow actions to enhance the fisheries and provides significant flexibility for adaptive implementation. Voluntary settlement agreements present the opportunity to make the non-flow elements more concrete and reduce the potential water supply impact. I look forward to hearing from the parties involved in the voluntary settlement agreement process about their progress in this regard.

Board staff will issue a revised agenda that makes clear final action will occur at a subsequent board meeting. The agenda item next week will provide the final opportunity for comment on the staff-proposed action, but final board action on the water quality control plan update will be continued to a future board meeting.

Sincerely,

A handwritten signature in blue ink that reads "Felicia Marcus".

Felicia Marcus  
Chair

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

**Carnahan, David**

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**From:** W L Martin <wlmartin361@gmail.com>  
**Sent:** Thursday, August 16, 2018 10:19 AM  
**To:** Council, City  
**Subject:** Comment on Revisions to Bay-Delta Plan Phase 1 SED  
**Attachments:** Graph with jobs, water use data, 2010-2016.pdf; Comment on Revisions to Bay-Delta Plan 8-16-18.pdf

Hello Palo Alto City Council Members,

Please find attached my comments on the revisions to the State Water Resources Control Board's (SWRCB) revisions to their final Phase 1 SED. These comments were submitted to the SWRCB on July 26, 2018.

Please also find attached 2 graphs, showing that during the most recent drought, employment grew substantially, both in absolute terms and in terms of water delivered per employee.

Thank you very much for considering my comments.

William L. Martin  
Volunteer, Water Committee, San Francisco Bay Chapter of the Sierra Club  
Wlmartin361@gmail.com

August 16, 2018

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

RE: Bay-Delta Water Quality Plan Update, Phase 1 Final SED: Comments on Appendix K

Dear Council members,

Thank you for this opportunity to comment on the State Water Resources Control Board's (SWRCB) final Supplementary Environmental Document (SED). My name is William L. Martin. I am a volunteer member of the Sierra Club, specifically on the Water Committee of the San Francisco Bay Chapter.

On page 29 of Appendix K of the final SED, I found the following statement:

"The LSJR flow objectives for February through June shall be implemented by requiring 40 percent of unimpaired flow, based on a minimum 7-day running average, from each of the Stanislaus, Tuolumne, and Merced Rivers. This required percentage of unimpaired flow, however, may be adjusted within the range allowed by the LSJR flow objectives through adaptive methods detailed below."

Since the SWRCB's initial published draft in September 2016, the San Francisco Public Utilities Commission (SFPUC) has been opposed to the new flow requirements in the above quote. For example, here is a quote from an Opinion piece published in the San Francisco Chronicle in October, 2106:

"Our initial economic analysis of the first iteration of this plan forecast up to 51 percent rationing, resulting in 140,000 to 188,000 jobs lost in the Bay Area." Harlan Kelly, Jr., and Nicole Sandkulla, San Francisco *Chronicle*, October 9, 2016, p. E7.

In the nearly two-year timeframe since that Opinion piece was published, I, along with many other concerned citizens, have examined the information the SFPUC has used to justify its opposition to the SED. Our examination has led to several in-person meetings with SFPUC staff and contractors. Our overwhelming conclusion: the SFPUC has misled the public, used flawed analysis and reasoning, and does not represent the views of its customers or its constituents.

This comment letter is my attempt to summarize our research into the shortcomings of the SFPUC's arguments in opposition to the flow requirements in the final SED.

**1. The socioeconomic study, used to justify the massive job losses in the Oct. 2016 Opinion piece, is seriously flawed.**

The SFPUC and the Bay Area Water Supply and Conservation Agency (BAWSCA) contracted with The Brattle Group to produce a socioeconomic study (1) forecasting the job and sales losses that might occur if a 40% unimpaired flow requirement was implemented.

The analysis assumes that BAWSCA's water allocation rules are implemented for all levels of rationing, whereas the rules only apply up to 20% rationing. Any water allocation decisions made beyond the 20% rationing level must be decided in meetings among the SFPUC and BAWSCA. These meetings will occur in unknown circumstances at some future time. Any forecasts which relies on some unknown outcome from these meetings are highly speculative and should be treated as such. Specifically, the statements

about significant job and sales losses in the San Francisco Chronicle Op-Ed from October 9, 2016 are highly speculative.

The analysis treats all future and forecasted events as equally probable. Using probability analysis allows us to rank related but uncertain, future events by their likelihood of occurring. This exercise can help us funnel our scarce resources to projects most in need of attention. One examples where this type of reasoning could enhance our understanding of uncertain, future events are Tables 5.3-4 in The Brattle Group's report of January 2018. A 10% shortage scenario is much more likely to occur than a 60% one, yet the analysis treats them as equally likely. This is faulty economic reasoning. The much greater economic damage forecasted at the 60% shortage level is much less likely to occur at all, if ever. Probability analysis allows us to apply a "discount rate" to that economic damage. That helps us weigh the importance of actions taken to avoid the 60% shortage scenario. That is, we need to plan ahead for a 10% shortage scenario much more seriously than other scenarios.

In the last drought no SFPUC or BAWSCA allocation rules were applied because water customers conserved in response to the Governor's mandate rather than the SFPUC's. This is a significant fact that casts substantial doubt on whether or not the modeled results would ever materialize. Note that Governor's order required the SFPUC regional water supply area to conserve at a minimum of 8% reduction vs. water use in 2013, the "base year." Instead, the Bay Area responded by saving about 23%. Given the overall success of the Governor's mandate, it is highly likely that any future Governor would act the same way. The model ignores this highly probable event.

The Brattle Group's research concluded that an increase of 1% in the price of water led to an approximate 0.20% reduction in water use. In economic terms, this represents a slight, negative price elasticity; that is, a higher price leads to slightly lower consumption. The small effect means that water pricing is "inelastic," meaning that price increases have only a small effect on water consumption. The Brattle Group's report relies on this research as an important basis for their analysis of socioeconomic effects. However, as noted in the previous paragraph, Bay Area water consumers responded much more strongly to the Governor's mandate to reduce water consumption than they did to price increases. This fact seriously weakens The Brattle Group's conclusions. In economic terms, water consumption is highly elastic when reductions are mandated by the State. Yet The Brattle Group's report completely ignored this obvious fact in its analysis, focusing only on price signals.

A second problem with using price increases to measure changes in water consumption: water is not like other economic goods. Their analysis uses a standard economic theory called "willingness to pay." This attempts to measure what water consumers are willing to pay to avoid rationing. The problem with this reasoning is that, for the vast majority of Bay Area water consumers, there is no "price" which they can pay to get more water during a serious drought. Unless a household is wealthy enough to buy a water truck or a large tank and have it installed on their property and regularly refilled, they simply can't buy more water in a true rationing scenario. No Bay Area water consumer has a choice of water provider. No Bay Area water consumer has the ability to negotiate for a better price. These facts illustrate the flawed reasoning that underlies The Brattle Group's report.

The Brattle Group's report did not consider any mitigating actions which the SFPUC or BAWSCA might make in response to drought conditions. For example, the various water agencies that make up BAWSCA

are allowed as part of their contractual agreements to transfer water among themselves. These potential transfers could reduce the negative socioeconomic effects of water rationing by allowing those agencies with more water to transfer that excess to other agencies as necessary (2). Also, as the SWRCB notes in Appendix L of the final Phase 1 SED, the SFPUC could purchase water the Modesto or Turlock Irrigation Districts in a serious drought scenario. These types of purchases have happened in the past, and therefore could have been modeled in The Brattle Group's report, but they failed to do so.

The Brattle Group's report assumes the SFPUC's 8.5 year drought planning model continues. This model is 2.5 years longer than any drought the SFPUC has experienced. While it is good to be prepared for an extended drought, preparing for a drought 40% longer than the worst drought experienced seems excessive particularly if the SFPUC is unwilling to mitigate the environmental impact of such a long drought model. If the 8.5 year drought model were reduced even modestly, it would have a substantial impact on the level of water cutbacks and adverse economic analysis. In this regard, Appendix L in the Final Phase 1 SED released by the SWRCB only addresses the 6 year drought incurred in the late 1980s-early 1990s period. The SED pointedly ignores the SFPUC's 'design drought' in their response.

## **2. The SFPUC's opposition does not represent the views or values of its water customers.**

In the June 2016 election, Bay Area voters passed Measure AA, voting 70% in favor of a parcel tax to fund restoration projects for San Francisco Bay. That's over a million votes to fund approximately \$500 million worth of restoration projects. 77% of San Francisco voters approved Measure AA. Increased flows through the Delta will enhance the success and viability of these projects, yet the SFPUC opposes them.

A recent survey (3) conducted in May 2018 shows that San Francisco's strong commitment to environmental values has not changed in the past two years. Among other results, the survey shows that 93% conserved water during the most recent drought, and that for 71% of those who conserved, concerns about the environment played a major role.

Thank you. Please consider these points whenever the SFPUC or BAWSCA respond to Appendix K of the final SED.

William L. Martin  
San Francisco, CA  
[WLMartin361@gmail.com](mailto:WLMartin361@gmail.com)

(1). "Socioeconomic Impacts of Water Shortages Within the Hetch Hetchy Regional Water System Service Area", prepared by David L. Sunding, Ph.D., January 19, 2018.

I am unable to find a URL for the above document. Please contact me at [wlmartin361@gmail.com](mailto:wlmartin361@gmail.com) if you need a copy.

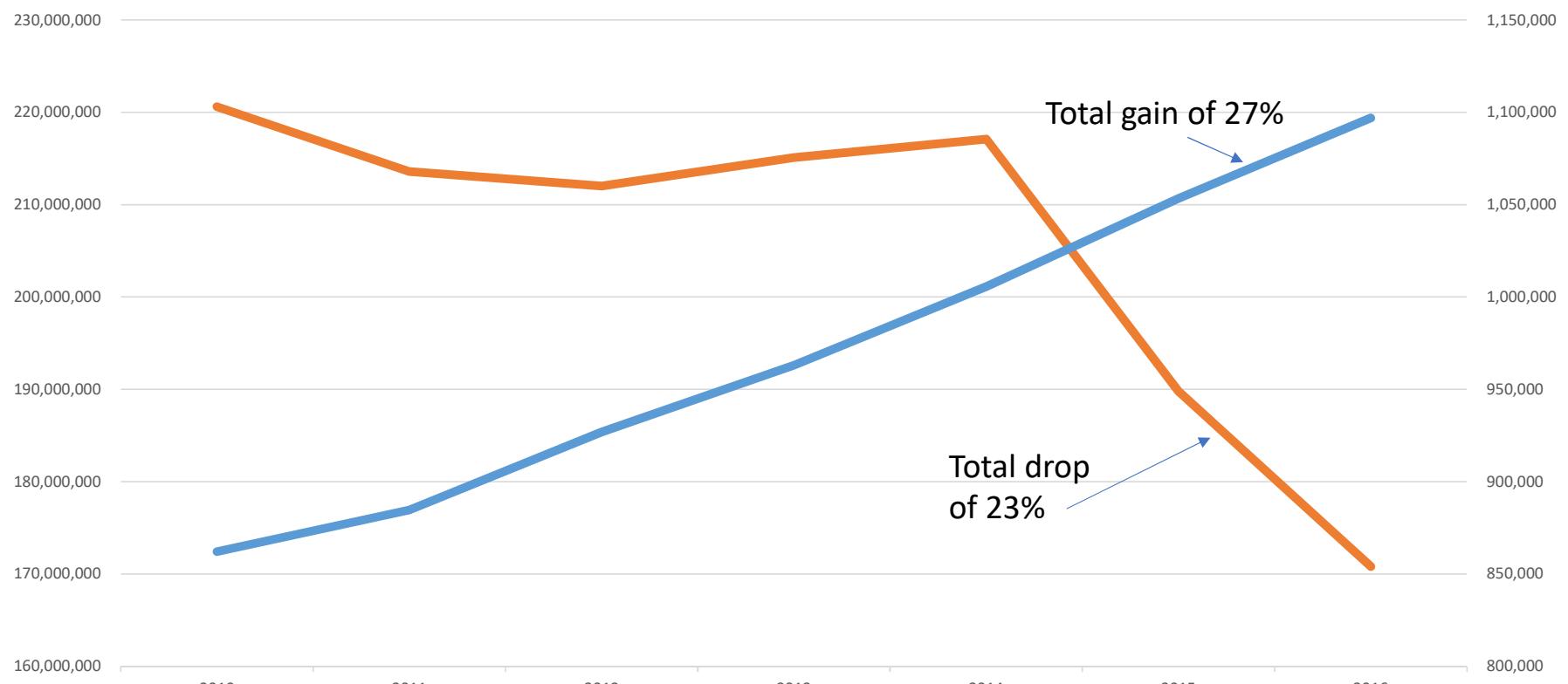
(2)."Coordinating water conservation efforts through tradable credits: A proof of concept for drought response in the San Francisco Bay area"

<https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2017WR020636>

(3). Please use the URL below to access the full survey results:

<https://www.tuolumne.org/wp-content/uploads/2018/07/1805-SFV-Final-Report-PDF-06-29-18.pdf>

## SFPUC Water Deliveries and Two-County Employment, 2010-2016



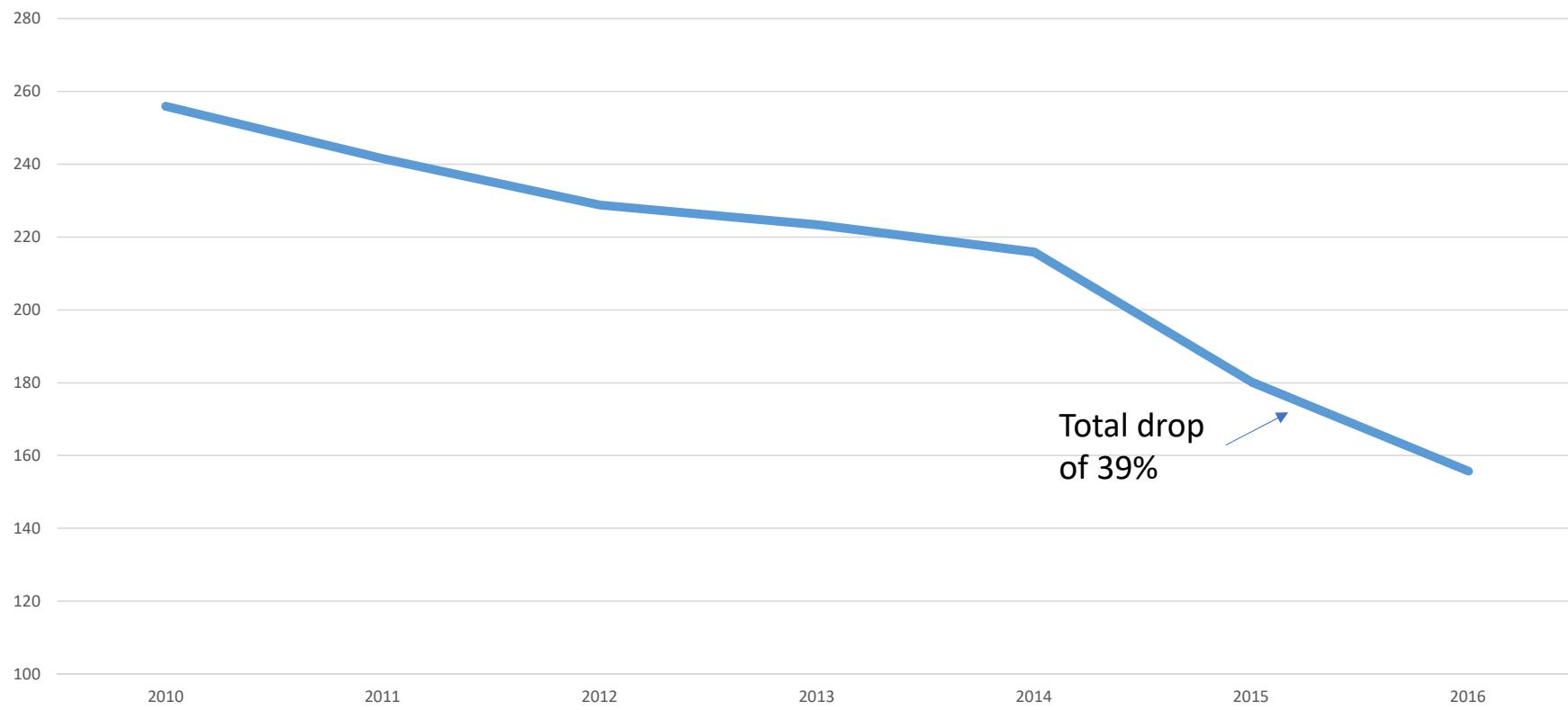
Orange Line: SFPUC Water Enterprise Sales, Fiscal Years ending June 30\*.

Blue Line: Total Employment for San Francisco and San Mateo Counties, by calendar year

\*SFPUC provides 100% of SF water deliveries, lower percentage for San Mateo

Sources: SFPUC Annual Reports; California Department of Transportation Economic Forecasts

## SFPUC Water Enterprise, Gallons/day delivered per employee



This graph uses the same data from the previous slide. The line was calculated by dividing total water deliveries by total two-county employment for each year.

Why is the information on the previous two slides important?

“Our initial economic analysis of the first iteration of this plan forecast up to 51 percent rationing, resulting in 140,000 to 188,000 jobs lost in the Bay Area.” Harlan Kelly, Jr., and Nicole Sandkulla, San Francisco *Chronicle*, October 9, 2016, p. E7.

"...significant annual job losses are predicted under all RWS [Regional Water System] supply reduction scenarios..."  
“Socioeconomic Impacts of Water Shortages within the Hetch Hetchy Regional Water System Service Area,” David L. Sunding, Ph.D., author. January 19, 2018. Executive Summary, p. ix.

**Carnahan, David**

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**From:** Peter Drekmeier <peter@tuolumne.org>  
**Sent:** Thursday, August 16, 2018 10:58 AM  
**To:** Council, City  
**Subject:** Item 5 - Bay Delta Plan  
**Attachments:** TRT Comment Letter on Final SED.pdf

Dear Mayor Kniss and Council Members:

I write regarding Item 5 on Monday's Council agenda dealing with the Bay Delta Water Quality Control Plan.

I find the staff report to be extremely biased — only including the BAWSCA/SFPUC perspective, which we (Tuolumne River Trust) can demonstrate is misleading and erroneous. The fact that staff placed this item on the consent calendar suggests a misread of the Palo Alto community. Please pull this item for a proper discussion so we can dig into the facts and analyses for informed decision-making.

The staff report focuses on two main things: 1) negotiated voluntary settlements, and 2) the SFPUC Alternative.

I have personally been involved in voluntary settlement negotiations with the SFPUC, BAWSCA and others starting four years ago. This is not a new concept. Our discussions have been covered by a confidentiality agreement, so I cannot provide details, but the fact that four years have passed without much progress should tell you something. At this point, this is just a stall tactic.

Regarding the SFPUC Alternative, I attach TRT's comments to the State Water Board. Their plan simply won't work in the absence of adequate flows. For example, floodplain habitat, which is critical for juvenile salmon and rearing, could be improved, but if it doesn't inundate, it's useless. The approach proposed by the SFPUC has been tried since 1995, and in that time period environmental conditions have only gotten worse.

The State Water Board has proposed adaptive management, which means we learn and adjust as we go. If measures in the SFPUC Alternative are successful at achieving goals and objectives, than flow requirements would be reduced. If the SFPUC is truly confident that its alternative will work, it seems they should embrace this process. They haven't. They simply want a check list (adding spawning gravel, planting trees, attempting to control invasive species, installing a barrier weir, etc.), and if these measures don't work, too bad, they met their obligations. This is unacceptable.

We can continue to have a thriving economy while also improving the Tuolumne and Bay-Delta ecosystems. If you haven't had a chance to view our 8-minute video, I encourage you to do so in advance of Monday's meeting — [https://www.youtube.com/watch?v=pL\\_INODOxsl&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsl&feature=youtu.be)

We have shared our video with staff and provided an in-person presentation, yet not a single one of our points made it into the staff report. This is extremely disappointing.

Thank you for the opportunity to comment.

-Peter Drekmeier

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Peter Drekmeier  
Policy Director  
Tuolumne River Trust  
[peter@tuolumne.org](mailto:peter@tuolumne.org)  
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July 26, 2018

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**Felicia Marcus, Chair**  
**State Water Resources Control Board**  
**1001 I Street, 24th Floor**  
**Sacramento, CA 95814**

**Re: Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments**

Dear Chair Marcus:

Thank you for the opportunity to comment on the final SED for Phase 1 of the Bay Delta Water Quality Control Plan. The Tuolumne River Trust agrees with the State Water Board's approach of basing instream flow requirements on a percentage of unimpaired flow. In fact, contrary to its public position on the Bay Delta Plan, The San Francisco Public Utilities Commission (SFPUC) embraces this approach in its Water Enterprise Environmental Stewardship Policy:

It is our policy to operate the water system in a manner that protects and restores native fish and wildlife downstream of our dams and water diversions, within reservoirs, and on our watershed lands. Releases from reservoirs will (consistent with our mission described above, existing agreements, and applicable state and federal laws), mimic the variation of the seasonal hydrology (e.g., magnitude, timing, duration, and frequency) of their corresponding watersheds in order to sustain the aquatic and riparian ecosystems upon which these native fish and wildlife species depend.<sup>1</sup>

We believe it was disingenuous of the SFPUC to have submitted an alternative proposal to the State Water Board along with its comments on the Draft SED for the Bay Delta Plan that proposed a different approach to instream flows.

The *SFPUC Alternative to promote the expansion of fall-run Chinook salmon and Oncorhynchus mykiss populations in the lower Tuolumne River while maintaining water supply reliability* (submitted on March 16, 2017) focuses almost exclusively on non-flow measures, such as habitat restoration and predator control, and fails to acknowledge that the Tuolumne's instream flows are currently inadequate to: 1) maintain water quality conditions associated with cold-water fisheries, 2) inundate off-channel, floodplain habitat that is critical to rearing and outmigration of juvenile fish, 3) encourage growth of native streamside riparian vegetation, including cottonwoods; 4) repress invasions of the Tuolumne River

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<sup>1</sup> SFPUC Water Enterprise Environmental Stewardship Policy – <http://sfwater.org/index.aspx?page=181>

by non-native species such as bass and water hyacinth; and 5) improve water quality conditions in the lower San Joaquin River and southern Delta.

Adequate flows are necessary to increase fish incubation and migration success via improved water temperatures, dissolved oxygen (including intra-gravel conditions, which are negatively impacted by sediments deposited in low-flow conditions) and other water quality parameters, as well as by increasing inundation of key rearing habitats. The net result of providing adequate flows in the Tuolumne River will be to restore a functioning river ecosystem in which native fish are favored over non-native predators.

History has shown that non-flow measures, in the absence of sufficient instream flow, are destined to fail. In 1995, the SFPUC and Modesto and Turlock Irrigation Districts entered into a Settlement Agreement with many of the parties that remain interested in the health of the Tuolumne River today, including the US Fish and Wildlife Service, the California Department of Fish and Game (now Dept. of Fish and Wildlife), and a number of NGOs. The 1995 Settlement Agreement arose out of Article 37 of the original 1964 license for the Don Pedro Project issued by the Federal Energy Regulatory Commission (then the Federal Power Commission) which required that dam releases and operations be modified upon the recommendation of the California Department of Fish and Game after the first 20 years of operation of the Don Pedro Project in order to maintain the salmon fishery.

The 1995 Settlement Agreement's three objectives for the recovery of Tuolumne River Chinook salmon were to: 1) increase naturally occurring salmon populations, 2) protect any remaining genetic distinction, and 3) increase salmon habitat in the Tuolumne River. The basic approach of Agreement was to rely heavily on non-flow measures, in particular predator habitat reduction projects, to improve the Chinook salmon run. While the Agreement did include a small increase in flows, the increase was insignificant.

Despite the best efforts of the Irrigation Districts and others to improve habitat in the river for salmon, the fall run Chinook salmon population has actually decreased since 1995. In short, the 1995 Settlement Agreement failed to meet its goal of recovery of Tuolumne River Chinook salmon. It failed to increase naturally occurring salmon populations, and it failed to protect any remaining genetic distinction. And even though there was a focus on increasing salmon habitat, it failed in many respects to do that as well. We believe the primary focus on physical habitat manipulations, with a much smaller emphasis on flow measures, is the primary reason for this failure.

The 1995 Settlement Agreement also had a significant focus on reducing predators and predator habitat, and provides a good lesson in misplaced priorities. The Special Run Pool (SRP) 9 project was designed to reduce predator habitat by filling in an old in-channel gravel pit that had become excellent habitat for predator fish, primarily large-mouth bass. After expending approximately \$2.8 million, the project failed to reduce predator habitat. In fact, by the Districts' own admission, the project simply exchanged one non-native predator (largemouth

bass) with another (smallmouth bass).

The Districts' post-project monitoring report was very clear about the impact of high flows in affecting predator habitat. Here is an example of what the report had to say about flows and predator habitat:

During extremely wet years, high flows can flush largemouth bass out of a stream, but typically a sufficient number of adults can find shelter in flooded areas to repopulate the stream during lower flow conditions (Moyle 2002). During the years following the flood, largemouth bass abundance was controlled by spring and summer flow conditions that were unfavorable for reproduction. Largemouth bass require low water velocities and warm water temperatures to reproduce. (Moyle 2002, Swingle and Smith 1950, Harlan and Speaker 1956, Mraz 1964, Clugston 1966, Allan and Romero 1975, all as cited in Stuber et al 1982) (p 130).

Unfortunately, despite the many lessons we have learned through the implementation of the actions included in the 1995 Settlement Agreement (and similar habitat-centric approaches throughout the Central Valley, such as Calfed and CVPIA/AFRP), the SFPUC Alternative to the State Water Board Plan continues to emphasize the same myopic approach. Indeed, the flow-related aspects of the SFPUC Alternative are in some respects regressive from the current flow schedule. Very simply, we believe the SFPUC Alternative is doomed to fail and would generally be a misuse of taxpayer and ratepayer money, as well as a violation of the SFPUC's (and Modesto and Turlock Irrigation Districts') responsibility to protect the public trust.

We believe the fundamental premise of the SFPUC Alternative is flawed for several reasons. First, there is no unifying ecological principle that guides the SFPUC Alternative. Rather, the SFPUC Alternative attempts to replace the functions of flowing water (e.g., sediment mobilization, invasive species control, recruitment of desirable native riparian vegetation and inundation of rearing habitat) with costly, manual actions, which the SFPUC asserts will lead to the expansion of salmon and steelhead populations, despite evidence to the contrary. As we describe above, a similar approach was taken in the 1995 Settlement Agreement that did not result in increased numbers of native fish species.

As described in the Recovery Plan for the Evolutionary Significant Units of Sacramento River Winter-Run Chinook Salmon and Central Valley Spring-Run Chinook Salmon and the Distinct Population Segment of California Central Valley Steelhead (NMFS 201x), a salmon and steelhead recovery plan must be based on two key salmonid conservation principles.

First, is that functioning, diverse, and interconnected habitats are necessary for a species to be viable. Put simply, the full ecosystem needs to be restored, not just a limited set of specific elements that are part of the ecosystem. Salmon and steelhead recovery cannot be achieved without providing sufficient habitat throughout the full spawning, rearing and migratory route. The SFPUC Alternative's proposed actions to modify spawning and in-channel rearing habitat

are very limited geographically, and they ignore the need for habitat improvements in the Tuolumne River corridor and downstream as far as the Delta.

Second, a successful restoration strategy must address the four attributes of fish species viability (spatial structure, diversity, productivity and abundance) as outlined in McElhany et al. (2000). The Recovery Plan for the Evolutionary Significant Units of Sacramento River Winter-Run Chinook Salmon and Central Valley Spring-Run Chinook Salmon and the Distinct Population Segment of California Central Valley Steelhead (2014) summarizes these attributes:

Abundance and population growth rate are self-explanatory parameters that are clearly important to species and population viability, while spatial structure and diversity are just as important but less intuitive. Spatial structure refers to the arrangement of populations across the landscape, the distribution of spawners within a population, and the processes that produce these patterns. Species with a restricted spatial distribution and few spawning areas are at a higher risk of extinction from catastrophic environmental events (e.g., a single landslide) than are species with more widespread and complex spatial structure. Species or population diversity concerns the phenotypic (morphology, behavior, and life-history traits) and genetic characteristics of populations. Phenotypic diversity allows more populations to use a wider array of environments and protects populations against short-term temporal and spatial environmental changes. Genetic diversity, on the other hand, provides populations with the ability to survive long-term changes in the environment. It is the combination of phenotypic and genetic diversity expressed in a natural setting that provides populations with the ability to adapt to long-term changes (McElhany et al. 2000).

The SFPUC Alternative provides no targets for population abundance, growth rate or phenotypic/genetic diversity. Rather, the proposal provides an estimate of what the biological outputs of its approach will be, rather than establishing biological goals at the outset and designing conservation actions in support of achieving those goals. This approach is backward. Biological targets that comply with and articulate existing City, State and Federal policies should be defined in specific, measureable, achievable, relevant and time bound (SMART) terms in order to set the stage for the overall scope and specifics of recovery actions. These targets must be the driving force behind the SFPUC's alternative plan to meet its obligations under the Clean Water Act, Porter-Cologne Act, Federal and State Endangered Species Acts and the Public Trust Doctrine.

As to spatial structure, the SFPUC Alternative relies heavily on two stages of salmonid life cycle (spawning and egg incubation) and a portion of a third stage (juvenile migration). By restricting actions to benefit spawning and egg incubation habitat, and only a portion of juvenile migration habitat (in-channel rearing habitat above RM 26), the SFPUC Alternative misses opportunities to improve periodically inundated habitat (loosely "floodplains") throughout the Tuolumne River and into the lower San Joaquin River. Floodplain habitat has been demonstrated to strongly support growth of juvenile salmonids and the spawning and incubation success of other native fish species such as Sacramento splittail. Along the Tuolumne, there is poor

channel-floodplain connectivity; thus, there is a significant opportunity to improve productivity of several fisheries that has been completely omitted from the SFPUC proposal. Any improvements to the system that may be achieved upstream are likely to be undermined unless improvements are made along downstream portions of the River as well.

Different stretches of floodplain support different life stages of fish species. Additionally, floodplain distribution supports life history diversity, survival in different water year types, and successful outmigration. We believe the proposal should focus not just on habitat quality, but also on the extent and distribution of frequently inundated floodplain habitat needed to support agreed upon fish populations.

Finally, in the case of Chinook salmon, the SFPUC Alternative is focused almost exclusively on parr production, rather than providing for successful migration for a range of life history types, including fry, parr and smolts. Restricting the plan to focus primarily on successful parr outmigration will limit the success of the population over the long-run because the lack of phenotypic diversity in migrating salmon will make the population more susceptible to environmental stressors and future environmental changes. Rather than focusing on a single life-history strategy, it is imperative to provide an outmigration environment that improves survival of fry, parr and smolts.

We have reviewed initial results of floodplain modeling conducted to date. Although San Francisco contends there is sufficient rearing habitat, we strongly disagree. Our floodplain analysis indicates an inadequate amount or rearing habitat. The SFPUC appears to be confusing rearing “habitat” in the main stem with off-channel rearing habitat needs. Not only are these two different types of habitat, but the SFPUC’s finding of abundant rearing “habitat” only confirms that the mainstem is a warm, shallow, slow moving stream that favors predators over native species and provides inadequate migratory habitat for salmonids and other migratory fishes.

A more comprehensive approach to floodplain enhancement and management is needed, including reaches of the lower Tuolumne River below Geer Road. Different reaches of floodplain support different life stages of fish species. Functional floodplain habitat can be restored through flow modifications, topographic modifications, or a combination of both.

We believe the SFPUC’s focus on manual predator suppression is a severe weakness of their proposal. There are significant environmental conditions (e.g., warm water temperatures, water velocity, etc.) that support a predator population that also need to be addressed. Additionally, we would prioritize investments that reduce predation pressure while simultaneously addressing other critical stressors (e.g., restoration of floodplain habitat, temperature management, etc.). We want to avoid a situation in which resources are expended without producing measurable results, especially considering that significant resources will be required for successful floodplain restoration.

The reality is that the presence of abundant non-native predators is a symptom, not a cause, of the malfunctioning Tuolumne River environment. The manual predator suppression program is a time- and money-intensive strategy that is unlikely to work. Similar strategies (that are much more intensive and better funded) have completely failed in the Pacific Northwest, where the Federal government has spent hundreds of millions of dollars on a bounty program for native predators, and scaring away nesting terns and fish-eating marine mammals. Furthermore, predator removal has potential downsides. For example, removing large predatory fish can actually cause an increase in smaller predators. As described above, this is exactly what happened at the SRP 9 project where smallmouth bass replaced largemouth bass.

Existing flow schedules for the Tuolumne amount to approximately 20% of unimpaired flow being released for environmental purposes. The SFPUC Alternative proposes minor changes to these schedules, and in wetter years actually reduces the quantity of water released from 300,923 acre-feet under existing rules to an estimated 286,867 acre-feet under the SFPUC Alternative. The bottom line is that the SFPUC Alternative is far below the 60% of unimpaired flow the Water Board's flow criteria study determined would be necessary to protect fish species in the San Joaquin River basin. It will not achieve the objectives we are pursuing, and likely will not even provide incremental benefits.

Finally, while the SFPUC Alternative seeks to promote the expansion of fall-run Chinook salmon and O. mykiss populations in the lower Tuolumne, the three San Joaquin tributaries and associated water purveyors are responsible not only for protecting water quality in the San Joaquin tributaries, but also meaningful contributions to protecting water quality in the lower San Joaquin River and the Delta. Nothing in the SFPUC proposal addresses any obligation to maintain water quality downstream, and thus its scope is too narrow.

In summary, the Tuolumne River Trust agrees with the State Water Board's approach of basing instream flow requirements on a percentage of unimpaired flow. We believe at least 50% of unimpaired flow should be required between February and June. We also agree with the Water Board that a successful restoration plan will include both flow and non-flow elements. The SFPUC and Modesto and Turlock Irrigation Districts will have many opportunities to test their proposed measures for success. We look forward to working with them to identify the best ways to truly restore the Tuolumne River, and are certain higher flows will play a major role in our success.

Thank you for the opportunity to comment.

Sincerely,



Patrick Koeppele  
Executive Director

**Carnahan, David**

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**From:** Jan Altman <jan.a@sbcglobal.net>  
**Sent:** Thursday, August 16, 2018 11:23 AM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

I **strongly** encourage you to pull this item from the consent calendar for a proper public discussion. It needs to be debated at this Monday's meeting!

I also encourage you to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. We can have both! Please see [https://www.youtube.com/watch?v=pL\\_INODOxsI&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsI&feature=youtu.be)

This matter is too important for the sake of all Palo Altans. Please consider it carefully!

Thank you,  
Jan Altman  
Resident 20+ years

**Carnahan, David**

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**From:** Nancy Lowe <nancymcdonaldlowe@gmail.com>  
**Sent:** Thursday, August 16, 2018 11:36 AM  
**To:** Council, City; Drekmeier, Peter  
**Subject:** Please adopt a position aligned with the Bay Delta Water Quality Control Plan

City Council:

Please pull the item which is in opposition to the Bay Delta Water Quality Control Plan from the consent calendar to allow a proper public discussion of it.

I encourage you to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. We can have both!

Nancy McDonald Lowe  
2338 Amherst Street  
Palo Alto

**Carnahan, David**

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**From:** Geoff Ball <ghball@aol.com>  
**Sent:** Thursday, August 16, 2018 11:44 AM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Dear Council Members,

Please pull the Bay Delta Water Quality Control Plan from the consent calendar this coming Monday so that it can be properly explored and discussed in a public meeting.

Respectfully yours,

Geoff Ball

Geoff Ball, Ph.D.  
Geoff Ball & Associates  
315 Bryant Street, Palo Alto, CA 94301  
ghball@aol.com, cell: 650-279-9461  
[www.linkedin.com/in/geoff-ball-5259241](https://www.linkedin.com/in/geoff-ball-5259241)

**Carnahan, David**

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**From:** Sue Purdy Pelosi <sueppr@gmail.com>  
**Sent:** Thursday, August 16, 2018 11:47 AM  
**To:** Council, City  
**Subject:** Bay Delta water quality control plan

I strongly encourage you to pull the Bay Delta Water Quality Control Plan from the consent calendar for a proper public discussion. Encourage them to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. We can have both! — [https://www.youtube.com/watch?v=pL\\_INODOxsI&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsI&feature=youtu.be).

Thank you  
Sue Purdy ⊕ Pelosi

*Be kind whenever possible. It is always possible.*  
*Dalai Lama*

<https://www.linkedin.com/in/suepurdypelosi/>

**Carnahan, David**

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**From:** Annette Isaacson <annetteisaacson@comcast.net>  
**Sent:** Thursday, August 16, 2018 11:47 AM  
**To:** Council, City  
**Subject:** please pull this from the consent calendar

Dear City Council Members,

I have worked closely with Peter Drekmeier on several environmental issues. I have found him to be honest and knowledgeable, so that when he tells me something about water and the environment, I trust him. He just informed me that you are planning on adopting a position in opposition to the Bay Delta Water Quality Control Plan.

Please take this item off the consent calendar so that some more public discussion can take place. Two issues that seem to be important to discuss are the efficacy of **voluntary settlement negotiations** that are being promoted by the alternate proposal to the Bay Delta Water Quality Control Plan and the fact that our climate is changing and

- On average, less than 50% of the freshwater flow from the Central Valley reaches the Bay, and in some years, less than 35%. Reduced inflows shifts the size and location of the ecologically-important salinity mixing zone, affecting everything from plankton to marine mammals. Between 1975 and 2014, the natural unimpaired runoff in the watershed was only low enough to create a “supercritically dry” year once, but upstream diversions captured so much runoff during those four decades that the Bay experienced “supercritically dry” conditions in 19 years instead of just one.

This is an important issue and deserves to be discussed by the entire council in public.

Sincerely,

Annette Isaacson

2550 Webster St.

Palo Alto, CA 94301

**Carnahan, David**

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**From:** carlin otto <carlinotto@gmail.com>  
**Sent:** Thursday, August 16, 2018 12:14 PM  
**To:** Council, City  
**Subject:** Pull from Consent Calendar!!!

All of you need to discuss and seek out the facts and public input about the **Bay Delta Water Quality Control Plan** BEFORE you follow staff recommendation on whether to support or not support it. Please PULL THIS ITEM FROM THE CONSENT CALENDAR.

Follow this by placing it on your regular agenda which will allow public input about it and allow all of you to become more knowledgeable about it.

Carlin Otto  
231 Whitclem Court  
Palo Alto, CA 94306

**Carnahan, David**

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**From:** Peter Broadwell <peter@plasm.com>  
**Sent:** Thursday, August 16, 2018 12:49 PM  
**To:** Council, City  
**Subject:** Please pull item 5 (water policy proposal) from consent calendar

City Council folks -

Please get together and pull item #5 from the upcoming consent calendar.

I support the State Water Board's proposal that encourages a co-equal approach to balancing water needs of people and fish (among others).

The staff proposal being on the consent calendar prevents public input on this important issue and could lead Palo Alto into the undesirable position of helping kill off fish populations.

::peter - Peter Broadwell, [peter@plasm.com](mailto:peter@plasm.com) - 2325 Cornell Street, Palo Alto, CA 94306

**Carnahan, David**

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**From:** amyerinadams@gmail.com on behalf of Amy Adams <amy\_adams@post.harvard.edu>  
**Sent:** Thursday, August 16, 2018 12:56 PM  
**To:** Council, City  
**Subject:** monday consent calendar

I urge you to pull the Bay Delta Control Plan discussion off the consent calendar. The staff report is misguided and needs input from the council. I know there are environmental stewards among you- this issue needs due diligence!

Please support the State Water Board proposal!

Thanks so much-  
Amy Adams

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My email address will sometimes change. Please always use my permanent, forwarding email,  
[amy\\_adams@post.harvard.edu](mailto:amy_adams@post.harvard.edu)

**Carnahan, David**

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**From:** walter sedriks <sedriks@gmail.com>  
**Sent:** Thursday, August 16, 2018 1:05 PM  
**To:** Council, City  
**Subject:** Re Adoption of Bay Delta Water Quality Control Plan.

Dear Members of the Council,

I strongly urge you to pull the subject item from the consent calendar and allow for a proper public discussion. I would also urge you to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. We can have both!

Sincerely,

Walter Sedriks

325 Waverley St  
Palo Alto

**Carnahan, David**

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**From:** Alice Smith <alice.smith@gmail.com>  
**Sent:** Thursday, August 16, 2018 1:14 PM  
**To:** Council, City  
**Subject:** Please remove the Delta plan from the consent calendar

Is shocking to have the City Council puts such an important item on the consent calendar when it is so vital to the Quality of life of the Bay Area

**Carnahan, David**

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**From:** Kathryn Johnston <kathryn.johnston@mac.com>  
**Sent:** Thursday, August 16, 2018 1:32 PM  
**To:** Council, City  
**Subject:** Please pull the consent doc about Bay Water Plan

Hello, City Council,

How very chagrined and disappointed was I to hear that there are plans at the August 20th meeting to disavow the Bay Water Plan.

This measure should not be rushed through without a lot more City Council and community discussion.

I do not think staff recommendations represent Palo Alto's best, or most forward-looking self.

Kathryn Johnston  
325 Channing Ave apt 301  
Palo Alto

**Carnahan, David**

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**From:** Dave Warner <dwar11@gmail.com>  
**Sent:** Thursday, August 16, 2018 11:39 AM  
**To:** Council, City  
**Subject:** Please support Bay Delta Plan; Misleading information must have led to City Manager's Report  
**Attachments:** Dave Warner letter to City Council 2018-08-16.pdf

Thank you for serving on our city council. Please see attached letter.

## Dave Warner

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754 Palo Alto Avenue, Palo Alto, CA 94301 | dwar11@gmail.com

**August 16, 2018**

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

Re: Please Adopt a Resolution in Support of the State Water Resources Control Board Bay Delta Plan Update (and Disregard the City Manager's Negotiated Settlement Alternative)

**Dear City Council:**

The City Manager's City Council Staff Report titled, "Resolution Supporting a Bay Delta Plan Negotiated Settlement" with a meeting date of 8/20/2018, while timely, is based on incomplete and misleading information. Palo Altans care deeply about the environment. Best of all, Palo Alto can support the State Water Resources Control Board's (SWRCB) Bay Delta Plan Update (Bay Delta Plan) AND have a reliable water supply. Please pass a resolution in support of the SWRCB's Bay Delta Plan. Please pass this resolution at your August 20<sup>th</sup> meeting as SWRCB hearings are on August 21<sup>st</sup> and 22<sup>nd</sup>.

**Limited scientific support for the SFPUC Alternative:** Based on presentations at the fall 2016 and winter 2017 SWRCB hearings, which I attended, the only scientific support for the SFPUC alternative came from projects funded by water agencies: The SFPUC, the Turlock Irrigation District, the Modesto Irrigation District, and the California Department of Water Resources (which operates the State Water Project). Scientific presentations in favor of the SWRCB's flow proposals were made by: The California Department of Fish and Wildlife, The Bay Institute, the National Oceanic and Atmospheric Administration, UC Davis, The US EPA, the National Marine Fisheries Service, the US Department of Fish and Wildlife, and the SWRCB.

In their 2010 Flow Analysis the SWRCB states, "that flow and physical habitat interact in many ways, but they are not interchangeable." In a California Department of Fish and Wildlife presentation to the SWRCB on January 3, 2017, they state, "results indicate restoration action that primarily focuses on flow improvements are by far out producing those results produced by emphasis on non-flow actions." In The Bay Institute presentation to the SWRCB on November 29, 2016, Jonathan Rosenfield discussed the linkage between flows and habitat restoration and how lower flows require significantly more habitat restoration and limit opportunities. Please view non-flow measures proposed by the SFPUC and irrigation districts as important but insufficient to restore fish populations.

Not mentioned in the City Manager's report, the SWRCB's Bay Delta Plan has an innovative win-win approach: While the initial percentage of unimpaired flows left in the river is 40%, that percentage can range from 30% to 50% based on the effectiveness of non-flow measures. Under the SWRCB's Bay Delta Plan, if the SFPUC implemented its alternative and it was successful, required unimpaired flows would drop to 30%, much closer to the SFPUC's flow proposals. The difference is that the SWRCB's Bay Delta

Plan includes accountability for improvement to native fish populations and allows for further action in case improvements are not seen.

**The scare of 40-50% rationing and significant economic impact is based on an obscure scenario.**  
The SFPUC's 40-50% rationing scenario is based on at least two false assumptions:

- 1) The SFPUC, BAWSCA and local water agencies do not take any action to mitigate the effects of the Bay Delta Plan. This seems highly unlikely that mitigation actions would not be taken. A significant action discussed but not factored in the scenario is creating a groundwater water bank in Stanislaus County. Many other mitigation opportunities exist including those in process as a part of Los Angeles reducing their water imports by 50% by 2040 (we will be importing proportionally more water than LA) and Santa Monica reducing their water imports to zero by 2022 (voted on years ago by their city council).
- 2) The SFPUC cannot buy water from the Turlock and Modesto Irrigation Districts. In years where the SFPUC had a compelling need, the irrigation districts came through. It is also economically advantageous to the irrigation districts as they charge less than \$100 per acre foot while we are paying in excess of \$2,000. The two irrigation districts combined take 4 times the amount of water from the Tuolumne that the SFPUC does.

The city manager's letter mentions climate change. Surprisingly, climate change is likely to have a positive effect on our water supply as watershed runoff will shift to earlier in the year, favoring the SFPUC's water rights. In addition, the SFPUC's 8.5 year drought plan is 2.5 years longer than any drought the SFPUC experienced, a 40% safety margin over our worst drought of record.

**Palo Altans care deeply about the environment.** At a recent SFPUC meeting where the Bay Delta Plan was discussed only in closed session, Palo Alto had the second largest number of representatives behind San Francisco. At a recent BAWSCA meeting, again where the Bay Delta Plan was discussed only in closed session, Palo Alto had by far the largest number of representatives.

**It is not a case of "Or". It's "And".** As demonstrated by potential mitigation actions, including those mentioned above and those adopted by Los Angeles and Santa Monica, we have a myriad of means to both improve flows for our native fish and assure a reliable water supply.

Please pass a resolution to support the SWRCB's Bay Delta Plan and please do so at your August 20<sup>th</sup>, 2018 meeting.

Sincerely,



Dave Warner

**Carnahan, David**

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**From:** Hank Edson <hank.edson@gmail.com>  
**Sent:** Thursday, August 16, 2018 12:38 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan  
**Attachments:** TRT Comment Letter on Final SED.pdf

Dear City Council,

Please pull the agenda item concerning the council's position on the Bay Delta Water Quality Control Plan from the consent calendar and make sure this item has proper public discussion. I know many of my neighbors are very concerned about the city's commitment to the ecological health and well being of the Bay Area watershed. The SFPUC alternative, despite unsubstantiated claims that more fish will live with less water, simply applies the same inadequate approach taken since 1995, during which time the salmon population in the Tuolome has plummeted. See attached. If left unaddressed, the loss of this population will have a serious ecological impact on our entire region. We must stop allowing ourselves to look past the consequences of lazy policy decisions.

The council should not underestimate the concern of its constituents both that proper procedures and due diligence be followed in the way it adopts its position on issues of significant ecological impact and its over all commitment to protect the environment. Adopting this position without a proper public discussion would be a serious breach of your duty to your constituents.

Sincerely,

Hank Edson

**Carnahan, David**

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**From:** Diane McCoy <dianemccoy10@comcast.net>  
**Sent:** Thursday, August 16, 2018 1:19 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan  
**Attachments:** The San Francisco Bay-Delta An Ecosystem In Crisis - YouTube.webarchive [LINK](#)

Dear Palo Alto City Council Members,

I would like to request that you do **not** adopt the position being proposed this coming Monday night, August 20, to oppose the Bay Delta Water Quality Control Plan.

Please pull this item from the calendar until a proper public discussion can occur.

I encourage you to **support** the State Water Board's proposal which aims to achieve the co-equal goals of ensuring a reliable water supply and protect and restore the environment.

Again, please do **not** adopt the position of opposing the Bay Delta Water Quality Control Plan.

Thank you for your time and consideration.

Sincerely,  
Diane McCoy  
Palo Alto Resident  
763 Greer Road

**Carnahan, David**

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**From:** jack <jack@mortoncpa.com>  
**Sent:** Thursday, August 16, 2018 1:42 PM  
**To:** Council, City  
**Subject:** Bay Water Quality Plan

Honorable Members of Council: Surely you all agree that the community should have a voice in whether the City should wholeheartedly support the Bay Delta Water Quality Control Plan. So Monday evening the full Council will rise together to remove the Bay Delta Water Quality Control Plan item from the consent calendar and allow us all to remind you that Palo Alto was one of the first communities to care passionately about the quality of the Bay and the Delta.

Former Vice Mayor Jack Morton

**Carnahan, David**

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**From:** Paul Heft <paulheft@comcast.net>  
**Sent:** Thursday, August 16, 2018 2:36 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Dear councilmembers, Peter Drekmeier alerted me to his concern regarding the Bay Delta Water Quality Control Plan. I hope you will carefully consider his opposition to the staff recommendation, because I believe that protecting and restoring the environment is a critical goal—even if that means less water available for our use.

Thanks.

Sincerely,

Paul Heft  
2550 Webster St.  
Palo Alto, CA 94301

**Carnahan, David**

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**From:** Stepheny <stepheny@earthlink.net>  
**Sent:** Thursday, August 16, 2018 4:32 PM  
**To:** Council, City  
**Subject:** Vote for State Water Board Proposal

Please do the responsible thing and vote for the State Water Board Proposal. The staff recommendation on this proposal takes us in the wrong direction. We need to follow the 2009 Delta Reform Act updated guidelines, as well as the recommendation of the Tuolumne River Trust.

Thank you.

Stepheny McGraw  
3303 Thomas Drive  
94303

**Carnahan, David**

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**From:** pol1@rosenblums.us  
**Sent:** Thursday, August 16, 2018 4:35 PM  
**To:** Council, City  
**Subject:** Agenda of August 20, 2018

Dear Councilmembers:

I respectfully request that you withdraw item 5 from the consent calendar of the August 20 council meeting. The staff position is not in accord with the environmental principles that Palo Altans hold dear in that it sacrifices Tuolumne River water flows to save water for a drought of biblical proportions that will not occur. I encourage you to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply and protecting and restoring the environment. A subject of this importance needs to be discussed by the Council with appropriate citizen feedback.

Dr. Stephen Rosenblum  
Santa Rita Avenue

**Carnahan, David**

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**From:** Katie Bramlett <paloaltokatie@gmail.com>  
**Sent:** Thursday, August 16, 2018 4:47 PM  
**To:** Council, City  
**Subject:** We need to talk...

about the Bay Delta Plan.

Please pull the item from the consent calendar for a proper public discussion. I encourage you to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment.

Palo Alto has a strong, proud history of standing on the side of ecological conservation! You are in a position to make a difference! Please protect our environment.

Katie Bramlett

**Carnahan, David**

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**From:** Shannon Rose McEntee <shannonrmcentee@gmail.com>  
**Sent:** Thursday, August 16, 2018 4:46 PM  
**To:** Council, City  
**Subject:** Bay Area Water Quality Control Plan

Dear City Council Members,

I am extremely dismayed to learn that Palo Alto City staff are encouraging the Council to adopt a position in opposition to the Bay Delta Water Quality Control Plan. I just learned that City staff have placed this item on the consent calendar for Monday's City Council meeting which means it could be approved WITHOUT any debate -- unless three Council members pull it for discussion.

I understand that the resolution reads if it were written by BAWSCA and it promotes "negotiated voluntary settlements." The State has been facilitating voluntary settlement negotiations for well over a year and they've failed miserably because the water agencies that are opposed to the Plan have refused to budge. Knowledgeable Palo Alto residents believe this City report is blatantly political and misleading.

Please pull this item from the consent calendar so it can have a proper public discussion. Please support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment.

NOTHING is more important than protecting the integrity of our water supplies and our environment.

Sincerely,

Shannon Rose McEntee  
410 Sheridan Ave., #216  
Palo Alto, CA 94306

**Carnahan, David**

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**From:** Virginia Tincher <vatincher@gmail.com>  
**Sent:** Thursday, August 16, 2018 8:46 PM  
**To:** Council, City  
**Subject:** Monday, August 20 City Council Meeting - Remove Item 5 from the consent calendar

Dear City Council,

Please remove Item 5 regarding the Bay Delta Water Quality Plan from the consent calendar and have a thorough public discussion before making your decision.

Personally I urge the council to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. This is a critical time for our local environment. The proposal to increase the unimpaired flow of the lower San Joaquin river is really a part of building San Francisco Bay resiliency. Healthy wetlands are the focus of most Bay Area communities through multiple projects many of which the City of Palo Alto already support.

The City Council has an opportunity which will not happen again for years to address San Francisco Bay resiliency while maintaining an adequate water supply. Please take the time to carefully review the information in the updated plan and presented by others.

Regards,  
Virginia Tincher  
879 Garland Drive  
Palo Alto, CA 94303

**Carnahan, David**

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**From:** Cheryl Lilienstein <clilienstein@me.com>  
**Sent:** Thursday, August 16, 2018 7:36 PM  
**To:** Council, City  
**Cc:** Supervisor Simitian  
**Subject:** Please withdraw "Bay Delta Water Quality Control Plan" from Palo Alto consent calendar

Dear City Council,

With an abundance of love and gratitude, I am asking for consideration for my first grandchild, who I hope will grow up in a beautiful California of rivers, fish, and wildlife.



I have CC'd Supervisor Simitian as he authored the 2009 Delta Reform Act, which established the Senate's co-equal goals and initiated the current update to the Bay Delta Plan, which should be SUPPORTED.

So, I am asking you to REMOVE the item from the consent calendar in opposition to the Bay Delta Water Quality Control Plan. Via the consent calendar, staff is recommending opposition and this is wrong. The Plan is a good one, and our city should SUPPORT it.

Opposing this plan means letting the population of fish and wildlife decline, and ultimately, fail. Do you think the citizens of Palo Alto would be happy when they found out that staff slipped this past the council? Do you want the council to be seen as being on the side of developers and against the environment? Surely no.

What I love most about California is the beauty of the rivers and the wildlife. NOT SUPPORTING the Bay Delta Water Quality Control Plan sends the message that Palo Alto cares more about development than our wilderness heritage. So I'm writing to ask you to pass a motion in SUPPORT of the BDWQCP. We need to support existing agreements of uninpeded flows in order to maintain the wildlife in and around the rivers. It is unwise — not to mention heartbreaking — to entitle the taking of MORE water from rivers for the sake of development and agribusiness when it's not even necessary.

I hope this state will be a beautiful abundant land for our grandchildren, not just an economic engine with no soul.

Please be responsible towards the natural world that sustains the health of us all.

Sincerely,  
Cheryl Lilienstein  
Palo Alto, California

**Carnahan, David**

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**From:** Susan Brown <einworbs@gmail.com>  
**Sent:** Thursday, August 16, 2018 9:54 PM  
**To:** Council, City  
**Subject:** Please withdraw "Bay Delta Water Quality Control Plan" from Palo Alto consent calendar

The Bay Delta Water Quality Control Plan is a good plan and should be supported. I cannot fathom why the staff is recommending to oppose this plan.

Please support the Bay Delta Water Quality Control Plan.

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Susan Brown  
Palo Alto  
[einworbs@gmail.com](mailto:einworbs@gmail.com)

**Carnahan, David**

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**From:** terryt1011@aol.com  
**Sent:** Friday, August 17, 2018 3:56 AM  
**To:** katherine.cushing@sjsu.edu  
**Cc:** Council, City  
**Subject:** Re: ALERT: Terrible P.A. Staff Recommendation

Katherine-

please do write today. see below, but the e-mail is easy. it is "city.council@cityofpaloalto.org". see the directions below. to make the printed Council packet, it needs to be received by 3 p.m. today, Friday.

I really appreciate your help!

Terry

- 1) Please attend Monday's City Council meeting, and speak if you're comfortable doing so. Arrive by 6:30pm and fill out a speaker card, listing item 5 as the issue you would like to address. Each speaker will have up to three minutes. The Council agenda is posted at <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41999.32&BlobID=66273>
- 2) Please send an email to City Council — [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org) — ASAP, encouraging them to pull the item from the consent calendar for a proper public discussion. Encourage them to support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. We can have both! — [https://www.youtube.com/watch?v=pL\\_INODOxsl&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsl&feature=youtu.be). You can find some additional talking points at <https://www.tuolumne.org/wp-content/uploads/2018/07/Final-SED-Talking-Points.pdf>  
Fun Fact: The 2009 Delta Reform Act, which established the State's co-equal goals and initiated the current update to the Bay Delta Plan, was authored by former Palo Alto Mayor and current County Supervisor, Joe Simitian when he served in the State legislature.

**Carnahan, David**

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**From:** Virginia Fitton <dfitton@gmail.com>  
**Sent:** Friday, August 17, 2018 9:23 AM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Palo Alto City Council,

Please pull the item from the consent calendar for a proper public discussion.

Please support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring reliable water supply and protecting and restoring the environment.

Virginia and Don Fitton

**Carnahan, David**

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**From:** Paul Machado <plmachado@gmail.com>  
**Sent:** Friday, August 17, 2018 10:05 AM  
**To:** Council, City  
**Subject:** Remove from consent calendar

Item 5 on Monday's consent calendar rubber stamps the state water resources control board's bay delta plan.....Really!

Do you not believe this extremely important issue deserves a debate?

Thank you

Paul Machado

**Carnahan, David**

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**From:** terryt1011@aol.com  
**Sent:** Friday, August 17, 2018 1:06 PM  
**To:** Council, City  
**Subject:** Aug. 20 Council meeting; Restore the Delta

Mayor Kniss and Members of the Council:

I am writing to urge you to:

1. Remove item 5 from the consent calendar; and
2. Send an e-mail from the Mayor on Tuesday, August 21 to the State Water Resources Control Board (SWRCB) supporting their proposal to restore **some of the** natural water flow to the Delta. Because the public comment period, ends on August 22, I suspect a snail mail letter will not arrive on time.

I apologize for being unable to attend your Council meeting. I do not have a caretaker for my wife, who has severe Alzheimer's.

Here are some of the reasons that the City should support the SWRCB in establishing minimum unimpaired flow to the Delta:

1. It is the right thing to do;
2. Palo Alto has proven itself capable of doing well in spite of the two most serious droughts in our history;
3. Mediation of Delta issues is a fraud, being suggested to prevent action that actually can address our water problems.
4. This issue is important enough that it should be publicly discussed in the future.

Some elaboration:

1. It is the right thing to do!!!

Palo Alto justifiably feels it is a very environmentally friendly city. We all know that the state's most important natural asset is severely compromised- **the** Delta and Central Valley, which gets **50%** of the waterflow in the state. Yet, San Joaquin Valley water interests have taken so much water out of the **upper** San Joaquin River that it did not reach its intersection with the Merced River for 50 years. do we want that for the entire Sacramento- San Joaquin system?

I grew **up** in Sacramento, and my father was Chief Engineer for the Central Valley Regional Water Quality Board from 1956-70. He was also an avid fisherman, and we went out on the Delta and Central Valley streams on weekends. In 1964, my college roommate introduced me to water skiing on the Delta, which was then entirely freshwater. I have seen the destruction of the Delta first hand. Fish, animals, and plants have disappeared.

In 1979-84, I commuted to Sacramento to head a state environmental department. I was shocked to learn that the freshwater habitat of the Delta was being annihilated by salt. Prior to the export of water from streams, saltwater only reached Antioch. By 1979, it was up to Rio Vista. The Delta evolved in freshwater, and now it **has too much** salt.

The Public Trust doctrine in the California Constitution requires natural resources to be managed to benefit all Californians. In 1982, the SWRCB required the City of Los Angeles to reduce its diversion from the six creeks flowing into Mono Lake. The courts upheld this requirement, which includes maintaining the lake's level in low water years, and increasing it in high rainfall years. Does this sound similar to the Delta?

We can accomplish restoring the Delta.

2. Palo Alto has proven itself capable of doing well in spite of the extraordinary 1976 and 2016 droughts.

When I took California Geography at UC Davis, my professor described the Bay Area and Central Valley as deserts. "Drought" is actually a permanent condition here, and we should institute permanent programs to conserve water and increase efficiency. In my opinion, the City has done a good job of that. As a result, the severe droughts have not had a serious effect on the City. For example, we have our groundwater available, and it was the City's water supply until the 1950s. We did not touch it in those really bad droughts.

The City is well enough off to give some of its water to East Palo Alto, an action universally approved by everyone that I know.

At the August 1 UAC meeting, staff told us that we have a surplus of recycled water. While the Stanford business park is about to use it, Stanford "resists" its use on campus. That is a lot of grass getting drinking water. Campus use of recycled water would make local streams much healthier. We have hardly touched other potentials, like graywater and stormwater runoff storage. Friends put tanks in their front and back yards to capture runoff on their own property. They find it meets all of their needs for watering their lawn in the front, and watering their fruits and vegetables in the backyard. You may recall that in June, California voters passed a measure to provide financial incentives to stormwater storage and use.

The point: Palo Alto is well placed to handle any of its water needs. The SWRCB action presents no threat to us.

### 3. Mediation.

As full time Chairman of the California Waste Management Board, I was the first government department in the country to use environmental mediation. All parties must agree, or mediation is meaningless. However, for 10 years mediation on Delta issues was attempted by President Clinton, his successor President Bush, and Governors Wilson, Davis, and Schwarzenegger. This was called the Cal-Fed process. Yesterday, Sunnyvale Councilman Gustav Larsson, chair of BAWSCA, e-mailed me "I must confess to not knowing about the Cal-Fed process. I read up on it and now appreciate what an utter failure it was."

Mediation is only being proposed as a ploy to avoid regulation by the SWRCB.

### 4. Having an open process in Palo Alto.

In my opinion in my few years on the UAC, there have been a lot of agenda items that are a lot less significant than the City's role in water. The SWRCB regulatory policy began a few years ago, yet nothing was brought to the UAC or Council. In 2016, city staff sent the SWRCB a letter without UAC or Council involvement. Similarly, with the final day of comment being Wednesday, Aug. 22, no item was agendized until I commented on it at the UAC on August 1.

Unfortunately, water experts who think they know more than us have used this strategy for a long time. Out of sight is out of mind. Basically, in 1982, the Sierra Club and other environmental groups referenced **an attempt** to divert even more water from the Delta. The project, called the Peripheral Canal, lost by 58%, and our county voted against it 92-8. **In 2016, 75% of Palo Altans voted to tax themselves to help restore the baylands (Measure AA).** Simply put, I believe the public wants the Delta restored and sustained.

Palo Alto has engaged, well educated residents. We have found that the public airing of issues provides better results than hidden actions by staff. Trying to hide things does not work.

While I could argue the point all day, you are spared that. I ask only that you do the right thing, and support the SWRCB in establishing minimum flows of unimpaired water in the Central Valley.

Terry A. Trumbull  
Lecturer, Environmental Law and Policy  
San Jose State and Santa Clara Universities

**Carnahan, David**

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**From:** Michael Frost <mr.michaelfrost@gmail.com>  
**Sent:** Friday, August 17, 2018 4:54 PM  
**To:** Council, City  
**Subject:** Support for the Bay Delta Water Quality Control Plan

Dear Palo Alto City Council,

Please do not adopt a position in opposition to the Bay Delta Water Quality Control Plan!

Putting this incredibly important item on the consent calendar without a proper public discussion cuts to the core of our democracy (in a negative way)!

Nothing is more important than water in CA. Fish are a leading indicator of the health of this region. A Delta that can't support native fish cannot supply clean drinking water, clean ground water, or safe irrigation water. The algae blooms that so recently wreaked havoc in Florida can also happen here. There are no jobs on a dead planet. Palo Alto is a world leader in environmentalism.

Please give the public a proper chance to discuss/debate this position.

Please support the State Water Board's proposal, which aims to achieve the co-equal goals of ensuring a reliable water supply AND protecting and restoring the environment. We can have both! — [https://www.youtube.com/watch?v=pL\\_INODOxsI&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsI&feature=youtu.be).

The 2009 Delta Reform Act, which established the State's co-equal goals and initiated the current update to the Bay Delta Plan, was authored by former Palo Alto Mayor and current County Supervisor, Joe Simitian when he served in the State legislature.

Thanks,

Michael Frost  
650-793-0654

Sent from my iPhone

**Carnahan, David**

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**From:** Peter Drekmeier <peter@tuolumne.org>  
**Sent:** Saturday, August 18, 2018 10:23 AM  
**To:** Council, City  
**Cc:** Keene, James; Shikada, Ed  
**Subject:** TRT Response to CM Tanaka Question  
**Attachments:** Attachment D.pdf

Dear Mayor Kniss and City Council Members:

The Tuolumne River Trust and our supporters are grateful to the City for taking up the issue of the Bay Delta Water Quality Control Plan, and moving the item from the consent calendar to the action agenda for Monday's meeting. Thank you very much!

You may wonder why we care so much about your opinion on this issue. The reason is that the Bay Delta Plan is one of the most profound environmental issues facing the Bay Area, and yet it has never been properly vetted in a public forum. Astonishingly, the SFPUC has discussed this issue in public only once, way back in January of 2017. As a result of pressure from environmental organizations, they have now scheduled a public hearing on August 28, a week after the State Water Board hearing. Meanwhile, the SFPUC has discussed the issue several times in closed session — we don't know how many times because their agendas are vague (they list a California legal code, but say nothing about the Bay Delta Plan). The process has not been transparent.

Unfortunately, City of Palo Alto staff have fallen into the same pattern as others, and just repeat information they receive from BAWSCA and the SFPUC, without any of their own analysis. And they have ignored information we have shared, which is backed up by facts and figures. For the first time, we have a jury — the Palo Alto City Council — who will determine which side has a more convincing case. We greatly appreciate you taking on this role!

I will be responding to staff's responses to questions from Council, starting with Council Member Tanaka's question.

**CM Tanaka:** Does endorsing this mean we endorse cutting Palo Alto's water usage by roughly 50% as the plan goals state (to increase flows on the Tuolumne River by 40%)?

**TRT Response:** Staff's response just repeats the SFPUC/BAWSCA line, without any explanation. Council deserves a much better answer. Here it is.

The Bay Delta Plan would increase unimpaired flows (what would exist in the absence of dams and diversions) in the Tuolumne River from an average of 21% between February and June to 40%. Over the course of a year, this would result in 14% more unimpaired flow in the River. The additional releases would be the responsibility of the Modesto and Turlock Irrigation Districts and the SFPUC.

TRT has modeled what would happen if water demand rebounded to pre-drought levels (223 million gallons per day [mgd]), the Bay Delta Plan's 40% of unimpaired flow were in place, and we faced a reoccurrence of the six-year drought of record (1987-1992). We assumed there would be no rationing in years one and two (since we wouldn't know we were in a drought), 10% rationing in years three and four, and 20% rationing in years

five and six. Our model showed that the SFPUC could manage the drought with water left over in storage. I attach a description of our model.

The SFPUC has accepted our model as accurate. However, the SFPUC is planning for an 8.5-year “design drought,” which combines the two worst droughts of the latter half of the last century — 1987-1992 followed immediately by the driest two-year period on record, 1976-77. The figures they present are based on 2040 demand projections, not their own (250 mgd) but assuming Plan Bay Area growth projections are accurate (265 mgd). The SFPUC treats every year as if it were the beginning or middle of their design drought, so according to their policy, even if all of their reservoirs were full (enough water to last six years under pre-drought demand), they would begin rationing almost immediately. This is how they come up with the figures presented by staff. Their figures could be anything, depending on the drought horizon they embrace.

If the SFPUC implemented its rationing policy under the circumstances we modeled (223 mgd demand and 40% of unimpaired flow), they would end up with 576,000 acre-feet of water in storage at the end of the six-year drought of record, and then their reservoirs would fill, as they did following the 1987-1992 drought. To put this in perspective, 223 mgd equals 250,000 acre-feet per year). Therefore, the SFPUC would end up with more than two year’s worth of water in storage, and the extreme rationing they would have required would have been unnecessary.

So, the question is whether it's prudent to plan for a drought that combines the two worst droughts from the latter part of the last century, even if such a policy leads to the total collapse of the Tuolumne and Bay-Delta ecosystems.

I would hope we all would say no. Especially given the fact that we have a huge buffer against drought in the form of agricultural water. Like the State average, about 80% of the developed water (that which is used by humans) from the Tuolumne is used for agriculture, and 20% goes to urban use in the Bay Area. Palo Alto purchases water from the SFPUC at about \$2,200 per acre-foot. Farmers in Stanislaus County purchase Tuolumne River water for about \$20 per acre-foot. Even considering the multiplier effect (production of crops makes up 29% of the total value, and labor, processing and distribution the rest), the total value of an acre-foot of water in an agricultural community is less than what Palo Alto pays for water from the SFPUC. In other words, we could pay an irrigation district enough to compensate farmers, laborers, processors and distributors exactly what they would have made from the water (and they wouldn't have to do any work), at a price that is less than what we pay the SFPUC.

Would an irrigation district sell us water? The only other time the SFPUC needed to buy water was during the 1987-1992 drought (when conditions for the SFPUC were very different than they are today, which I will explain below). The SFPUC was successful at purchasing water. And now we have dramatically improved interties between water agencies, allowing even more potential water transfer partners. Even if the irrigation districts were to act against their own financial self-interests, and refused to sell water to the SFPUC just to spite them, the State would step in and facilitate a sale. The State would never allow the Bay Area to go dry. Agriculture contributes only 2% of the State economy. Compare that to the economies of San Francisco and Silicon Valley.

Here's the difference between conditions during the 1987-1992 drought and today: 1) heading into 1987, water demand was at its highest ever (290 mgd, compared to 175 mgd in 2016 or 200 mgd this year); 2) Cherry Lake, the SFPUC's second largest reservoir (75% of the capacity of Hetch Hetchy) had to be drained for maintenance in 1989; and 3) the SFPUC adopted a “Water First” policy after the 1987-1992 drought, which prioritizes water supply over hydropower generation. As mentioned above, if the drought of record were to reoccur and the Bay Delta Plan were in effect, we would not need to purchase any additional water.

Bottom Line: The SFPUC could manage a repeat of the drought of record, even if the Bay Delta Plan were in effect. If we experienced a drought worse than any we've ever seen, the SFPUC could purchase water from an irrigation district at a reasonable price. The alternative — embracing the SFPUC/BAWSCA position — would lead to further collapse of the Tuolumne and Bay-Delta ecosystems. Keep in mind that in an average water year, the SFPUC currently has the right to capture 750,000 acre-feet of water from the Tuolumne (this doesn't include water from Bay Area watersheds), but only uses 250,000 acre-feet per year at pre-drought demand. So even one or two normal years in the middle of an extended drought would lead to a considerable rebound in storage.

I would be happy to answer any questions or provide documentation for the information provided above.

More responses to Council questions will be forthcoming as time permits on this beautiful Saturday.

Thank you again for taking this issue seriously.

-Peter

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Peter Drekmeier  
Policy Director  
Tuolumne River Trust  
[peter@tuolumne.org](mailto:peter@tuolumne.org)  
(415) 882-7252

## TRT Models for SED Impact on SFPUC if Drought of Record Reoccurred

The attached spreadsheets model how the SED (40% unimpaired flow from February-June) would affect the SFPUC if the six-year drought of record (1987-1992) were to reoccur in the near future and in 2040. To the best of our ability, we used SFPUC figures and assumed the following:

- Total demand on the Regional Water System is 223 mgd (250 TAF/y) in 2018 (based on pre-drought demand), and 250 mgd (280 TAF/y) in 2040 based on updated demand projections.
- The SFPUC's Water First Policy (implemented after the 1987-92 drought) is in effect.
- The 1995 FERC instream flow requirements are in effect.
- System storage at the beginning of the drought starts at 1,517 TAF (1,613 TAF going into 1987 minus 96 TAF of dead storage).
- The SFPUC is responsible for 52% of increased instream flow per the 4<sup>th</sup> Agreement.
- Calculations do not include SED drought off-ramps, which would reduce unimpaired flow requirements during extended droughts.
- Rationing is 0% in the first two years of drought (because no one knows it's a drought yet), 10% in years three and four, and 20% in years five and six.

While these models reflect most SFPUC assumptions, we believe alternative scenarios also should be considered. Factors that would influence the outcome of these models include:

- Rationing levels (when does rationing begin, and what is the percentage per year?).
- Percentage of unimpaired flow required (SED suggests 30%-50%).
- SFPUC's obligation for percentage of unimpaired flow (does the 4<sup>th</sup> Agreement apply?).
- New water supplies and/or conservation measures brought online.

Column headers are as follows:

- A. Water year.
- B. Total annual unimpaired flow (SFPUC figures).
- C. Unimpaired flow from Feb.-June (SFPUC figures)
- D. 40% of Feb.-June unimpaired flow.
- E. Actual flow (after capture and diversions) in the lower Tuolumne from Feb.-June (Irrigation Districts are responsible for these releases).
- F. Lower Tuolumne releases required from Feb.-June based on 1995 FERC order (figures provided by Spreck Rosekrans). Irrigation Districts are responsible for these releases.
- G. Additional flow required by the Bay Delta Plan (D minus F).
- H. SFPUC's obligation for increased flow (52% of G based on 4<sup>th</sup> Agreement).
- I. "SFPUC Demand" is based on the following rationing formula: Y1=0, Y2=0, Y3=10%, Y4=10%, Y5=20%, Y6=20%.
- J. "Other Losses" include flood control releases, evaporation and other losses.
- K. "Total SFPUC Loss" is the sum of their new downstream flow obligation (H), SFPUC demand (I) and other losses (J).
- L. Water available to the SFPUC from the Tuolumne River (figures provide by Spreck Rosekrans).
- M. Water available to the SFPUC from Bay Area watersheds (SFPUC figures).
- N. Local groundwater available to SFPUC.
- O. Total water available to the SFPUC (L+M+N).
- P. "Net Reduction" is "Total SFPUC Loss" (K) minus water available to SFPUC (O).
- Q. Remaining system storage (Tuolumne and Bay Area) following each water year.

## TRT Models for SED Impact on SFPU C if Drought of Record (1987-1992) Reoccurred

Water Demand at 223 MGD (250 TAF)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
Year	Total UF	UF Feb-June	40% UF Feb-June	1D Releases	1995+ Releases	Feb.-June Actual	Feb.-June FERC	Additional Releases (D-F)	SFPUC Share (52% of G)	SFPUC Demand	Other Losses	Total SFPUC Loss (H+I)	SFPUC Capture	Bay Area Capture	Groundwater	Total Capture (L+M+N)	Net Reduction (K-Q)	Usable Storage (Start at 1517)
1987	656	589	236	84	50	186	97	250	220	567	85	4	0	89	478	1039		
1988	621	632	253	31	59	194	101	250	38	389	31	3	8	42	347	692		
1989	1,312	1,184	474	30	106	368	191	225	33	449	394	2	8	404	45	547		
1990	843	585	274	36	59	215	112	225	31	368	64	4	8	76	292	355		
1991	1,099	987	395	51	77	318	165	200	28	393	291	19	8	318	75	280		
1992	835	674	270	49	59	211	110	200	28	338	70	40	8	118	220	60		
TOTAL	5566	4751	1902	281	410	1492	776	1,350	378	2,504	935	72	40	1047	1457	50		

### Water Demand at 250 MGD (280 TAF)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
Year	Total UF	UF Feb-June	40% UF Feb-June	ID Releases	Feb-June Actual	Feb-June - FERC	1995+ Releases	Additional Releases (D-F)	SFPUC Share (52% of G)	SFPUC Demand	Other Losses	Total SFPUC Loss	SFPUC TR Capture	Bay Area Capture	Groundwater	Total Capture	Net Reduction	Usable Storage (K-0) (Start at 1517)
1987	656	589	236	84	50	50	97	280	220	597	85	4	0	89	508	1009	1009	
1988	821	632	253	31	194	101	280	38	419	31	3	8	42	377	632	560	560	
1989	1,312	1,184	474	30	106	368	191	252	33	476	394	2	8	404	72	319	241	241
1990	843	685	274	36	59	215	112	252	31	395	64	4	8	76	318	99	142	142
1991	1,099	987	395	51	77	318	165	224	19	417	291	19	8	318	8	244	102	102
1992	835	674	270	49	59	211	110	224	28	362	70	40	8	118	244	102	102	102
TOTAL	5566	4751	1902	281	410	1492	776	1,512	378	2,666	935	72	40	1047	1619			

**Carnahan, David**

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**From:** Peter Drekmeier <peter@tuolumne.org>  
**Sent:** Saturday, August 18, 2018 1:11 PM  
**To:** Council, City  
**Cc:** Keene, James; Shikada, Ed  
**Subject:** TRT Response to CM Kou's Questions  
**Attachments:** Agreement - Supporting Districts on Flows.pdf

Dear Mayor Kniss and Council Members:

Please find below TRT's responses to staff responses to Council Member Kou's questions about the Bay Delta Water Quality Control Plan.

**CM Kou:** The Tuolumne River Trust provided information that is different from the staff report. Has staff found any factual errors in the TRT video?

— [https://www.youtube.com/watch?v=pL\\_INODOxsI&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsI&feature=youtu.be)

**Staff Response a:** TRT: SFPUC's analysis of the Bay Delta Plan falsely characterizes the anticipated water supply impacts.

SFPUC's analysis is correct. It considers an appropriate design drought (longer than has been observed in the past but realistic given climate change). TRT represents accurately that several other agencies only plan for the minimum drought required by the State, which up until recently was a 3-year drought. TRT neglects to mention that the new State Urban Water Management Plan requires a minimum 5-year drought plan. Given climate change and the high consequences of losing water supply in an extended drought, staff has traditionally been comfortable with the SFPUC's 8.5 year standard for drought planning.

**TRT Response:** I addressed the design drought in my previous email, but I will comment on a couple of other points here.

There's a big difference between planning for a five-year drought vs. an 8.5-year drought. The SFPUC's design drought is 41% longer than what the State requires. Is it worth allowing the Tuolumne and Bay Delta ecosystems to collapse for this additional insurance, especially given my earlier comment about the ability to purchase agricultural water at a reasonable cost?

The SFPUC adopted its design drought before climate change was a major issue, and the design drought did not include an analysis of how climate change might impact water supply. There is general consensus that as a result of climate change, more precipitation will fall as rain, and less as snow, shifting runoff to earlier in the season. Current thinking is that we will experience greater swings from year to year, some drier and some wetter. The SFPUC, with 1.458 million acre-feet of storage capacity in its reservoirs (enough to last six years), is much better prepared to capture water in wet years for use during dry years than almost any other water agency.

Climate change will have some negative and some positive impacts on SFPUC water supply. The negative impacts are more obvious, but I will point out two positive impacts.

1) The SFPUC has junior water rights to the Modesto and Turlock Irrigation Districts. The Raker Act, which gave the SFPUC the right capture and divert water from the Tuolumne, guarantees the Irrigation Districts the first 2,400 cubic feet per second (cfs) flowing down the River for most of the year. Between mid-April and mid-June (peak runoff from snow melt), the IDs have the right to the first 4,000 cfs. As peak runoff shifts to earlier in the season, more of it will occur during the time period when the SFPUC has the right to capture flows above 2,400 cfs, significantly improving their water rights.

2) 2017 was the second wettest year on record in the Tuolumne River watershed, but yielded the highest runoff on record. This is because climate change has had a serious impact on forest health, contributing to the 2013 Rim Fire that burned 20% of the Tuolumne watershed. With less vegetation taking up water, more runs off into the River. In fact, some water agencies thin trees in their watersheds to increase runoff. While tragic for forest health, climate change will lead to greater runoff, which will increase water supply.

**Staff Response b:** TRT: The economic study prepared by SFPUC's expert has been "debunked."

The author of the study is an expert in the field, and the study accurately predicted how the region responded to the most recent drought. Due to the State-mandated water use reduction (16% average across the region), agencies focused of reducing residential and dedicated irrigation customers, and almost no water use reductions were required from businesses. Depending on the BAWSCA agency, reductions of more than 20-30% will require water rationing by commercial and industrial customers that translates into reduced economic output and job losses. A mandatory water use reduction of 50% would significantly impact all customers. It should also be noted that the economic study is separate from the SFPUC's modeling of dry-year water supply impacts. This model showed that , at normal water demand levels, 40-50% rationing could be necessary during dry years. Even at current depressed water usage levels, 20-30% rationing would be required in a dry year. The number of dry year shortages would double or triple from the existing projected number of 1 in every 10 years to 2 or 3 in every 10 years.

**TRT Response:** Again, per my previous email, the numbers cited in staff's response are arbitrary, depending on how long of a drought the SFPUC is planning for and demand projections. We met with Dr. Sunding, who conducted the SFPUC's socioeconomics studies, and asked him where he got his rationing figures, specifically, whether he used figures from the SFPUC's design drought. He said, no, he did not use the design drought figures. SFPUC staff then corrected him and confirmed that the figures they provided were based on the design drought.

In December of 2016, I was invited to present a workshop before the State Water Board on the SFPUC's socioeconomics study. My presentation is posted at <https://www.youtube.com/watch?v=FJQ5RhdU6vY&feature=youtu.be>. It was well-received by the Water Board.

Then in January of 2017, the SFPUC had its own opportunity to present a workshop to the Water Board. They did not mention a thing about socioeconomic impacts. At the end of their presentation, one Board member mentioned that she was surprised they didn't bring up economic impacts (which she added had become very controversial) given they had been the primary focus of the SFPUC's comments during the last round of hearings. She asked if the SFPUC had any comments about socioeconomic impacts. SFPUC staff shuffled around a bit and then said they were updating their study and would submit it with their written comments.

What does it tell you that the SFPUC did not address its socioeconomics study in front of a sophisticated audience that was prepared to ask questions?

Between 2006 and 2016, water demand in the SFPUC territory dropped by 30%. According to the SFPUC study, this should have resulted in the loss of 25,000 jobs and \$7 billion dollars. To the contrary, between 2010 and 2015, 125,000 jobs were added in San Francisco alone and the Bay Area economy grew stronger than ever. Between 2010 and 2016, in San Francisco and San Mateo Counties (which receive almost all of their water from the SFPUC, and make up two-thirds of its customers) jobs increased by 27% while water demand decreased by 23%.

How can staff possibly claim that "the study accurately predicted how the region responded to the most recent drought."?

**Staff Response c:** TRT: The SFPUC has a contractual obligation with the irrigation districts to support their position of fish flow matters.

No such contractual obligation exists. The contract cited by the TRT pertained to an expired FERC license for Don Pedro Reservoir, a facility in which the SFPUC holds some storage capacity. The obligation does not pertain any SRWCB proceedings, the current FERC re-licensing proceeding, nor future FERC re-licensing proceedings.

**TRT Response:** I attach the 1995 Agreement between the SFPUC and the Modesto and Turlock Irrigation Districts.

Point 7 reads: "The City agrees to support the Districts' negotiating position regarding volumes of water to be provided for fish flows during the FERC mediation process and during any proceedings before FERC relating to that fish flow issue.

The State Water Board is required to provide a water quality certification as a condition of the relicensing of Don Pedro Dam (owned and operated by the Irrigation Districts). The Board's decision on instream flow requirements coming out of the Bay Delta Water Quality Control Plan will serve as the foundation for their water quality certification, so it is directly related to FERC (Federal Energy Regulatory Commission) relicensing of Don Pedro.

The Irrigation Districts received their initial license for Don Pedro Dam in 1966, and the relicensing process began in 2011. The Draft Environmental Impact Statement is expected to be released this fall or winter. I don't know why staff refers to an expired license. A dam cannot be operated without a license.

A more important contract between the SFPUC and Irrigation Districts is referred to as the 4th Agreement, which dates back to the 1960s. Among other things, it obligates the SFPUC to produce 51.7% of any increase in instream flow required by the Federal Power Commission (now FERC). It is silent on flows required by the State Water Board. Despite this, the SFPUC has assumed the 51.7% figure applies to the Bay Delta Plan, and has used the figure in all of its impact analyses, as have we to compare apples to apples. If the SFPUC's share of instream flow requirement were proportional to its diversions, it would only be responsible for 20% of the new flow requirement.

The 4th Agreement states: "That at any time Districts demonstrate that their water entitlements, as they are presently recognized by the parties, are being adversely affected by making water releases that are made to comply with Federal Power Commission license requirements, and that the Federal Power Commission has not relieved them of such burdens, City and Districts agree that there will be a re-allocation of storage credits so as to apportion such burdens on the following basis: 51.7121% to City and 48.2879 to Districts."

As I mentioned above, the Agreement does not mention requirements coming from the State Water Board.

The 1995 Agreement states: "This Agreement shall, unless sooner terminated or modified by mutual agreement, extend for the remaining term of the FERC license for the Don Pedro Project (FERC No. 2299), including any annual licenses."

This Agreement references the FERC license, but only with respect to the term of the Agreement. It does not specify that the Agreement applies only to FERC.

Therefore, if the 1995 Agreement does not apply to the Bay Delta Water Quality Control Plan, as the SFPUC contends, then the 4th Agreement shouldn't apply either. If this were the case, the SFPUC's obligation to provide 51.7% of any increase in instream flow would not apply, which would dramatically change their economic impact analysis.

**Staff Response d.** TRT: Water can be purchased from other sources, such as agricultural districts, at a reasonable price to make up for shortfalls during a drought.

Since 2001 both BAWSCA and the SFPUC have sought to enter into water transfers, specifically to address dry year needs. To date those efforts have been unsuccessful. Parties, including the TRT, have opposed water transfers in the past.

**TRT Response:** As mentioned in my previous email, the only time the SFPUC needed to purchase water from another agency was during the 1987-1992 drought, and they were successful.

In 2012, the SFPUC attempted to enter into a water transfer (sale) with the Modesto Irrigation District (MID). At the beginning of negotiations, four of the five Board members supported the sale. The negotiated price was \$700 per acre-foot, but it would have been a take-or-pay contract, so the SFPUC would have had to pay for the water whether they used it or not. The SFPUC estimated they might need the water in one out of five years, so the actual cost of water used would have been \$3,500 per acre-foot, a burden to be picked up by ratepayers.

The SFPUC did not need the water at the time, nor during the drought, nor in the foreseeable future. They were planning ahead to a time when water demand in the SFPUC service territory neared 265 mgd.

A number of farmers in the MID service area opposed the water transfer because it would have been long-term, not limited to a drought year or two, and they opposed giving up water to an outside entity. They eventually convinced a majority of the MID Board to oppose the plan.

In a situation in which the SFPUC really needed water on a short-term basis, negotiations would have been very different. If need be, the State would step in to facilitate a sale.

**Staff Response e:** TRT: The SFPUC opposed the Bay Delta Plan because they are planning for massive development driven by Plan Bay Area.

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The SFPUC is not a land use management agency. The SFPUC does not rely on Plan Bay Area but on the growth projections provided by the individual land use management agencies. It should be noted that, even at current depressed water usage levels, 20-30% rationing would be required in a dry year.

**TRT Response:** SFPUC/BAWSCA internal projections have estimated that water demand would be 250 mgd by 2040. However, in its analyses the SFPUC uses 265 mgd for 2040 based on Plan Bay Area. Plan Bay Area forecasts the addition of 600,000 new people to the SFPUC service territory by 2040. I had an op-ed related to this issue published in last Thursday's SF Examiner — <http://www.sfexaminer.com/prioritizing-san-franciscos-water-supply/>

Thank you again for taking the time to learn more about this important issue before deliberating on Monday night.

-Peter

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Peter Drekmeyer  
Policy Director  
Tuolumne River Trust  
[peter@tuolumne.org](mailto:peter@tuolumne.org)  
(415) 882-7252

## AGREEMENT

The City and County of San Francisco (the "City") and the Modesto Irrigation District and the Turlock Irrigation District (collectively the "Districts") agree as follows:

1. This Agreement shall, unless sooner terminated or modified by mutual agreement, extend for the remaining term of the FERC license for the Don Pedro Project (FERC No. 2299), including any annual licenses.
2. The Districts will provide all of the water required to satisfy the minimum flow schedules set forth in that certain settlement agreement agreed to by the Districts and the City in the FERC proceeding in Docket No. P 2299-024.
3. In consideration of the payments contemplated in this agreement, the Districts agree, prior to offering water for sale to any out-of-basin entity, to make a good faith offer to the City to sell the water on reasonable, mutually agreeable terms and conditions whenever the Districts, or either of them, determine that water is available for sale.
4. The City will pay the Districts, in equal monthly payments, the sum of \$3,500,000 per year. The first year shall begin and the first payment shall be due and payable on the first day of the first month after the earlier of (a) the effective date of the FERC action ordering the new instream flows or (b) the date when the new instream flows are provided by the Districts, but in no event earlier than October 1, 1995. Interest on past due sums shall accrue at the rate specified in 18 C.F.R § 35.19(a). Up to one-half of the first year's payment may be financed by the Districts at a rate of 8 percent per annum amortized over a period of three years, payable monthly in 36 equal installments.
5. The payments due for the sixth year under this Agreement and each year thereafter shall be adjusted to reflect the GDP Deflator index for the most recently available twelve calendar months maintained by the United States Department of Commerce or similar index in the event that index is discontinued.
6. The City may discontinue payments to the Districts provided for in Paragraph 4 on the fifth Anniversary Date or any time thereafter, provided that it has given the Districts not less than one year's prior written notice of such intent. The City in such notice of intent shall state the volumes of water they will provide under each of the water year classifications under Article 37 of the FERC license. On such discontinuance the City shall thereafter meet its obligations under Article 8 of the Fourth Agreement. In the event of a dispute under this paragraph, the City will deposit the payments which would otherwise have been due in the absence of the City's notice of intent into an escrow account until such time as the dispute is resolved.. The City and/or the Districts shall be awarded such portion of the amount in the escrow account as is consistent with the resolution of the dispute under Article 8. In the event of a dispute under this Paragraph, the Districts shall not be required pursuant to Article 8 to seek modification by the FERC of the water release conditions set forth in the Settlement Agreement minimum flow schedules before seeking resolution of the dispute. Pending the resolution of such dispute, the Districts will continue to provide all flows as specified in paragraph 2 above.

7. The City agrees to support the Districts' negotiating position regarding volumes of water to be provided for fish flows during the FERC mediation process and during any proceedings before FERC relating to that fish flow issue.

8. The undersigned agree that this Agreement is subject to approval of their respective governing bodies. The undersigned further agree that they shall recommend approval to such governing bodies, and shall exert best efforts to obtain such approvals in an expeditious manner.

9. The Districts and the City agree that they will cooperate in good faith and expeditiously to develop additional standard contract language to be incorporated in this agreement consistent with the above terms and conditions.

Executed this 21st day of April, 1995.

CITY AND COUNTY OF SAN FRANCISCO

MODESTO IRRIGATION DISTRICT

OBrien

Allen Shurtliff

TURLOCK IRRIGATION DISTRICT

Paul Stoeck

**Carnahan, David**

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**From:** Mary Holzer <mbholzer@gmail.com>  
**Sent:** Saturday, August 18, 2018 1:26 PM  
**To:** Council, City  
**Cc:** Keene, James; Shikada, Ed  
**Subject:** San Joaquin Delta Restoration  
**Attachments:** TRT Comment Letter on Final SED.pdf

Dear Palo Alto City Council Members,

I much appreciate that you have decided to pull the Staff report supporting a Bay Delta Plan Negotiated Settlement from the consent calendar to open up the topic for public discussion. It's very important for Palo Alto citizens to be able to weigh in on the State Water Board proposal, a proposal which proposes to ensure a reliable water supply as well as protecting and restoring the environment for the Chinook Salmon.

The alternative proposal by the SFPUC to the State Water Board is highly flawed in its proposals to salvage the Chinook Salmon population and to manage our water supply. It proposes primarily non-flow measures - habitat restoration and predator control. It fails utterly to recognize that such non-flow mitigation efforts have been failures. Since 1995, the various Irrigation Districts have tried to enable recovery for the Chinook without increasing stream flow, and the numbers have decreased. The attempt to physically increase salmon habitat has not worked, nor has the attempt to reduce predators by filling in a gravel pit that was a habitat for the large-mouth bass. That merely allowed another predator to flourish - the small-mouthed bass. They have also failed to protect genetic distinction.

The staff report ignores evidence from research that has already been done on the failure of current Delta habitat restoration (see my discussion below and the attached Tuolumne River Trust letter). There are other options than throttling river flow for managing the water crisis bearing down on us as global warming spirals up and up - desalination plants for a start. And a radical suggestion - actually do something Bay Area wide about limiting growth of jobs and population in an area which is essentially a desert. Start telling the tech companies to build branches elsewhere in cities that have sufficient water and need jobs. Start telling the farmers in the valley who want the water diverted to them to grow crops that aren't almonds and rice. And actually DO something about transportation that is not powered by internal combustion engines.

I encourage you to support the State Water Board proposal. [https://www.youtube.com/watch?v=pL\\_INODOxsI&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsI&feature=youtu.be).

Regards,

Mary Holzer

More information: - yes I know this is from 2008 but worth reading.  
[http://www.riverpartners.org/news-and-events/newsletters/200803\\_ChinookSalmon.html](http://www.riverpartners.org/news-and-events/newsletters/200803_ChinookSalmon.html)

Some background on Chinook Salmon decline:

Historically, California's patterns of water flow and mountain/valley/delta ecosystems supported the evolution of different races or runs of Pacific salmon populations. Separated by when in the year they enter the Delta, these runs and their reproductive cycles can be quite different and thus can be dramatically affected by man-made alterations in the rivers and the Delta.

Case in point - - - Spring-run Chinook salmon, historically the most abundant salmon in the San Joaquin River system, have disappeared from the San Joaquin River and its tributaries - Stanislaus, Tuolumne and Merced Rivers. The life cycle

of these Salmon included migration up the tributaries as the snow melted in Spring, the existence of deep, cold pools where they spent the Summer, spawning in the early Fall. Dams on the rivers put an end to this Chinook salmon variety in the San Joaquin River system.

Fall-run Chinook survived because they migrate in Fall and spawn in lower elevation spawning beds, thus have continued to exist because their historic breeding areas are not cut off by the dams. However this does not mean that they are not in trouble. Because of severe flow reduction and the consequent degradation of the river/spawning habitats, their numbers have plummeted over time from multiples of tens of thousands to, in the Tuolumne River, barely 100. Clearly this species is headed for extermination unless something is done to remedy the situation.

Although survival of the Chinook salmon is based on more than one restoration strategy, the primary factor is the establishment of a much higher level of unimpaired flow in the San Joaquin River basin. The State Water Board proposes a level of 40% in future operation of the Bay/Delta water systems.

To understand why that level of flow is necessary it is important to realize that factors besides the river channel and some level of water flow in that channel that is necessary for salmon to spawn.

- Salmon require clear, high-quality, high oxygen, cold-water environments in which to spawn. Low-flow environments have warmer, less oxygenated and cloudy, sediment filled water, which inhibits spawning.
- Fed and flushed by Spring run-off, the spawning ecosystem spreads out widely from the river into the adjacent off-channel floodplain habitats where the young fish hatch and grow to the point of migration to the ocean. The flushing action of heavy spring flow is important not only for high water quality, but the strong, cold flow flushes out predator fish - large- and small-mouth bass that feed on salmon eggs and offspring. These predators require warm water and low water velocities to reproduce, a condition encouraged by low, warm spring flow.

Other factors:

- It is important to encourage and support the growth of native, stream-side vegetation on the banks surrounding the flood plain, thus providing more complex physical habitat structure, with more organic inputs and creating a better overall physiological habitat.
- Realization that the reduction in the Chinook numbers and contraction of the spawning areas puts the species at a high risk of extinction from a single catastrophic event like a single landslide.
- Reduction of population diversity (because the spawning population and thus population diversity is so low) can affect Chinook behavior (the ability to function in a wider array of environments) as well as reduction in genetic diversity, limiting the ability to survive changes in the environment - e.g. global warming. Which has consequences for food sources.

Finally . . . read the Tuolumne River Trust letter.

**Carnahan, David**

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**From:** James Cook <jamesfelixcook@yahoo.com>  
**Sent:** Monday, August 20, 2018 6:31 AM  
**To:** Council, City  
**Subject:** Please support the State Water Board's proposal for the Bay Delta Water Quality Control Plan.

I want the City Council to deny the staff recommendation and instead support the State Water Board's proposal for the Bay Delta Water Quality Control Plan.

Thank you!

James  
730 College Ave

**Carnahan, David**

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**From:** Virginia Smedberg <virgviolin@hotmail.com>  
**Sent:** Sunday, August 19, 2018 10:27 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Dear Palo Alto City Councilmembers:

As a fellow resident of this city, I am writing to request that you look carefully at all of the information provided by the Tuolumne Trust, which gives good reasons for supporting the State Water Board's proposal for the Bay Delta Water Quality Control Plan. The river has to be allowed to survive as a river over a long period of time. That is the reason the Tuolumne Trust was formed. Rivers have many purposes and uses. My reading of the staff's responses to the Trust's comments seems to indicate a less than complete understanding of the bigger picture on the part of the staff. I understand that they have many issues to consider. And it is unfortunate that so much of the discussion of these multiple and related issues has occurred behind some agencies' closed doors. But in this case I think the State Water Board has a better view.

Therefore I am asking that you deny the staff recommendation and instead support the State Water Board's proposal for the Bay Delta Water Quality Control Plan.

Sincerely,

Virginia Smedberg  
441 Washington Ave  
Palo Alto 94301

**Carnahan, David**

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**From:** Jim Kozelka <jim.kozelka@gmail.com>  
**Sent:** Sunday, August 19, 2018 9:12 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Dear City Council,

Please deny PA staff recommendation and instead support the State Water Board's proposal for the Bay Delta Water Quality Control Plan. Please vet this decision carefully and thoroughly to chose a truly sustainable path.

Best regards,

JK

Jim Kozelka  
146 Rinconada Ave,  
Palo Alto

**Carnahan, David**

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**From:** Brown, Jeffrey D. (ARC-TSS)[Analytical Mechanics Associates, INC.] <jeffrey.d.brown-1@nasa.gov>  
**Sent:** Sunday, August 19, 2018 6:18 PM  
**To:** Council, City  
**Subject:** PLEASE PULL ITEM ID# 9510 (Resolution Supporting a Bay Delta Plan Negotiated Settlement) from the August 20th Consent Calendar  
  
**Importance:** High

Dear City Council Members,

The issue of giving official City support to one of the two competing proposals directed at Tuolumne River restoration and Bay-Delta Ecosystem preservation is far too important to be addressed without public input and discussion, especially given the completely superficial discussions of them – by the Bay Area Water Supply & Conservation Agency and by the Palo Alto city staff – in your City Council packets. I urge you in the strongest possible way to pull this item from the August 20<sup>th</sup> Consent Calendar and schedule it for discussion as a regular agenda item at a future meeting.

Thank you,  
Jeff Brown  
660 Lincoln Avenue  
Palo Alto 94301  
(650) 328-7191

**Carnahan, David**

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**From:** William Reller <wereller@664gilman.com>  
**Sent:** Sunday, August 19, 2018 4:24 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

I do not support the SFPUC's position on the plan. It is very bureaucratic agency, not responsive to current water quality needs, care of the Tuolumne River, and other. Not in its mandate apparently.

I do not understand why city staff simply forwarded the proposal to council anticipating a rubber stamp.

The Tuolumne River Trust, which I have supported long term, has supported the position held by the State Water Board.

Thank you.

Thank you for your service to our community.

William Reller  
[wereller@664gilman.com](mailto:wereller@664gilman.com)

**Carnahan, David**

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**From:** Fred Nichols <fnichols56@gmail.com>  
**Sent:** Sunday, August 19, 2018 11:08 AM  
**To:** Council, City  
**Cc:** Fred Nichols  
**Subject:** SWRCB's proposed Bay Delta Plan

Hello members of the City Council: I was surprised to learn that the Council Staff has recommended that you support the position of The Bay Area Water Supply & Conservation Agency (BAWSCA) position on water development in the San Francisco Bay, Delta, and watershed rather than SWRCB's proposed Bay Delta Plan as written. I am a long-retired member of the community of scientists that for decades has been studying the physical, chemical and biological connections between the San Francisco Bay/Delta and its watersheds upstream. Over that same period we became aware that, looking forward, there is not going to be enough fresh water from this large watershed system to meet the ever increasing demands on that water. There is simply not enough free-flowing river water to go around now, and it will only get worse. Climate change is making the situation look bleak. Decision makers at all levels of government should be asking and answering the hard questions such as why we are growing the state's most water-intensive, but non-essential crops such as cotton, cattle feed, and even almonds that are mostly grown for export? How are we going to keep salt water from encroaching farther into the Delta and threatening local water supplies as a direct result of increased diversion of fresh water away from the rivers and estuary? It is the fresh water flow down the rivers and through the Delta that prevents this encroachment. Even if you are personally not very concerned about the destruction of the ecosystem of the Bay/Delta itself, these are some of the critical questions that you need to be asking before you think about supporting more water diversion. You should discuss these issues in public at your upcoming meeting before you prepare your findings. Thank you.

Fred Nichols  
Long-time Harker Avenue home owner and former P. A. Planning Commissioner

**Carnahan, David**

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**From:** Elliot Margolies <elliotspark@yahoo.com>  
**Sent:** Sunday, August 19, 2018 9:05 AM  
**To:** Council, City  
**Subject:** Remove Bay Delta Water Quality Plan from Consent Cal

Dear Mayor Kniss and Council Members,

Please remove the item regarding the Bay Delta Water Quality Control Plan from the consent calendar so that you can have a more comprehensive discussion on this critical environmental decision.

Global warming is forcing us to think long and hard about our water - and balancing the needs we have for it against the dramatic backdrop of sustainability.

Currently, only 21% of the Tuolumne's unimpaired flow reaches the San Joaquin River. Under the Bay Delta Plan, it would increase to 40% between February and June. Higher flows will improve fish migration, water quality, habitat viability and the salt-freshwater balance in the Delta.

I'm heartened by the levels of conservation that we citizens have gotten to in the wake of government policy shifts and think we can do even more if it is kept up as a priority. I'm very interested in farmers' efforts to explore growing less water-intensive crops and using new techniques for irrigation.

I think that staff may have over-estimated the ability of the various agencies and other parties to come to a quick negotiated policy consensus given their past inability to do so.

I urge your support for the Bay Delta Plan, but at least a more concentrated examination of this important decision.

In appreciation of your demanding work.  
Elliot Margolies  
3858 El Centro St.  
Palo Alto

**Carnahan, David**

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**From:** Geri <geri@thegrid.net>  
**Sent:** Saturday, August 18, 2018 5:24 PM  
**To:** Council, City; Keene, James; Peter Drekmeier; kbennett@luxsci.net  
**Cc:** A-MIKE BECHLER; Geri Mc Gilvray; IMOGENE AND ROCHARD HILBERS  
**Subject:** Re: item 5

Hello,

PLEASE support the BAY DELTA PLAN.

The TUOLUMNE river needs MORE natural flow in order to support any of the healthy wild creatures, trees and plants necessary for all species to survive.

Do not allow the SFPUC to  
Keep manipulating their habitat. Look what happened in Yellowstone when killing all the wolves caused the grazing deer to destroy all the vegetation there. Unbelievable!

Interconnected habitats  
are crucial to everything, everywhere.

Healthy water should flow into our bay.

Geri McGilvray  
EVERYDAY SAFETY and  
WALKABILITY, Midtown, Palo Alto  
Sent from my iPhone

**Carnahan, David**

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**From:** Paul Hammes <shalomnature@comcast.net>  
**Sent:** Saturday, August 18, 2018 5:13 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Dear City of Palo Alto Council,

Please hold a proper public discussion about the city's support or opposition to the State Water Board's Bay Delta Water Quality Control Plan. This should not be done behind the scenes as an item on the consent calendar! The council should hear from the public and the public should hear the reasons the council has for supporting or opposing this plan.

Thank you,  
Paul Hammes  
777 San Antonio Rd., Unit #56  
Palo Alto, CA  
Graduate of Cubberley Senior High school, Wilbur Junior High school and Greendell Elementary school.

**Carnahan, David**

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**From:** Trish Mulvey <mulvey@ix.netcom.com>  
**Sent:** Monday, August 20, 2018 8:54 AM  
**To:** Council, City  
**Subject:** support for State Water Resources Control Board's Bay Delta Water Quality Control Plan

Dear Mayor Kniss and Council Members,

Please add this note to your collection of community requests urging you to deny the City staff recommendation and instead strongly support the State Water Board's well-researched and balanced proposed Bay Delta Water Quality Control Plan. Thanks for your attention to this request.

Trish Mulvey  
527 Rhodes Drive, Palo Alto

**Carnahan, David**

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**From:** Patrick Ferraro <ptferraro5@gmail.com>  
**Sent:** Monday, August 20, 2018 1:02 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Plan

Dear Mayor and Council Members

I felt this journalist wrote a much better piece on this issue than anything else I've read on the issue.

**San Francisco Is Fighting California's Plan to Save Salmon. Wait. What?**

<https://www.kqed.org/science/1929999/san-francisco-is-fighting-californias-plan-to-save-salmon-wait-what>

The writer used many more words to say what I tried to condense in my LTE to the SF Chronicle, which they failed to print:

**Response to Peter Drekmeier's Op-ed on Bay Delta Water Quality Plan.**

By Patrick Ferraro, Director Emeritus, Santa Clara Valley Water District,  
Adjunct Professor, Santa Clara University and San Jose State University

June 15, 2018

The clash of two over-arching water policies is preventing the restoration of the Bay Delta's ecosystem and its endangered fisheries: The First-in-Time system of water rights seniority and the Public Trust resources that the State must protect for all of California. Regardless of when water diversions began from the Tuolumne or other rivers tributary to the Delta, each has contributed to the cumulative damage of the estuary's health. The State is at long last holistically addressing the problem by requiring 40% of all the watershed's tributaries to flow unimpaired into the Delta. This is helping to restore the highly altered ecosystems, allowing salmon and other species to recover. Those who have been contributing to the problem the longest are, of course, the loudest protestors of this proposed water quality plan. Why should only the "junior" water rights holders continue to be the sole source of restoration water? SFPUC and EBMUD have long operated their own peripheral conveyance systems, while criticizing diversions from the South Delta as a "water grab" of "their" (?) water. California remains ONE State, and should act accordingly to protect the Public Trust that is the Bay Delta Estuary.

Never Thirst!

**Pat Ferraro**

**Carnahan, David**

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**From:** terryt1011@aol.com  
**Sent:** Monday, August 20, 2018 1:12 PM  
**To:** Council, City  
**Subject:** KQED Science backs SWRCB on 40% regulation- Bay Delta Water Quality Plan

Mayor Kniss and the Council-  
this came out on KQED.

Pat Ferraro was on the board of the Santa Clara Valley Water District for 20 years, and teaches with me in the Environmental Studies department at San Jose State.

Terry A. Trumbull  
terryt1011@aol.com

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

From: Patrick Ferraro <ptferraro5@gmail.com>  
To: terry trumbull <TerryT1011@aol.com>; Katherine Cushing <Katherine.Cushing@sjsu.edu>;  
Sent: Mon, Aug 20, 2018 12:11 pm  
Subject: KQED Science nails battle over Bay Delta Water Quality Plan

Dear Colleagues;

I felt this is journalist wrote a much better piece on this issue than anything else I've read.

**San Francisco Is Fighting California's Plan to Save Salmon. Wait. What?**

<https://www.kqed.org/science/1929999/san-francisco-is-fighting-californias-plan-to-save-salmon-wait-what>

By Patrick Ferraro, Director Emeritus, Santa Clara Valley Water District,  
Adjunct Professor, San Jose State University

June 15, 2018

The clash of two over-arching water policies is preventing the restoration of the Bay Delta's ecosystem and its endangered fisheries: The First-in-Time system of water rights seniority and the Public Trust resources that the State must protect for all of California. Regardless of when water diversions began from the Tuolumne or other rivers tributary to the Delta, each has contributed to the cumulative damage of the estuary's health. The State is at long last holistically addressing the problem by requiring 40% of all the watershed's tributaries to flow unimpaired into the Delta. This is helping to restore the highly altered ecosystems, allowing salmon and other species to recover. Those who have been contributing to the problem the longest are, of course, the loudest protestors of this proposed water quality plan. Why should only the "junior" water rights holders continue to be the sole source of restoration water? SFPUC and EBMUD have long operated their

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own peripheral conveyance systems, while criticizing diversions from the South Delta as a "water grab" of "their"(??) water. California remains ONE State, and should act accordingly to protect the Public Trust that is the Bay Delta Estuary.

Never Thirst!

Pat Ferraro

**Carnahan, David**

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**From:** Suzanne Keehn <dskeehn@pacbell.net>  
**Sent:** Monday, August 20, 2018 3:41 PM  
**To:** Council, City  
**Subject:** Water Decisions

Dear fellow residents of Planet Earth,

The decisions we make concerning water, needs a FULL discussion. Without it we cannot live, and neither can our environment. We must support the rivers and the natural ecosystem. We are part of the Earth, not separate from it.

To balance the amount of water 'we' need, as well as that of our rivers, fish, and flora is a serious discussion. Actually if we really 'got' our interconnection and the climate disruption we are experiencing, huge fires and melting ice caps, it would behoove us to question our assumptions about continued growth, and the acceptance of 'that is just the way it is' to grow an economy.

I also strongly do not want to see high rise apartment buildings that are supposedly 'greener'. This is questionable, as people still need cars for work, travel etc. Also everybody living in one still needs water.

We, collectively are in a crisis, the old ways no longer work, and the new, sustainable ways, take courage, innovation, and dedication to create.

Suggested Reading, Charles Eisenstein, his website [Charles Eisenstein | Author & Speaker](#)

Please read the second article on water on his home page.

Sincerely,  
Suzanne Keehn  
4076 Orme St.  
94306

**Carnahan, David**

**From:** Greg Stutheit <gstutheit@montalbaarchitects.com>  
**Sent:** Wednesday, August 15, 2018 7:37 PM  
**To:** Kniss, Liz (internal); Filseth, Eric (Internal); DuBois, Tom; Holman, Karen; Scharff, Gregory (internal); Tanaka, Greg; Fine, Adrian; Kou, Lydia; Wolbach, Cory  
**Cc:** Chris Wade; Ivo Keller; David D. Montalba; Gutierrez, Samuel; Council, City  
**Subject:** 620 Emerson/ARB Application No. 17PLN00331

Dear Councilmembers and Madam Mayor,

Montalba Architects represents the Applicant for the new Nobu Restaurant project located at 620 Emerson Street. The project approval by the ARB was appealed and is on the upcoming August 20th City Council Agenda.

The project team would be happy to offer a site visit prior to the hearing for any Council members that may be interested. We are also available to answer any questions you might have with regard to the design and approval process for the project, either by phone or email.

Finally, I am attaching a letter written by the project's attorneys addressing the details of the appeal.

Thank you in advance for your attention to this matter and we look forward to presenting the project to you next week.

Sincerely,

Greg

--

Greg Stutheit, Architect

Associate Principal

[gstutheit@montalbaarchitects.com](mailto:gstutheit@montalbaarchitects.com)

**MONTALBA ARCHITECTS, INC.**

**City of Palo Alto | City Clerk's Office | 8/16/2018 7:50 AM**

Los Angeles Office

2525 Michigan Avenue, Bldg T4

Santa Monica CA 90404 USA

**T (310) 828-1100 (ext 107)**

[www.montalbaarchitects.com](http://www.montalbaarchitects.com)

[Instagram](#) | [Twitter](#) | [LinkedIn](#)

**Carnahan, David**

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**From:** Elizabeth Wong <elizabethwong2009@gmail.com>  
**Sent:** Monday, August 20, 2018 9:28 AM  
**To:** Council, City  
**Cc:** Keene, James; Shikada, Ed; plmachado@gmail.com  
**Subject:** Appeal of New Building at 620 Emerson  
**Attachments:** parking.pdf

Dear City Council Members,

Tonight the Council Agenda includes the Appeal of the Planning and Community Environment Director's Decision to Approve the Architectural Review Application for 620 Emerson Street to Allow Demolition of an Existing Single Story Building and Construction of a new two-story 4,063 Square Foot Commercial Building for the Expansion of Nobu Restaurant.

The Appellant Yo LLC's appeal is based on the elimination of 3 existing on-site parking spaces which can easily be kept by expanding the length of the parking spaces by 3 feet inward into the new building.

There are 2,124 similarly situated spaces in the University Avenue Area Off-Street Parking Assessment District that could be similarly eliminated and converted into indoor commercial space, much to the benefit of the owner and much to the detriment of the public.

This sets a dangerous precedent for the elimination of much needed parking spaces throughout the downtown. And it could potentially result in lawsuits against the City by the owner denied such parking elimination. Payment of in lieu parking is hardly a solution when the City lacks both the space and funds required to build 5 or more public parking structures to accommodate 2,124 parking spaces.

I encourage you to contact the residents of Palo Alto, in particular the group Palo Altans for Sensible Zoning for their input on this matter.

Please read attached for background information.

Thank you for your time on this matter.

Sincerely,

Elizabeth Wong, Manager

Yo LLC

To: City of Palo Alto City Council

Subject: Appeal of Planning Staff Approval of  
Demolition and Construction at 620 Emerson St.

Appellant: Yo LLC

Date: May 31, 2018

Let's start with a few simple facts.

Until Stanford Florists closed, the back of this property at 620 Emerson was actively used for parking and loading for the flower shop. The Applicant's approved design eliminates all three on-site parking spaces.

This Appeal objects to the elimination of the parking spaces based on the following:

#### **POTENTIAL DISAPPEARANCE OF 2,124 PARKING SPACES**

On-site parking is sorely needed in the downtown core. Elimination of on-site parking pushes the parking problem to the City.

The city's parking assessment document (University Avenue Area Off-Street Parking Assessment District – attached as Exhibit A) shows on page 5 that the property is given credit for three on-site parking spaces and paid in-lieu for the remaining eleven spaces it didn't provide.

The architects' drawings for this property show as existing conditions that there are three on-site parking spaces. The Applicant's plans for new construction removes all on-site parking.

Now I ask you, why would the City even consider allowing this on-site parking to be removed? This sets a dangerous precedent as there were by my count 2,124 on-site parking spaces listed in the report (page 6 of Exhibit A), many with similar 90-degree parking configurations with access from a 20-foot wide alley (see Exhibit B), that can also be removed from similar sites if on-site parking at 620 Emerson is allowed to disappear.

Purportedly, the reason to allow removal is because the current configuration for the existing parking spaces is 20 feet long and does not meet the new standards requiring 23 to 25 feet. This can be easily accommodated by increasing the length inwards towards the interior of the site. Further, any space lost by the expansion of the parking could easily be accommodated on the second floor of the Applicant's design.

#### **DO WE NEED TO LOSE ALL THREE SPACES?**

If it is necessary to accommodate access for utilities and/or trash removal, it might necessitate losing one of the parking spaces; but to remove all three parking spaces is overreaching. The Applicant should be required to preserve as much on-site parking as possible, even only one in the extreme case.

#### **OTHER ON-SITE OPTIONS**

The Applicant has not addressed other viable options such as putting parking underground, which can easily be accommodated with a ramp from the alley. Another option is to use a mechanical lift to double the parking of any space, thus increasing the parking density of downtown.

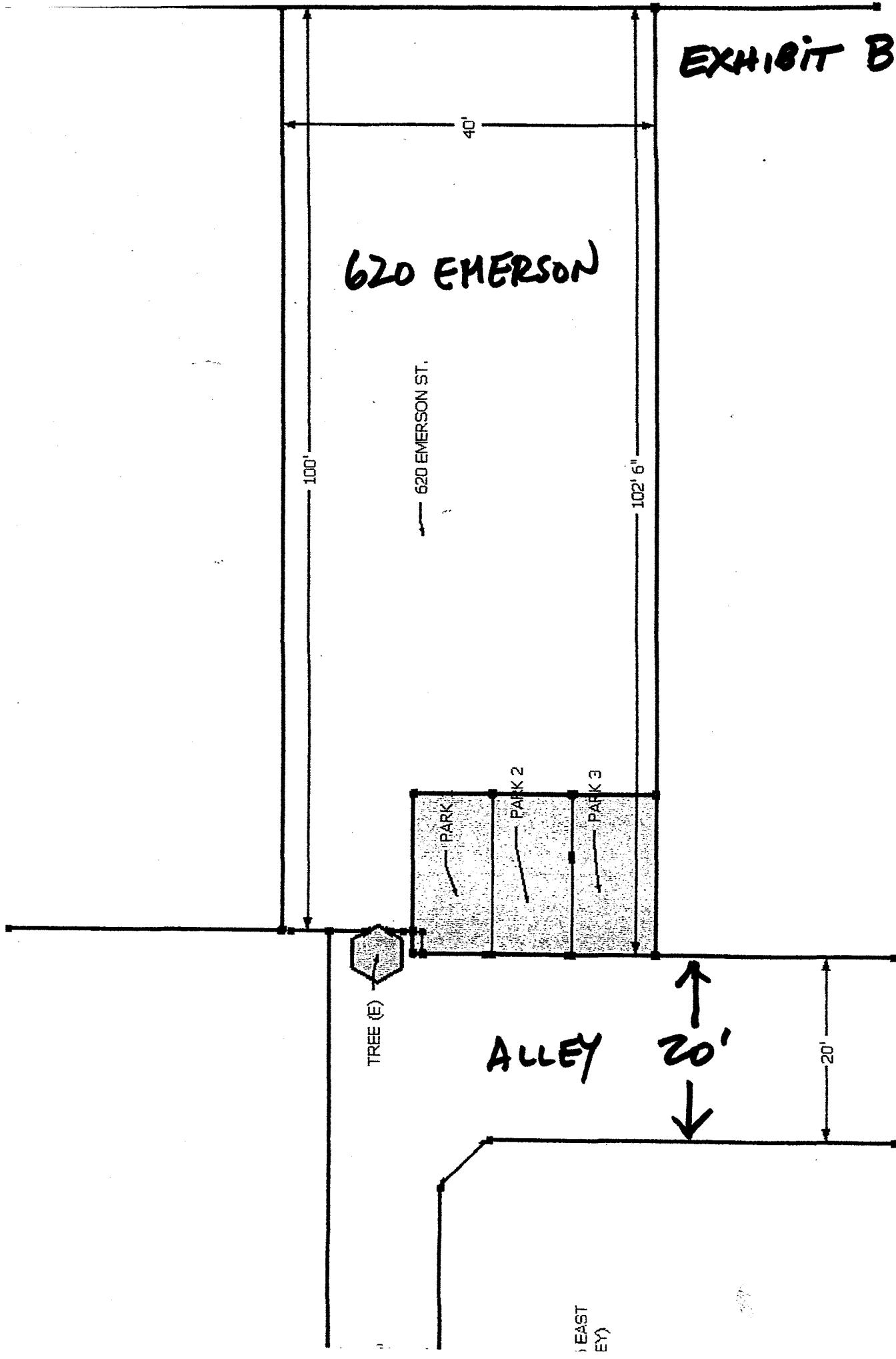
In summary, we are appealing Planning's approval for this project because it runs counter to the City and its residents' best interests. The elimination of on-site parking goes against the City's long-time vision to keep the downtown a viable commercial core with easy access for residents and visitors. Return this project to Staff until the on-site parking issue is properly addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Yo LLC".

Yo LLC

# EXHIBIT B



# **EXHIBIT A**

## **FINAL ENGINEER'S REPORT**

for

### **UNIVERSITY AVENUE AREA OFF-STREET PARKING ASSESSMENT DISTRICT**

Prepared for:

**City of Palo Alto  
California**

Prepared by:

 **Harris & Associates**

**March, 2001**

City of Palo Alto  
University Avenue Off-Street Parking Assessment District  
Assessment Roll

Assessment Number	Assessor's Name	Owner's Name	Mailing Number	Address	Preliminary Cost Estimate		Final Cost Estimate						
					Site Address	Square Footage	Parking Required	Parking Provided	A.D. Parking Participation	Parking Benefit	Preliminary Assessment	Final Assessment	
1	120-03-002	Peters, Colin	550	Lyon Av 1rd Flr.	Palo Alto CA 94301-1542	550 Lyon	4,815	10	19	0	\$0.00	\$0.00	
2	120-03-023	Modulus Investment Co.	2725	E. Parley's Ways Sta 120	Palo Alto CA 94309	567 University	0,025	27	22	5	\$25,065.05	\$25,065.05	
3	120-03-024	Modulus Investment Co.	2725	E. Parley's Ways Sta 120	Palo Alto CA 94309	565 University	10,632	42	2	40	\$200,520.40	\$200,520.40	
4	120-03-025	Recon LLC	925	University Av. Unit 1500	Palo Alto CA 94301	435 Tasso	35,110	140	30	110	\$551,431.11	\$551,431.11	
5	120-03-026	Chi, Rosalind C. Trustee	425	Tasso St.	Palo Alto CA 94301-1545	425 Tasso	0	0	0	0	\$0.00	\$0.00	
6	120-03-027	Sedelmyer, Charles L. and Barbara S. Levett, Dennis A	880	Waverley St.	Palo Alto CA 94301-2549	417 Tasso	1,160	5	4	1	\$5,013.01	\$5,013.01	
7	120-03-028	Palo Alto Improvement Co.	P.O. Box 21	Palo Alto CA 94302-0021	500 University	15,800	04	0	0	0	\$0.00	\$0.00	
8	120-03-030	Brandt, James A. Trustee	530	University Av.	Palo Alto CA 94301-1901	530 University	8,400	34	0	34	\$170,442.34	\$170,442.34	
9	120-03-031	JTC	540	University Av. Ste. 105	Palo Alto CA 94301-1912	540 University	14,938	60	0	00	\$300,780.00	\$300,780.00	
10	120-03-032	J.L.S Associates II	170	Starfish Cl.	Moffina CA 93033-2245	548 University	4,275	17	0	17	\$85,221.17	\$85,221.17	
11	120-03-033	TP University Avn. Assoc. LLC	1550	Tiburon St. A Bl.	Baldwin CA 94020	550 University	4,950	20	0	20	\$100,280.20	\$100,280.20	
12	120-03-035	Farbis, Thomas A.	P.O. Box 1021	Palo Alto CA 94302-1021	554 University	3,800	0	0	0	0	\$0.00	\$0.00	
13	120-03-037	Rugile, George M. and Barbara M. Trustee	25920	Adobe Ln.	Los Altos Hills CA 94022-4550	568 University	0,287	37	0	37	\$165,481.37	\$165,481.37	
14	120-03-038	Frappey-Andersen Trust	571	Hamilton Av.	Palo Alto CA 94301-2035	565 Hamilton	1,819	0	0	0	\$0.00	\$0.00	
15	120-03-082	Hamilton Webster JT Ven Et Al	555	Hamilton Av. Unit 100	Palo Alto CA 94301	555 Hamilton	14,010	68	61	51	\$255,603.51	\$255,603.51	
16	120-03-083	Johnson, Lund M. Trustee Et Al	1490	Delphic Wy.	Palo Alto CA 94301-2537	567 Hamilton	4,598	10	0	18	\$90,234.18	\$90,234.18	
17	120-03-084	Levett, Dennis A	503	Waverley St.	Palo Alto CA 94301	525 Hamilton	3,112	0	0	0	\$0.00	\$0.00	
18	120-03-085	505 Hamilton Avenue Partners	258	University Av. Ste. 208	Palo Alto CA 94301	505 Hamilton	32,515	100	0	130	\$851,881.31	\$851,881.31	
19	120-03-086	Del Sacco, Carol and Clayton R. Trustee	7	Bally Lane	Atherton CA 94027-5401	543 Cowper	8,355	37	0	37	\$165,481.37	\$165,481.37	
20	120-03-087	C M Capital Corporation (see note 1)	525	University Av. Unit 1500	Palo Alto CA 94301-1923	525 University	201,270	805	452	353	\$1,789,502.55	\$1,789,502.55	
21	120-03-089	C M Capital Corporation	925	University Av. Unit 1500	Palo Alto CA 94301-1923	525 University	0	0	0	0	\$0.00	\$0.00	
22	120-03-091	Johnson-Himl Partnership, Et Al (see note 2)	4	Main St. Unit 201	Los Altos CA 94022-2902	530 Lyon	50,120	200	98	102	\$511,327.02	\$511,327.02	
23	120-03-093	Gloss 1987 Fam Partnership, LP	4	Main St. Unit 201	Los Altos CA 94022-2902	530 Lyon	0	0	0	0	\$0.00	\$0.00	
24	120-03-072	City of Palo Alto (Volente-Cowper Garage) altin: Joe Saccio	230	Hamilton Avenue 4th Floor	Palo Alto CA 94301	531 Cowper	10,083	68	68	68	\$340,884.88	\$340,884.88	
25	120-03-085	Monis Associates V- Fresno Land Only	172	University Av.	Palo Alto CA 94301	531 Cowper	0	0	0	0	\$0.00	\$0.00	
26	120-14-091	City of Palo Alto (Lyton-Waverly Lot) altin: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto CA 94301	525 Lyon	0	0	0	0	\$0.00	\$0.00	
27	120-14-092	Jacaruso, Donato A. and Pasqualina A.	283	Cherry Av.	San Jose CA 95125-4712	369 Lyon	050	4	4	4	\$20,052.04	\$20,052.04	
28	120-14-093	505 Hamilton Avenue Patis, LP	405	Alberto Wy. Ste. 8	Los Gatos CA 95032	381 Lyon	7,584	30	0	30	\$150,300.00	\$150,300.00	
29	120-14-095	City of Palo Alto (Lyton-Waverly Lot) altin: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto CA 94301	525 Lyon	0	0	0	0	\$0.00	\$0.00	
30	120-14-101	Kelley, Richard R. Jr.	172	University Av.	Palo Alto CA 94301	303 Lyon	10,890	44	7	37	\$105,481.37	\$105,481.37	
31	120-14-102	Mercury Property Invs. LLC	435	Tasso St. Unit 300	Palo Alto CA 94301	328 Lyon	9,580	38	49	-11	0	\$0.00	\$0.00
32	120-14-110	Kelley, Richard R. Jr. Et Al	172	University Av.	Palo Alto CA 94301	335 Bryant	9,410	39	0	38	\$190,494.38	\$190,494.38	
33	120-14-111	Campbell Associates II, A PTSP	2695	Gateway Pl. Unit 550	San Jose CA 95110	379 Lyon	30,000	120	05	35	\$175,455.35	\$175,455.35	
34	120-15-002	Gray, Lyle Trustee & Et Al	1005	Lassen Dr.	Menlo Park CA 94025	314 Lyon	0,290	33	0	33	\$105,428.33	\$105,428.33	
35	120-15-003	Halasska, Harry H. and Sadako M. Trustee	3870	Grove Av.	Palo Alto CA 94303-4630	330 Lyon	0,075	20	0	28	\$140,304.20	\$140,304.20	
36	120-15-004	401 Florence Astoria LTD	401	Florence St.	Palo Alto CA 94301-1700	401 Florence	5,127	21	0	21	\$105,273.21	\$105,273.21	
37	120-15-005	Oeschiger, Dorothea E. Trustee	344	Middle Field Rd.	Palo Alto CA 94301-1344	390 Lyon	580	2	1	1	\$5,013.01	\$5,013.01	
38	120-15-006	Ely Family Partnership, LP	2101	Bryant St.	Palo Alto CA 94301-3907	390 Lyon	1,106	4	0	4	\$20,052.04	\$20,052.04	
39	120-15-007	Bunge, Richard G. Trustees	1	Kaiser Plaza Ste 1450	Oakland CA 94612-3801	401 Waverley	4,050	18	10	0	\$30,078.00	\$30,078.00	
40	120-15-019	First American Title Warranty Co.	405	Kipling St.	Palo Alto CA 94301-1530	405 Kipling	3,134	13	0	13	\$65,169.13	\$65,169.13	
41	120-15-011	Thiols Bros. Inc. (see note 3)	P.O. Box 21	Palo Alto CA 94302	480 Lyon	5,952	24	20	4	4	\$20,052.04	\$20,052.04	
42	120-15-012	Thiols Bros. Inc.	P.O. Box 21	Palo Alto CA 94302	482 Lyon	0	0	0	0	0	\$0.00	\$0.00	
43	120-15-013	MPB Associates LLC	1001	Broadway Ste 300	Redwood City CA 94063	420 Cowper	10,651	70	0	70	79	\$398,027.70	\$398,027.70
44	120-15-014	Thiols Bros. Inc.	P.O. Box 21	Palo Alto CA 94302	444 Cowper	0	0	0	0	0	\$0.00	\$0.00	
45	120-15-015	Thiols Bros. Inc. (see note 4)	172	University Av.	Palo Alto CA 94301	499 University	9,120	37	2	35	\$175,455.35	\$175,455.35	
46	120-15-016	RRC A Limited Liability Co.	170	Rollingwood Dr.	San Rafael CA 94901-1453	403 University	2,005	12	0	12	\$60,156.12	\$60,156.12	
47	120-15-017	Kolemin, Elizabeth A. Trustee & Et Al	1775	Valparaiso Av.	Mendo Park CA 94025-5080	451 University	5,030	24	4	20	\$100,200.20	\$100,200.20	
48	120-15-018	Swain, Martha P. Trustee & Et Al	24915	La Loma Cl.	Los Altos Hills CA 94022-4554	443 Kipling	2,815	0	0	0	\$0.00	\$0.00	
49	120-15-019	Gueyo, Myrna											

Note 1: onsite parking provided on APN 120-03-070 is credited to this APN

Note 2: onsite parking provided on APN 120-03-072 is credited to this APN

Note 3: onsite parking provided on APN 120-15-012 is credited to this APN

Note 4: onsite parking provided on APN 120-03-014 is credited to this APN

Assessment Number	Assessor's Parcel Number	Owner's Name	Mailing Number	Address Street	City	State	Zip	Sitio Address	Square Footage	Parking Required	Parking Provided	A.D. Parking Participation	Parking Benefit Units	Preliminary Assessment	Final Assessment
51	120-15-020	Tholts Bros. Inc.		P.O. Box 21	Palo Alto	CA	94302-0021	437 Kipling	1,112	4	2	2	2	\$10,028.02	\$10,028.02
52	120-15-021	Tholts Bros. Inc.		P.O. Box 21	Palo Alto	CA	94302-0021	431 Kipling	2,728	0	0	0	0	\$0.00	\$0.00
53	120-15-022	Orwitz, Dorothy L. Et Al		110 De Sabin Rd.	Lithobrug	CA	94010-423	Kipling	2,682	12	6	6	6	\$30,078.06	\$30,078.06
54	120-15-023	Tholts Bros. Inc.		626 Emerson St	Palo Alto	CA	94305-411	Kipling	1,531	6	0	0	0	\$30,078.06	\$30,078.06
55	120-15-024	Stecola, Elizabeth A. Trustee & Et Al		120 Collegiate Dr.	San Rafael	CA	94901-4482	448 Kipling	4,690	0	0	0	0	\$26,070.00	\$26,070.00
56	120-15-026	Wong, Jaimie Trustee & Et Al		P.O. Box 204	Palo Alto	CA	94302-429	University	7,203	28	8	21	21	\$105,273.21	\$105,273.21
57	120-15-028	Christiansen, Richard T. Trustee & Et Al		P.O. Box 2307	Winniford Creek	CA	92545-0339	425 University	4,423	18	2	16	16	\$80,208.18	\$80,208.18
58	120-15-030	Steale, Barbara F.	10141	Indian Hill Dr.	Weed	CA	96004-0465	423 University	2,200	0	1	0	0	\$40,104.08	\$40,104.08
59	120-15-031	Ferrando, Donald Trustee & Et Al	224 Arden Rd	Mendo Park	CA	94025-415	University	5,078	23	0	17	17	\$65,221.17	\$65,221.17	
60	120-15-032	Shonner, Elaine M. Trustee	1320 Country Club Dr.	Los Altos	CA	94024-5302	405 University	6,550	22	1	21	21	\$105,273.21	\$105,273.21	
61	120-15-033	Michalas Flower Shop	453 Waverley St	Palo Alto	CA	94301-1710	453 Waverley	820	3	0	3	3	\$15,039.03	\$15,039.03	
62	120-15-034	Haley, Kathleen E. Trustee & Et Al	170 Rollingwood Dr.	San Rafael	CA	94901-1453	439 Waverley	7,203	20	0	20	20	\$145,377.20	\$145,377.20	
63	120-15-035	Childress, John B. Et Al	PO Box 858	Palo Alto	CA	94302-425	Waverley	1,789	0	0	0	0	\$0.00	\$0.00	
64	120-15-037	Childress, Kathryn A. Et Al	PO Box 858	Palo Alto	CA	94302-410	Waverley	1730	0	0	0	0	\$0.00	\$0.00	
65	120-15-038	Fraser, Alice G. Trustee & Et Al	4155 S.W. South Shore BL	Lake Oswego	OR	97033-422	425 Waverley	3,098	10	0	10	10	\$80,208.18	\$80,208.18	
66	120-15-039	Holland, Arthur L. and June M.	1047 Remond St.	Palo Alto	CA	94301-2444	428 Waverley	3,218	0	0	0	0	\$0.00	\$0.00	
67	120-15-041	John Childress Associates	PO Box 858	Palo Alto	CA	94302-430	Waverley	2,645	11	0	0	0	\$0.00	\$0.00	
68	120-15-041	Childress, Kathryn A. Et Al	PO Box 858	Palo Alto	CA	94303-303	University	3,825	15	0	15	15	\$75,105.15	\$75,105.15	
69	120-15-042	Rapp, Rosy H. and Michelle R. Trustee	P.O. Box 1072	Palo Alto	CA	94302-1072	379 University	3,080	16	0	16	16	\$80,208.18	\$80,208.18	
70	120-15-043	Rapp, Rosy H. Trustee & Et Al	P.O. Box 1072	Palo Alto	CA	94302-1072	375 University	9,137	22	0	33	33	\$105,428.33	\$105,428.33	
71	120-15-044	Sevy, Caroline P. Trustee	4 Claremont Pl.	Mendo Park	CA	94025-3914	307 University	2,500	10	3	7	7	\$35,091.07	\$35,091.07	
72	120-15-045	Masonic Temple Assn.	P.O. Box 1080	Palo Alto	CA	94302-1080	355 University	33,530	134	0	134	134	\$671,743.35	\$671,743.35	
73	120-15-046	Melanie Barry Properties, L.P.	431 Florence St. Ste 220	Palo Alto	CA	94301-1708	431 Florence	5,762	23	0	17	17	\$85,221.17	\$85,221.17	
74	120-15-048	Denson, Dale H. and Nancy S. Et Al	250 University Av Ste 200	Palo Alto	CA	94301-420	420 Florence	8,730	38	0	35	35	\$176,455.35	\$176,455.35	
75	120-15-050	Giovannella, Salvatore and Stella Trust	P.O. Box 00177	Palo Alto	CA	94300-339	323 University	10,800	43	0	43	43	\$215,559.43	\$215,559.43	
76	120-15-051	Melanie Barry Properties, L.P.	431 Florence St. Ste 220	Palo Alto	CA	94301-1708	323 University	8,320	25	0	25	25	\$125,325.25	\$125,325.25	
77	120-15-052	Melanie Barry Properties, L.P.	431 Florence St. Ste 220	Palo Alto	CA	94301-1708	317 University	9,230	21	0	21	21	\$105,273.21	\$105,273.21	
78	120-15-053	Wells Fargo Bank Corporate Properties Group attn: Jeff Rodar	032 Folsom Street, 11th Floor	San Francisco	CA	94107-301	University	20,875	116	20	98	98	\$401,248.06	\$401,248.06	
79	120-15-054	Shearer, Elaine M. Et Al	P.O. Box 34187	Houston	TX	77234-4487	301 University	0	0	0	0	0	\$0.00	\$0.00	
80	120-15-055	Wells Fargo Bank Corporate Properties Group attn: Jeff Rodar	833 Folsom Street, 8th Floor	San Francisco	CA	94107-301	University	0	0	0	0	0	\$0.00	\$0.00	
81	120-15-057	300 University Associates	172 University Av	Palo Alto	CA	94301-1031	310 University	20,530	118	1	117	117	\$980,522.18	\$980,522.18	
82	120-15-058	Cranston, Alan Trustee & Et Al	P.O. Box 120	Palo Alto	CA	94301-318	University	16,342	05	3	02	02	\$310,808.62	\$310,808.62	
83	120-15-059	Hanna, Marianne L. and Fulgham Lynn L. Et Al	122 Hamilton Av	Palo Alto	CA	94301-330	University	0,180	33	0	30	30	\$150,300.30	\$150,300.30	
84	120-15-060	Wong, Jaimie and Elizabeth H. Trustee	P.O. Box 204	Palo Alto	CA	94302-0204	340 University	10,830	07	0	07	07	\$335,071.07	\$335,071.07	
85	120-15-082	Bjorkovic, Frieda Trustee & Et Al	526 Bryant Street	Palo Alto	CA	94311-1715	370 University	3,850	15	0	15	15	\$75,195.16	\$75,195.16	
86	120-15-063	Rapp, Rosy H. and Michelle R. Trustee	P.O. Box 1072	Palo Alto	CA	94302-1072	374 University	2,037	12	0	12	12	\$60,150.12	\$60,150.12	
87	120-15-064	Toya, Yoshimatsu and Takako Trustee	320 Bridge Rd	Hillsborough	CA	94010-0912	382 University	3,575	14	0	14	14	\$70,182.14	\$70,182.14	
88	120-15-085	Levitt, Dennis A Et Al	P.O. Box 1072	Palo Alto	CA	94302-1072	384 University	14,290	57	0	57	57	\$285,741.57	\$285,741.57	
89	120-15-086	Stanco Properties Corp	2 Civic Plaza Unit 100	Newport Beach	CA	92680-5022	405 University	10,855	07	28	30	30	\$105,507.39	\$105,507.39	
90	120-15-087	Kling Associates Inc.	955 Alma St.	Palo Alto	CA	94301-428	University	10,447	74	4	70	70	\$350,010.70	\$350,010.70	
91	120-15-088	Nagy, Charles E. and Martha Trustee	300 La Cuesta Dr.	Los Altos	CA	94024-4748	452 University	0,008	22	0	22	22	\$100,416.32	\$100,416.32	
92	120-15-089	Palo Alto Theatre Corporation	700 Emerson St.	Palo Alto	CA	94301-2410	459 University	22,438	00	0	0	0	\$451,170.00	\$451,170.00	
93	120-15-070	Barry, Frank R. Jr. Trustee	431 Florence St. Ste 220	Palo Alto	CA	94301-1700	400 University	7,764	31	0	31	31	\$155,403.31	\$155,403.31	
94	120-15-071	Universally President Assets, LLC	1 Bob Hill Ct.	San Francisco	CA	94108-480	480 University	15,082	03	0	03	03	\$316,819.63	\$316,819.63	
95	120-15-072	Copper Square Partners cb Webster Financial	425 Waverley Street	Palo Alto	CA	94301-1823	520 Copper	87,184	268	64	209	209	\$1,027,087.06	\$1,027,087.06	
96	120-15-073	City of Palo Alto (Copper-Hamilton Lot) attn: Mr. Joe Saccio	250 Hamilton 4th Floor	Palo Alto	CA	94301-3401	544 Copper	0	0	0	0	0	\$0.00	\$0.00	
97	120-15-074	Lozano Inc.	172 W. University Av.	Palo Alto	CA	94301-1831	544 Copper	0,840	27	0	27	27	\$135,351.27	\$135,351.27	
98	120-15-075	Copper-Hamilton Associates	355 Santa Rita Av	Palo Alto	CA	94301-3542	499 Hamilton	15,708	03	0	03	03	\$315,819.63	\$315,819.63	
99	120-15-076	Hafezi, Badrolzaman R. and Mesfida	7530 Lauds Av	Cupertino	CA	95014-5219	407 Hamilton	8,120	33	0	33	33	\$105,429.33	\$105,429.33	
100	120-15-077	Giovannella, Salvatore and Stella Trust	P.O. Box 00177	Palo Alto	CA	94300-400	400 Hamilton	14,000	50	0	50	50	\$205,707.59	\$205,707.59	
101	120-15-078	Douglas, Donald K. and MaryEllen K. Trust	2360 Yerba St.	Palo Alto	CA	94301-435	455 Hamilton	6,308	21	0	21	21	\$105,273.21	\$105,273.21	
102	120-15-079	All Saints Episcopal Church	P.O. Box 322	Palo Alto	CA	94302-0322	555 Waverley	22,440	0	0	0	0	\$0.00	\$0.00	
103	120-15-080	Stanco Properties Corp	2 Civic Plaza Unit 100	Newport Beach	CA	92680-5022	535 Waverley	0	0	0	0	0	\$30.00	\$30.00	
104	120-15-081	Stanco Properties Corp	2 Civic Plaza Unit 100	Newport Beach	CA	92680-5022	515 Waverley	0	0	0	0	0	\$30.00	\$30.00	

Note 5: on-site parking provided on APN 120-15-055 is credited to this site

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Assessment Number	Assessor's Parcel Number	Owner's Name	Mailing Number	Address Street	City	State	Zip	Site Address	Square Footage	Parking Required	Parking Provided	A.D. Parking Participation	Parking Benefit Units	Preliminary Assessment	Final Assessment
105	120-15-082	Denson, Dale H. and Nancy K		P.O. Box 389	Palo Alto	CA	94302-0389	510 Waverley	2,853	11	4	7	7	\$35,091.07	\$35,091.07
106	120-15-083	Hoffacker, Edward D. III Et Al	3685	Woodside Rd.	Woodside	CA	94028-3643	528 Waverley	8,752	35	1	34	34	\$170,442.34	\$170,442.34
107	120-15-084	Edelstein, Charles R. and Sam J. Trustee	1858	Vallejo St. Unit 4	San Francisco	CA	94123-4089	550 Waverley	7,050	32	1	31	31	\$155,403.31	\$155,403.31
108	120-15-085	Jaimo Wong and Elizabeth Hm Shu Wong Trustees		P.O. Box 204	Palo Alto	CA	94302	550 Waverley	11,000	46	0	46	46	\$230,598.40	\$230,598.40
109	120-15-086	City of Palo Alto (Hamilton-Waverley Lot) attn: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
110	120-15-090	Felt, Tom R. Trustee & Et Al	13175	Shiview LP	Truckee	CA	96181	315 Hamilton	9,079	30	0	30	30	\$160,468.20	\$160,468.20
111	120-15-091	Hansen, Paul J. Trustee	1035	Bent Ave	Los Altos	CA	94024-0241	541 Bryant	8,740	35	0	35	35	\$175,455.35	\$175,455.35
112	120-15-092	Premier Properties c/o Mr. Jim Baer	172	University Avenue	Palo Alto	CA	94301	520 Bryant	45,600	182	0	182	182	\$912,307.03	\$912,307.03
113	120-15-096	City of Palo Alto (Florence-Lyon Lot) attn: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
114	120-15-100	City of Palo Alto (Lyon-Kipling Lot) attn: Joe Sando	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
115	120-15-101	Wu, Rowena S.	577	6th Ave	San Francisco	CA	94118-3714	431 Waverley	10,850	44	4	40	40	\$200,520.40	\$200,520.40
116	120-15-102	Pacific Bell Real Estate Office	2600	Camino Ramon Rm 3E102	San Ramon	CA	94588	345 Hamilton	101,800	408	0	402	402	\$2,015,230.04	\$2,015,230.04
117	120-15-103	Stankovic, Alexander and Fredia Trustee	528	Bryant St	Palo Alto	CA	94301-1703	300 University	33,015	136	0	135	135	\$870,759.36	\$870,759.36
118	120-15-104	City of Palo Alto (Bryant-Florence/Bryant-Lyon Lot) attn: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0,100	32	0	32	32	\$160,418.32	\$160,418.32
119	120-15-105	Giovannotti, Salvatore and Stella Trust	P.O. Box 0177	Palo Alto	CA	94300		3,045	0	0	0	0	\$0.00	\$0.00	
120	120-15-106	Giovannotti, Salvatore and Stella Trust	P.O. Box 0077	Palo Alto	CA	94300	535 Bryant	2,580	10	0	10	10	\$50,130.10	\$50,130.10	
121	120-16-002	Palo Alto Post Office	380	Hamilton Avenue	Palo Alto	CA	94302	300 Hamilton	11,531	40	10	28	28	\$140,384.28	\$140,384.28
122	120-16-021	Levitt, Dennis A.	P.O. Box 420	Palo Alto	CA	94302	428 Waverley	3,000	0	0	0	0	\$0.00	\$0.00	
123	120-16-022	Rucker, Douglas W. and Eleanor L. Trustee	840	Mendo Av Ste 10	Mendo Park	CA	94025-4712	308 Waverley	1,374	5	0	-1	0	\$0.00	\$0.00
124	120-16-023	Rucker, Douglas W. and Eleanor L. Trustee (see note 8)	840	Mendo Av Ste 10	Mendo Park	CA	94025-4712	340 Waverley	1,629	7	6	1	0	\$0.00	\$0.00
125	120-16-024	Alliance for Community Care	438 N. White Rd.	San Jose	CA	95127	650 Waverley	4,751	0	0	0	0	\$95,247.24	\$95,247.24	
126	120-16-028	City of Palo Alto (Gilmartin-Waverley Lot) attn: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
127	120-16-032	Keenan, Charles J. III Trustee & Et Al	700	Emerson St.	Palo Alto	CA	94301-2410	554 Gilman	1,575	0	1	5	5	\$25,089.05	\$25,089.05
128	120-16-033	Levitt, Dennis A.	P.O. Box 420	Palo Alto	CA	94302	346 Forest	3,095	18	0	16	16	\$80,208.10	\$80,208.10	
129	120-16-034	First Church of Christ Scientist of Palo Alto	601	Bryant St	Palo Alto	CA	94301-2502	601 Bryant	11,121	0	0	0	0	\$0.00	\$0.00
130	120-16-035	Irving, Perry A. and Romiley-Irving Linda	835	Bryant St	Palo Alto	CA	94301-2502	835 Bryant	4,048	10	1	18	18	\$90,234.16	\$90,234.16
131	120-16-036	Hamilton Associates 300	700	Emerson St.	Palo Alto	CA	94301-2410	627 Bryant	0	0	0	0	0	\$0.00	\$0.00
132	120-16-095	City of Palo Alto (Gilmartin-Bryant Lot) attn: Joe Saccio	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
133	120-16-098	Hamilton Associates 300	700	Emerson St.	Palo Alto	CA	94301-2410	300 Hamilton	41,508	168	57	109	102	\$548,418.10	\$548,418.10
134	120-25-077	Kropp, Kermil M. Trustee & Et Al	14485	Kebra	Somers	CA	95370-0477	347 Ramona	0	0	0	0	0	\$0.00	\$0.00
135	120-25-092	Kloder, W. Jack Et Al	3105	Glacial Rd	Pebble Beach	CA	93053	151 Lyon	5,762	23	0	23	23	\$115,269.23	\$115,269.23
136	120-25-103	Lichtenstein Properties LP	5801	Christie Av. Unit 075	Emeryville	CA	94608	151 Lyon	3,671	15	5	10	10	\$50,130.10	\$50,130.10
137	120-25-110	Jack Dymond Assocs	450	Flat St.	Los Altos	CA	94022-3600	127 Lyon	4,680	10	0	10	10	\$95,247.19	\$95,247.19
138	120-25-111	Ferrando, Donald and Diane E. Trustee	224	Arden Rd	Mendo Park	CA	94025	101 Lyon	2,202	6	15	6	0	\$0.00	\$0.00
139	120-25-116	Weberstar Developments Inc. Et Al	14485	Kebra Ln	Sonoma	CA	95370-0477	380 Bryant	4,246	17	0	17	17	\$85,221.17	\$85,221.17
140	120-25-119	Webster Square Associates	250	University Av Ste 200	Palo Alto	CA	94301	205 Lyon	10,717	75	17	58	58	\$200,754.58	\$200,754.58
141	120-25-132	505 Hamilton Avenue, Partnership, L.P.	405	Alberto Wy. Ste 5	Los Gatos	CA	95032	181 Lyon	19,738	70	28	53	53	\$265,080.53	\$265,080.53
142	120-25-150	Thosting J. Richard & Nancy Kelly Tru	84	Alejandro	Altadena	CA	94027-4107	311 Ramona	1,057	0	2	0	0	\$0.00	\$0.00
143	120-25-151	Thosting J. Richard & Nancy Kelly Tru	1088	East Macdonav Cl.	Palo Alto	CA	94303-4230	249 Lyon	54,000	230	150	70	70	\$350,010.70	\$350,010.70
144	120-25-152	245 Lyon Avd Part LP	420	P.O. Box 404	Maynard	MA	01754-0404	402 High	20,850	0	0	0	0	\$0.00	\$0.00
145	120-25-002	Dyson, Joannita M.	60	S. Market St. Unit #1120	San Jose	CA	95113	401 High	4,300	17	0	17	17	\$85,221.17	\$85,221.17
146	120-20-003	Gibson, G. Drew Jr. Trustee & Et Al	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
147	120-20-005	City of Palo Alto (Emerson-Lyon Lot) attn: Joe Saccio	75	E. Trimble Road MC4700	San Jose	CA	94301-1427	250 Lyon	28,304	113	56	57	57	\$285,741.57	\$285,741.57
148	120-20-006	Commerce Bank - California attn: Lydia A. Espinosa	700	Emerson Street	Palo Alto	CA	94301	261 University	15,000	80	0	80	80	\$300,789.00	\$300,789.00
149	120-28-008	Klings, Donald N. Trustee & Et Al c/o Keenan Land Co.	P.O. Box 21	Palo Alto	CA	94302	271 University	3,250	13	0	13	13	\$85,169.13	\$85,169.13	
150	120-25-000	Theolis Bros. Inc.	805	Nowell Rd.	Palo Alto	CA	94303-2840	201 University	10,760	43	0	43	43	\$215,559.43	\$215,559.43
151	120-28-010	Ames, Edward P. Trustee	420	Ramona St.	Palo Alto	CA	94301-1707	418 Ramona	4,480	18	0	18	18	\$80,234.18	\$80,234.18
152	120-20-013	Eng, Jack L. Et Al	221	University Avd.	Palo Alto	CA	94301-1712	221 University	16,860	75	0	75	75	\$375,978.76	\$375,978.76
153	120-28-014	Stanford Theater Foundation	650	North First St.	San Jose	CA	95112-5109	440 Ramona	3,076	18	0	15	15	\$75,105.15	\$75,105.15
154	120-28-015	Ramona Associates	50	Corte Largo	Woodside	CA	94082-2415	450 Ramona	2,048	8	0	8	8	\$40,104.08	\$40,104.08
155	120-28-016	Yong Baney and Young	3785	Burnside Rd.	Santa Clara	CA	95072-0469	470 Ramona	2,242	0	0	0	0	\$45,117.08	\$45,117.08
156	120-28-017	Halleck, Ross Trustee & Et Al	548	Palo Alto	Palo Alto	CA	94301-1220	233 University	0,401	38	0	38	38	\$160,404.38	\$160,404.38
157	120-28-018	Mills, Frank H. and Shirley A Trustee	640	Mendo Av Ste 10	Mendo Park	CA	94025-4712	227 University	4,588	18	0	18	18	\$90,234.18	\$90,234.18

Note 8: onsite parking provided on APN 120-016-022 is credited to this APN

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Assessment Number	Assessor's Parcel Number	Owner's Name	Mailing Number	Address Street	City	State	Zip	Site Address	Square Footage	Parking Required	Parking Provided	A.D. Parking Participation	Parking Benefit Units	Preliminary Assessment	Final Assessment
159	120-28-020	Ponco College of Beauty of Fresno	1085	Northwood LP	Prescott	AZ	85303	200 University	12,085	48	0	48	48	\$240,624.48	\$240,624.48
160	120-28-021	Crittenden, Howard B. III Trustee	117	Heather Dr.	Atherton	CA	94027-2110	201 University	7,241	29	0	29	29	\$145,377.29	\$145,377.29
161	120-28-022	Brondt, James A. and Linda	580	Center Dr.	Palo Alto	CA	94301-3101	443 Emerson	5,428	22	0	22	22	\$110,288.22	\$110,288.22
162	120-28-023	Pahic Apartments Inc.	725	Alma St.	Palo Alto	CA	94301-2403	437 Emerson	10,400	42	0	42	42	\$210,548.42	\$210,548.42
163	120-28-025	Del Secco, Carol and Clayton R. Trustee	7	Betty Lane	Atherton	CA	94027-5401	420 Emerson	2,000	12	0	12	12	\$80,150.12	\$80,150.12
164	120-28-026	Alto Park Theatre Corporation	700	Emerson SL	Palo Alto	CA	94301-2410	430 Emerson	0,025	24	0	24	24	\$120,312.24	\$120,312.24
165	120-28-027	City of Palo Alto (Emerson-High Lot) attn: Joe Sacco	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301	0	0	0	0	0	0	\$0.00	\$0.00
166	120-28-028	Sunshine Investment Company	2332	S. Court	Palo Alto	CA	94301-4235	185 University	8,650	27	0	27	27	\$135,351.27	\$135,351.27
167	120-28-029	Hofacker, Bernhard J. Jr Et Al	171	University Av	Palo Alto	CA	94301-1033	171 University	7,401	30	0	30	30	\$150,350.30	\$150,350.30
168	120-28-030	Emerson University Investments LP	165	University Av	Palo Alto	CA	94301-1035	105 University	8,993	38	0	38	38	\$180,408.38	\$180,408.38
169	120-28-031	151 University Ave LLC	151	University Av	Palo Alto	CA	94301-1032	151 University	17,598	70	0	70	70	\$350,910.70	\$350,910.70
170	120-28-032	Jehovah's Witnesses Palo Alto N Cong O	2168	Rufusas Av	Palo Alto	CA	94303-2026	429 High	4,230	0	0	0	0	\$0.00	\$0.00
171	120-28-033	Alhena Enterprises LLC	655	Bryant Street Unit 811	Palo Alto	CA	94301-426	426 High	13,118	52	0	52	52	\$260,078.52	\$260,078.52
172	120-28-034	Ferrando, Donald and Diane E. Trustee	20725	Valley Green Dr. Ste 200	Cupertino	CA	95014-1703	411 High	4,005	20	4	10	10	\$80,208.10	\$80,208.10
173	120-28-037	Koch, Phillips V. Trustee	26810	Palo Alto Dr.	Los Altos Hills	CA	94022-135	135 University	8,667	35	0	35	35	\$175,455.35	\$175,455.35
174	120-28-038	One Twenty Five University LTD Partner	125	University Av	Palo Alto	CA	94301-1030	125 University	10,137	41	0	41	41	\$205,533.41	\$205,533.41
175	120-28-039	Segar Partners	2105	Greenways Drive	Woodside	CA	94032	117 University	8,580	34	0	34	34	\$170,442.34	\$170,442.34
176	120-28-042	Tennyson, Robert H. Trustee & Et Al	300	August Ct.	Menlo Park	CA	94025-5829	110 University	2,600	10	0	10	10	\$50,130.10	\$50,130.10
177	120-28-013	McLaughlin, Herbert	222	Vallejo St.	San Francisco	CA	94115-1622	124 University	14,085	60	0	60	60	\$200,780.00	\$200,780.00
178	120-28-044	High Street Project	700	Emerson St.	Palo Alto	CA	94301-2410	130 University	13,325	53	0	53	53	\$265,889.33	\$265,889.33
179	120-28-045	Tholla Bros. Inc.	P.O. Box 21	Palo Alto	CA	94302	150 University	24,033	99	0	99	99	\$400,207.00	\$405,287.72	
180	120-28-018	Huynh Tu Ha and Vi Hue Le	2887	Capewood Ln.	San Jose	CA	95123-1108	180 University	2800	11	0	11	11	\$55,143.11	\$55,143.11
181	120-28-047	Hatami-Fard Naghi Trustees & Et al	170	University Av	Palo Alto	CA	94301-1031	170 University	8,250	25	0	25	25	\$125,325.25	\$125,325.25
182	120-28-048	Eu, James K and Grace L	1937	A Tidly Rd	San Jose	CA	95122	172 University	7,950	32	0	32	32	\$160,418.32	\$160,418.32
183	120-28-051	Toya, Yoshimizu and Takeko D. Trustee	320	Bridge Road	Hillsborough	CA	94010-6912	222 University	10,000	40	0	40	40	\$200,520.40	\$200,520.40
184	120-28-055	Toya, Yoshimizu and Takeko D. Trustee	320	Bridge Road	Hillsborough	CA	94010-6912	240 University	7,487	30	0	30	30	\$160,390.30	\$160,390.30
185	120-28-059	Patrick, James M.	38	Charles Hill Cr.	Orinda	CA	94563-1001	270 University	10,000	40	0	40	40	\$200,520.40	\$200,520.40
186	120-28-080	Nagy, Charles E. and Martha Trustee	308	Lia Cuesta Dr.	Los Altos	CA	94024-4748	270 University	18,000	72	0	72	72	\$360,920.72	\$360,920.72
187	120-28-001	Stanjkovic, William Et Al	528	Bryant St.	Palo Alto	CA	94301-1703	522 Bryant	13,508	54	0	54	54	\$270,702.54	\$270,702.54
188	120-28-092	Christiansen, Janet A. Trustee & Et Al	P.O. Box 2397	Walnut Creek	CA	94505-0397	530 Bryant	5,632	23	3	20	20	\$100,260.20	\$100,260.20	
189	120-28-003	Tholla Bros. Inc.	P.O. Box 21	Palo Alto	CA	94302	540 Bryant	9,107	36	0	36	36	\$160,469.36	\$160,469.36	
190	120-28-054	Tholla Bros. Inc.	P.O. Box 21	Palo Alto	CA	94302	285 Hamilton	47,700	191	22	190	190	\$847,193.70	\$847,193.70	
191	120-28-055	Alhouse-Hamilton	2800	El Camino Real Ste 100	Palo Alto	CA	94308-1705	201 Hamilton	37,800	151	7	144	144	\$721,873.45	\$721,873.45
192	120-28-060	Alhouse-Hamilton	2000	El Camino Real Ste 100	Palo Alto	CA	94308-1705	641 Ramona	5,450	22	0	22	22	\$110,288.22	\$110,288.22
193	120-28-087	De Lemos Properties	2381	Santa Ana St.	Palo Alto	CA	94303	935 Ramona	9,010	38	0	38	38	\$160,461.38	\$160,461.38
194	120-28-060	De Lemos Properties	2301	Santa Ana St.	Palo Alto	CA	94303	520 Ramona	8,205	25	0	25	25	\$125,325.25	\$125,325.25
195	120-28-070	Ramona 530	P.O. Box 2326	Kelchum	ID	83340-2326	530 Ramona	8,104	33	0	33	33	\$165,420.33	\$165,420.33	
196	120-28-071	Holmg, Jennie C. Trustee & Et Al	200	Lyell St.	(Los Altos	CA	94022-4040	532 Ramona	4,910	20	2	10	10	\$80,234.10	\$80,234.10
197	120-28-072	Dukes, Darrell E. and Angelin M. Trustee	1158	N. 04th St	San Jose	CA	95112	538 Ramona	4,025	20	2	18	18	\$80,234.10	\$80,234.10
198	120-28-073	Dahl, Bjorne B. Trustee & Et Al	1085	Volley Forge Dr.	Sunnyvale	CA	94087-2042	540 Ramona	30,381	145	0	145	145	\$720,880.40	\$720,880.40
199	120-28-074	Scher, Meyer and Hannah Et Al	400	South Matilda Av Unit 210	Sunnyvale	CA	94080-7050	201 Hamilton	20,040	107	2	105	105	\$520,388.05	\$520,388.05
200	120-28-075	Sullivan, Ronald I. Trustee & Et Al	9721	1 Belmont Tr.	Sunnyvale	CA	94000	545 Emerson	4,910	20	0	20	20	\$100,260.20	\$100,260.20
201	120-28-076	City of Palo Alto (Emerson-Ramona Lot) attn: Joe Sacco	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301	0	0	0	0	0	0	\$0.00	\$0.00
202	120-28-070	Michael-Palrick Inc.	532	Emerson St.	Palo Alto	CA	94301-1007	530 Emerson	5,750	23	0	23	23	\$115,299.23	\$115,299.23
203	120-28-080	Shaner, Clyde Et Al	1320	Country Club Dr.	Los Altos	CA	94024-5302	534 Emerson	3,000	12	0	12	12	\$80,150.12	\$80,150.12
204	120-28-081	Bell, Valerie D.	27141	Moody Rd.	Los Altos	CA	94024-4240	530 Emerson	4,000	10	1	15	15	\$76,195.15	\$76,195.15
205	120-28-092	Ara Roshan	202	Gainsborough Ct	Folsom	CA	95030-1011	540 Emerson	3,520	14	2	12	12	\$80,150.12	\$80,150.12
206	120-28-083	Leung, Vera Trustee & Et Al	2830	Ross Dr.	Palo Alto	CA	94303-302	544 Emerson	6,375	22	0	22	22	\$110,288.22	\$110,288.22
207	120-28-084	Belencourt, Robert T. Trustee & Et Al	P.O. Box 419	Palo Alto	CA	94302-0416	550 Emerson	7,492	30	6	22	22	\$110,288.22	\$110,288.22	
208	120-28-085	Hamilton Associates	1654	The Alameda Ste 200	San Jose	CA	95126-2200	107 Hamilton	15,084	80	0	80	80	\$100,780.00	\$100,780.00
209	120-28-080	Tsai Margaret Life Estate	1085	Portola Rd.	Woodside	CA	94092-2038	575 High	23,515	94	12	62	62	\$411,068.62	\$411,068.62
210	120-28-097	City of Palo Alto (High-Hamilton Lot) attn: Joe Sacco	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301	0	0	0	0	0	0	\$0.00	\$0.00

Assessment Number	Assessor's Parcel Number	Owner's Name	Mailing Number	Address Street	City	State	Zip	Stra Address	Square Footage	Parking Required	Parking Provided	A.D. Parking Participation	Parking Benefit Units	Preliminary Assessment	Final Assessment
211	120-28-088	City of Palo Alto (High-Alma South Lot) a/nm: Joe Sacco	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
212	120-28-089	Vandervoort, Jill	1005	Elogewood dr.	Palo Alto	CA	94303-2821	542 High	8,375	16	0	20	26	\$130,338.25	\$130,338.25
213	120-28-090	Mills, Joan F. El Al	887	Loma Verde Av	Palo Alto	CA	94303-4116	135 Hamilton	0	0	0	0	0	\$0.00	\$0.00
214	120-28-091	Fisman, Steven L. Trustee & El Al	887	Loma Verde Av	Palo Alto	CA	94303-4116	639 Alma	0,250	25	8	17	17	\$85,221.17	\$85,221.17
215	120-28-092	Kreman, Charles J. III Trustee	700	Emerson Av	Palo Alto	CA	94301-2410	520 Alma	5,623	23	0	23	23	\$115,289.23	\$115,289.23
216	120-28-093	Vandervoort, Jill Trustee	1005	Elogewood dr.	Palo Alto	CA	94303-2821	526 Alma	7,802	31	0	31	31	\$155,403.31	\$155,403.31
217	120-28-094	Bellomo, Victor C. and Margaret M.	7821 E. El Cañino Real	Sunnyvale	CA	94080	102 University	14,105	67	0	57	57	\$285,741.57	\$285,741.57	
218	120-28-095	City of Palo Alto	250	Hamilton Avenue	Palo Alto	CA	94303	450 Bryant	18,216	73	29	44	44	\$220,572.44	\$220,572.44
219	120-28-097	505 Hamilton Ave Parls LP	3328 E 32nd St. Ste #217	Tulsa	OK	74135	180 University	30,750	147	0	147	147	\$735,012.48	\$735,012.48	
220	120-28-098	Iverson, Nelle J. and Milton C. Trustee	610	Sand Hill Cr.	Menlo Park	CA	94025-7109	220 University	7,390	30	0	30	30	\$150,360.20	\$150,360.20
221	120-28-099	City of Palo Alto a/nm: Joe Sacco	250	Hamilton Avenue 4th Floor	Palo Alto	CA	94301		0	0	0	0	0	\$0.00	\$0.00
222	120-28-100	251 University Avenue Associates	259	University Av Ste. 208	Palo Alto	CA	94301	251 University	17,835	71	0	71	71	\$355,023.71	\$355,023.71
223	120-28-101	Digital Equipment Corp	P.O. Box 404	Maynard	MA	01754-0404	130 Lyon	47,234	109	116	71	71	\$355,923.71	\$355,923.71	
224	120-28-102	101 University	555 California St. Ste. 2850	San Francisco	CA	94104	101 University	41,320	105	30	120	120	\$201,830.27	\$201,830.27	
225	120-28-103	250 University Avenue Associates	259	University Av Ste. 208	Palo Alto	CA	94301	250 University	41,500	105	68	100	100	\$501,301.00	\$501,301.00
226	120-28-104	City of Palo Alto	250	Hamilton Avenue	Palo Alto	CA	94303	250 University	0	0	0	0	0	\$0.00	\$0.00
227	120-28-105	G. Drew Gibson Jr.	1731 Technology Dr Suite 340	San Jose	CA	95110	400 Emerson	8,110	32	32	0	0	\$0.00	\$0.00	
228	120-28-106	Emerson Associates	20725 Valley Green Dr. Ste 200	Cupertino	CA	95014-1703	414 Emerson	2,000	11	0	0	0	\$40,104.00	\$40,104.00	
229	120-27-002	Zachariah Inc.	2017 24th St.	San Francisco	CA	94132-1535	110 Hamilton	7,404	30	8	22	22	\$110,288.22	\$110,288.22	
230	120-27-003	Zachariah Inc.	2817 24th St.	San Francisco	CA	94110-4128	138 Hamilton	3,345	13	2	11	11	\$55,143.11	\$55,143.11	
231	120-27-004	Bibbler, James O. and Linda J.	158	Hamilton Av	Palo Alto	CA	94301-1618	150 Hamilton	1,875	8	1	7	7	\$35,001.07	\$35,001.07
232	120-27-005	Bibbler, James O. and Linda J.	158	Hamilton Av	Palo Alto	CA	94301-1618	150 Hamilton	3,750	15	2	13	13	\$85,100.13	\$85,100.13
233	120-27-008	Lawrence S. Kuechler	50 North First Street	San Jose	CA	95113	100 Hamilton	13,084	52	4	48	48	\$240,824.40	\$240,824.40	
234	120-27-007	Coga, Olga	180 Hamilton	Palo Alto	CA	94304	100 Hamilton	40,987	200	5	195	195	\$977,538.60	\$977,538.60	
235	120-27-008	Tholts Bros. Inc.	P.O. Box 21	Palo Alto	CA	94302	200 Hamilton	15,150	81	0	61	61	\$305,793.01	\$305,793.01	
236	120-27-009	Galaxy Properties LLC	58161 School House Rd.	Bend	OR	97707-2321	234 Hamilton	6,450	20	0	20	20	\$120,338.20	\$120,338.20	
237	120-27-010	Forest Casa Real LLC	P.O. Box 80177	Palo Alto	CA	94300	248 Hamilton	5,000	20	0	20	20	\$100,200.20	\$100,200.20	
238	120-27-011	City of Palo Alto (Civic Center) a/nm: Joe Socorro	250 Hamilton Avenue 4th Floor	Palo Alto	CA	94303	250 Hamilton	70,000	200	142	139	139	\$901,705.39	\$901,705.39	
239	120-27-012	Rector, Doris J. Trustee & El Al	3308 Truman Av.	Mountain View	CA	94030	816 Remona	8,195	33	0	33	33	\$165,428.33	\$165,428.33	
240	120-27-013	Banus Sheila M.	1588 Castillo Av.	Palo Alto	CA	94309-1040	830 Remona	8,902	20	2	24	24	\$120,312.24	\$120,312.24	
241	120-27-014	036 Remona Associates	355 Santa Rita Av	Palo Alto	CA	94301-3942	836 Remona	4,740	10	2	17	17	\$85,221.17	\$85,221.17	
242	120-27-015	Tahir, Ravi and Galina	3510 Lowe Lock Av	Belmont	CA	94002-1309	842 Remona	3,040	12	4	8	8	\$40,104.00	\$40,104.00	
243	120-27-016	Palo Alto Art Club, The	880 Ramona St.	Palo Alto	CA	94301-2545	588 Remona	7,573	36	1	29	29	\$145,377.20	\$145,377.20	
244	120-27-017	Holzman, E.H. Trustee & El Al	101 Shill Rd	Woodside	CA	95076-0602	221 Forest	8,475	34	3	31	31	\$155,403.31	\$155,403.31	
245	120-27-018	Cardinal Cleaners Inc.	203 Forest Av.	Palo Alto	CA	94301-2511	203 Forest	3,300	13	1	12	12	\$80,150.12	\$80,150.12	
246	120-27-019	Tseng, Alexander A. and Martha L. Trustees	870 Newell Rd.	Palo Alto	CA	94303-2047	851 Emerson	2,400	10	0	10	10	\$50,130.10	\$50,130.10	
247	120-27-020	Maxwell, Donald R. and Theresa M. El Al	P.O. Box 120	Palo Alto	CA	94302-0128	843 Emerson	5,500	22	0	22	22	\$110,200.22	\$110,200.22	
248	120-27-021	Melchor Corporation	035 Emerson St.	Palo Alto	CA	94301-1810	835 Emerson	0	0	-6	0	0	\$0.00	\$0.00	
249	120-27-022	Melchor Corporation	035 Emerson St.	Palo Alto	CA	94301-1610	835 Emerson	2,400	10	2	8	8	\$40,104.00	\$40,104.00	
250	120-27-023	Tholts Bros. Inc.	P.O. Box 21	Palo Alto	CA	94302	825 Emerson	6,820	27	0	27	27	\$125,351.27	\$125,351.27	
251	120-27-024	Tholts Bros. Inc.	P.O. Box 21	Palo Alto	CA	94302	819 Emerson	0,076	27	6	21	21	\$105,273.21	\$105,273.21	
252	120-27-025	Konigseller, Ruth B. El Al	1147 Pome Av	Sunnyvale	CA	94087-2234	020 Emerson	3,000	14	3	11	11	\$55,143.11	\$55,143.11	
253	120-27-026	Palo Alto Theatre Corporation	700 Emerson St.	Palo Alto	CA	94301-2410	624 Emerson	14,405	58	0	58	58	\$280,754.68	\$280,754.68	
254	120-27-027	Alldinger, Lucy R. Trustee & El Al	74 Daimo Dr.	Mountain View	CA	94041-2322	644 Emerson	8,300	33	2	31	31	\$155,403.31	\$155,403.31	
255	120-27-028	Thomas, Sherman L. Trustee & El Al	36001 Lower Valley Rd.	Tehachapi	CA	93591-0500	038 High	4,600	20	5	15	15	\$75,195.15	\$75,195.15	
256	120-27-029	Pleico, Steve and Carolyn L.	209 Cowper St.	Palo Alto	CA	94301-1200	021 High	740	3	1	2	2	\$10,028.02	\$10,028.02	
257	120-27-030	Bernstein, Martin D.	617 High St.	Palo Alto	CA	94301-1020	017 High	1,301	0	0	0	0	\$0.00	\$0.00	
258	120-27-037	Zachariah Inc.	2817 24th St.	San Francisco	CA	94121-1535	022 High	0	0	0	0	0	\$0.00	\$0.00	
259	120-27-038	Zachariah Inc. (see note 7)	2017 24th St.	San Francisco	CA	94122-1535	034 High	17,154	09	37	32	32	\$100,416.32	\$100,416.32	
260	120-27-039	U.S. Trust Company of Ca., TTEE (see note 8)	515 S. Flower St. Suite 2700	Los Angeles	CA	90071-2420	000 High	8,250	28	0	25	25	\$125,325.25	\$125,325.25	
261	120-27-042	U.S. Trust Company of Ca., TTEE (see note 8)	515 S. Flower St. Suite 2700	Los Angeles	CA	90071-2420	083 High	10,892	44	21	23	23	\$115,209.23	\$115,209.23	
262	120-27-043	U.S. Trust Company of Ca., TTEE	515 S. Flower St. Suite 2700	Los Angeles	CA	90071-2420	041 Alma	0	0	0	0	0	\$0.00	\$0.00	
263	120-27-044	Smidt, Samuel and Materna J. Inslawo	888 High St.	Palo Alto	CA	94301-1825	130 Forest	4,802	10	0	10	10	\$95,247.10	\$95,247.10	
264	120-27-007	Seabiscuit LLC El Al	6736 W. Rockwood Av.	Upland	CA	91010	100 Hamilton	72,040	260	129	150	150	\$787,008.60	\$787,008.60	

Note 7: onsite parking provided on APN 120-27-037 is credited to this APN

Note 8: onsite parking provided on APN 120-27-042 is credited to this APN

5

Assessment Number	Assessor's Parcel Number	Owner's Name	Mailing Number	Address Street	City	State	Zip	Site Address	Square footage	Parking Required	Parking Provided	A.D. Parking Participation	Parking Garage Units	Preliminary Assessment	Final Assessment
205	120-01-001	Investors of Forest Plaza		172 University Av	Palo Alto	CA	94301-1851	171 Forest	4,024	16	0	16	(B)	\$80,208.18	\$80,208.18
206	120-01-012	Investors of Forest Plaza		172 University Av	Palo Alto	CA	94301	151 Forest	3,578	14	0	14	14	\$70,182.14	\$70,182.14
207	120-01-023	Investors of Forest Plaza		172 University Av	Palo Alto	CA	94301	1095 High	6,144	25	0	25	25	\$125,325.25	\$125,325.25
208	120-02-001	Marl, Eric R. and Janice N. Trustee		075 Gilman St.	Palo Alto	CA	94301-2520	075 Gilman	1,500	0	0	6	6	\$30,078.00	\$30,078.00
209	120-02-002	Point Properties LLC		375 Forest Av	Palo Alto	CA	94301	375 Forest	4,497	18	0	18	(B)	\$90,234.18	\$90,234.18
270	120-02-021	Levitt, Dennis A. Et Al		502 Waverley St.	Palo Alto	CA	94301	305 Forest	1,072	8	0	8	8	\$40,104.08	\$40,104.08
271	120-02-022	Charlton, Randolph S. Trustee & Et Al		730 Seale Av	Palo Alto	CA	94303-3401	385 Forest	1,699	7	0	7	7	\$35,091.07	\$35,091.07
272	120-08-012	Wood, Allen D. Trustee		3213 Copper St.	Palo Alto	CA	94308-3001	440 High	450	2	0	2	2	\$10,028.02	\$10,028.02
273	120-08-013	Wood, Allen D. and Mary L. Trustee		3213 Copper St.	Palo Alto	CA	94308-3004	421 Alma	550	2	0	2	2	\$10,028.02	\$10,028.02
274	120-08-047	City of Palo Alto (High-Alms North Garage) et al: Joe Saccio		250 Hamilton Avenue 4th Floor	Palo Alto	CA	94303		0	0	0	0	0	\$0.00	\$0.00
														TOTAL	0,146 45,004,133 45,848,000

2,124

6

Uploaded: Thu, May 31, 2018, 9:22 am

## Nobu expansion faces appeal in Palo Alto

Downtown property owner says city is giving the applicant 'special treatment'

by Gennady Sheyner

As a downtown developer, Elizabeth Wong fully understands the power of the appeal in slowing down a project.

In February 2017, her proposed mixed-use development at 429 University Ave. narrowly won the City Council's approval after more than three years of reviews and a formal appeal by neighbors who deemed her project at the former site of Shady Lane too massive and architecturally incompatible with the area.

Now, Wong finds herself on the other side of the debate. On Monday night, the City Council will consider an appeal of another downtown project: the proposed expansion of the Nobu restaurant, which is located at the Epiphany Hotel at 180 Hamilton Ave. The appellant is Yo LLC, which is managed by Wong.

In appealing the proposal to open a new Nobu location next door to the Epiphany, at 620 Emerson St., Yo LLC, is seeking to reverse the approval that project received from the city's planning staff on April 19. Palo Alto's Architectural Review Board had also voted on April 5 to approve the proposal, which calls for a new, 4,063-square-foot two-story building to replace the existing structure formerly occupied by Stanford Florist.

For Yo LLC, the biggest issue is parking -- specifically, the city's decision to allow the property owner to pay "in-lieu parking fees" instead of providing actual parking on the site. The project would remove three existing on-site parking spots.

Planning staff had determined the removal of parking spots is reasonable. The location and size of the property, combined with Americans with Disabilities Act requirements, local standards for refuse collection make it "infeasible to provide additional parking onsite in an efficient or convenient parking layout," according to a report from the Department of Planning and Community Environment.

Wong disagreed with this determination and argued that the city's decision on parking sets a dangerous precedent. In an interview with the Weekly, she noted that if every restaurant in downtown's parking assessment district were given the same right to remove parking spots, the area would lose more than 2,000 parking spots. This, she said, represents "a tremendous loss to the city."

"Whatever you grant this applicant, you have to grant to other applicants," Wong said.

Wong also argued that by approving the proposal, the city is essentially giving the restaurant special treatment. Any project building within Palo Alto, she wrote to the architecture board in February, "should comply to the requirements of the City's existing land use policies."

"Yo LLC objects to special treatment the City has granted Nobu restaurant because it is a very popular and well-regarded restaurant and to Larry Ellison, the owner, because of his immense status in the business community."

The tiff over parking spots isn't the first clash between Yo LLC and the project applicant, who is listed in the project plans as PA Hotel Holding LLC. Last year, Yo LLC filed a lawsuit against the property owner alleging breach of contract, fraudulent concealment and negligent misrepresentation.

According to the suit, Yo LLC made a bid in 2013 to buy the property from the owner, Krucker Trust (represented by Ruth Krucker), for \$3.25 million. The two parties entered into a purchase agreement and the sale was set to close escrow in 2014. That, however, did not happen because of a separate legal dispute between Krucker and her husband, Adolf Konigsreiter, over ownership rights. In July 2016, the Krucker Trust was deemed the "sole and rightful" owner of the property, according to Yo LLC's court filing.

Yo LLC maintains that the Emerson Purchase Agreement remained in effect, despite these disputes. However, in January 2017, Ruth Krucker, as trustee of the Krucker Trust, sold the property to PA Hotel Holding for \$4.25 million.

The complaint from Yo LLC argues that by selling to PA Hotel Holding, Krucker and Krucker Trust "have breached the covenant of good faith and fair dealing by failing to honor the Emerson Purchase Agreement and by breaching their contractual obligations."

Yo LLC's formal appeal focuses on the issues of parking, congestion and the provision of a code-compliant restroom; Wong's February letter to the board alludes to the ongoing litigation as another reason the application should not be approved.

"Yo LLC has a contract to purchase the property which predates Applicant's ownership of this property," Wong wrote.  
"Approval of this application and the proposed demolition and development work proposed to follow may have to be reversed depending upon the outcome of the pending litigation."

The council is scheduled to consider Yo LLC's appeal at its meeting this Monday. Planning staff is recommending that the council reaffirm the project's approval and reject the appeal. Because the appeal is listed on the council's "consent calendar," it would take three council members to remove it from the calendar and give Wong a full public hearing.

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**Carnahan, David**

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**From:** Elizabeth Wong <elizabethwong2009@gmail.com>  
**Sent:** Monday, August 20, 2018 12:46 PM  
**To:** Council, City  
**Cc:** Keene, James; Shikada, Ed  
**Subject:** Re: KPIX5

To clarify, KPIX5 contacted me (not the other way around) and was interested in the APPEAL of the Nobu Expansion.

Elizabeth

On Mon, Aug 20, 2018 at 12:36 PM, Elizabeth Wong <[elizabethwong2009@gmail.com](mailto:elizabethwong2009@gmail.com)> wrote:  
For your information KPIX5 may be at the council hearing tonight reporting on the Nobu Expansion.

Elizabeth

**Carnahan, David**

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**From:** Suzanne Keehn <dskeehn@pacbell.net>  
**Sent:** Monday, August 20, 2018 3:02 PM  
**To:** Council, City  
**Subject:** 620 Emerson

Greetings City Council Members,

So I have been apprised of the complaint that Elizabeth Wong has with the under parked design for 620 Emerson St. to expand the Nobu Restaurant.

I don't think we should approve any more under parked structures, period. However, it seems there is some lack of integrity here, as Ms. Wong's building is under parked as well.

Since she wants a PASZ opinion, I can only speak for myself, but we are FOR all buildings being fully parked.

Suzanne Keehn  
PASZ Steering Committee  
4076 Orme St.  
94306

**Carnahan, David**

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**From:** Greg Stutheit <gstutheit@montalbaarchitects.com>  
**Sent:** Monday, August 20, 2018 3:17 PM  
**To:** Kniss, Liz (internal); Fine, Adrian; Wolbach, Cory; Filseth, Eric (Internal); Scharff, Gregory (internal); Tanaka, Greg; Holman, Karen; Kou, Lydia; DuBois, Tom  
**Cc:** Chris Wade; Council, City; David D. Montalba; Ivo Keller; Gutierrez, Samuel  
**Subject:** Re: 620 Emerson/ARB Application No. 17PLN00331  
**Attachments:** CRW Letter to Palo Alto City Council re Yo LLC Appeal (08-08-18) (00838307xA4507).pdf

Hi All,

It has come to my attention that the referenced letter was inadvertently omitted from the previous email. It is attached again here for your reference.

My sincerest apologies.

Best,  
Greg

On Wed, Aug 15, 2018 at 7:37 PM Greg Stutheit <[gstutheit@montalbaarchitects.com](mailto:gstutheit@montalbaarchitects.com)> wrote:

Dear Councilmembers and Madam Mayor,

Montalba Architects represents the Applicant for the new Nobu Restaurant project located at 620 Emerson Street. The project approval by the ARB was appealed and is on the upcoming August 20th City Council Agenda.

The project team would be happy to offer a site visit prior to the hearing for any Council members that may be interested. We are also available to answer any questions you might have with regard to the design and approval process for the project, either by phone or email.

Finally, I am attaching a letter written by the project's attorneys addressing the details of the appeal.

Thank you in advance for your attention to this matter and we look forward to presenting the project to you next week.

Sincerely,

Greg

--

Greg Stutheit, Architect

Associate Principal

[gstutheit@montalbaarchitects.com](mailto:gstutheit@montalbaarchitects.com)

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August 8, 2018

***VIA FEDEX AND EMAIL***

City Council and Mayor of the City of Palo Alto  
City Hall  
250 Hamilton Avenue  
Palo Alto, CA 94301  
[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)

***RE: August 20, 2018 City Council Meeting Regarding Architectural Review Application No. 17PLN00331 -- Yo, LLC Appeal from Decision of Director of Planning & Community Development Approving Project at 620 Emerson Street***

Dear Councilmembers and Madam Mayor:

We represent PA Hotel Holdings, LLC (“Applicant”), the owner of the property located at 620 Emerson Street in Palo Alto (the “Property”) and recipient of the project approval that is at issue in the above-referenced appeal. The Property contains a currently vacant, 4,000 square foot commercial building, formerly the site of the Stanford Florist flower shop. Applicant proposes to replace the building with a 4,063 square foot commercial space to allow for expansion of the existing Nobu Restaurant located within the Nobu Hotel—Epiphany Palo Alto next door (the “Project”).

After carefully studying the Project over the course of two hearings, the Architectural Review Board (“ARB”) voted unanimously, 5 to 0, to approve the Project as currently designed and conditioned.

This Appeal was filed by Yo, LLC. In addition to its role as appellant, Yo, LLC is involved in active litigation against Applicant related to Yo, LLC’s failed attempt to purchase the Property from its previous owner. Yo, LLC’s owner/representative is Elizabeth Wong, a local property owner and developer. The Notice of Appeal alleges that parking, traffic, loading, and restroom issues justify reversing the ARB’s decision. However, as discussed below, all of these arguments miss the mark. Each of these issues is addressed by the staff report and the record, which provide ample support to sustain the ARB’s unanimous approval of the Project.

## In-Lieu Parking Fees

The Project's reliance on in-lieu parking fees to satisfy the City's parking requirements is consistent with both the spirit and the letter of the Municipal Code provisions governing in-lieu fees, and with the City's planning documents for the Downtown area.

The City has made a conscious choice to design its Downtown Commercial District as a pedestrian and bicycle-friendly zone, featuring a variety of small shops and restaurants housed in separate, architecturally-distinct structures. That preference is reflected in a number of General Plan policies that encourage the use of shared parking and reduction of parking requirements for restaurants.<sup>1</sup> The City's Downtown Urban Design Guidelines likewise emphasize the "existing building pattern of storefronts or structural bays," which "create the human scale of Downtown"; and Municipal Code § 18.18.110 creates design criteria that "promote pedestrian walkability" by directing vehicle access away from store-fronts and reserving public street frontages for pedestrian access. These policies demonstrate the City's commitment to funneling parking demand into the public garages disbursed throughout the area, rather than attempting to accommodate all parking demand generated by each redevelopment project on-site.

Consistent with these policies, Municipal Code § 18.18.090(d) allows certain projects to satisfy the City's parking requirements through payment of in-lieu fees.<sup>2</sup> These provisions apply, among other things, where the project occupies less than 10,000 square feet in site area and it is not physically feasible to provide the required on-site parking due to an unusual lot configuration; or where the site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking.

The Project satisfies the requirements for eligibility to participate in the in-lieu parking program. First, the site area is 4,063 square feet, well below the 10,000 square foot threshold in subsection (d)(2), and Applicant has conclusively demonstrated that it would not be physically feasible to provide the required parking spaces on-site. Specifically, Applicant's representatives commissioned an independent study of the feasibility of integrating on-site parking into the Project by expert traffic and parking consultants Nelson/Nygaard Consulting Associates, Inc. The study evaluated 13 separate parking layout scenarios with respect to turning feasibility, physical site constraints, adjacent private property constraints, sight distance adequacy, and bicycle/pedestrian safety.

Nelson/Nygaard determined that all 13 scenarios were infeasible for a variety of reasons, including inadequate visibility of pedestrians in the alley, insufficient turning radii, and other issues related to the Property's unusual configuration, with its narrow rear frontage on a one-way alley that contains several other nearby obstructions. The study concluded that, "there was no feasible way to provide parking within or on the project site that could meet parking space size, ingress and egress movements, or vehicle/bicycle/pedestrian safety standards." The Project therefore satisfies the in-lieu fee eligibility requirements of Section 18.18.090(d)(2).

<sup>1</sup> Relevant General Plan policies are listed in Appendix A to this letter for the Council's reference.

<sup>2</sup> The complete text of Section 18.18.090(d) is set forth in Appendix B.

Second, the site is located in an area where city policy strongly disfavors curb cuts, because they disrupt pedestrian circulation. As ARB member Wynne Furth observed during the first of the two ARB hearings, “I don’t think there’s anybody who would support … a curb cut on Emerson. That would go against everything we’re trying to accomplish here.” This restriction significantly constrains the Property’s ability to accommodate on-site parking, since it prevents any arrangement by which cars would enter and exit a garage from the Emerson Street side, thereby requiring all cars to enter and exit from the public alley in the rear of the Property. As the Nelson/Nygaard study concluded, the alley cannot serve as a safe entrance and exit for parking on the Property for all of the reasons discussed above. The Project therefore satisfies the eligibility requirements of subsection (d)(4), as well.

The Notice of Appeal argues that the City should reject the Project because the Project will remove three existing on-site parking spaces. While it is true that there are currently three parking spaces on the Property, the spaces are too small for current City parking requirements, and there is no disabled access-compliant space. In fact, the garage is only large enough to accommodate two legal parking spaces under existing City standards. Moreover, in practice these spaces have been used as a loading zone and for storage of trash generated on the Property – not for parking. The ARB took all of these facts into account in reaching its decision approving the Project, and as ARB member Robert Gooyer stated, the Applicant provided “the most thorough explanation as to why we need to … get rid of those three parking spaces I think I have ever heard.”

The Notice of Appeal next argues that the Project’s payment of in-lieu parking fees “is sugar-coating the fact that there is no provision for off site parking within walking distance.” That is simply untrue. There are five public parking lots within a two-block radius of the Property:

- High/Alma North Garage (Q), 550 High Street
- High/Hamilton Lot (P), 549 High Street
- Emerson/Ramona Lot (N), 561 Emerson Street
- Civic Center Garage (CC), 250 Hamilton Street
- Ramona/University Garage (B), 533a Ramon Street

We also understand that the City recently expanded its garage on Lytton Avenue, and is working on an expansion of another garage on Hamilton Avenue. Accordingly, there is a large amount of existing public parking located in the Project’s immediate vicinity, and the supply of public parking spaces continues to grow.

Further, restaurant patrons will have access to valet parking at the entrance to the Epiphany Hotel, directly next door to the Project. As it does now, the valet service will continue to utilize licensed spaces in private garages or lots outside of the immediate vicinity of the Project, rather than taking up spaces in the closest public garages.

It is possible that in referring to the lack of “provision for off site parking within walking distance,” Yo, LLC is arguing that the City must assign individual parking spaces in specific public garages to projects with in-lieu parking fee components, so that there are designated spots available for the project’s use. However, nothing in the text of the Municipal Code supports such a requirement, and it is our understanding that the City has *never* taken that approach to in-lieu parking. Yo, LLC has not provided an example of a project for which in lieu spaces were specifically designated, we were unable to locate such an example in our search of City records, and Planning Department staff knows of none.

To the contrary, the City recently approved a project at 429 University Avenue, which we understand was sponsored by Yo, LLC’s principal, Ms. Wong. That project requires 87 parking spaces, 34 of which will be accommodated on-site. The project relies on past payments of in-lieu fees to provide 37 of the remaining spaces. Consistent with the Project at issue here, the approval documents do not mention any assignment of specific parking spaces.

Likewise, the City recently approved a 7,158 square foot expansion of a senior citizen center at 450 Bryant Street, which is zoned the same as the Property and located just 3 blocks away. That project generated a need for 29 additional parking spaces, which it will satisfy entirely through payment of in-lieu fees and a transportation demand management plan. Again, the approval documents do not mention any assignment of specific parking spaces.

Nor would such an approach make sense. A big part of the reason for accommodating parking demand in large, public garages is to allow flexibility in the use of parking spaces, so that spaces not being used for one business at any given moment are available to patrons of the other businesses in the area. Assigning specific spaces to individual businesses would defeat that purpose.

Yo, LLC next argues that the Project proposal “never addressed other options such as mechanical lifts and underground parking....” That is incorrect. The 13 scenarios studied in the Nelson/Nygaard report specifically included underground parking and mechanical lift options. The expert consultant found these options to be infeasible for a variety of reasons, including the difficulties created by forcing cars to back out of an underground garage or lift into a one-way alley already occupied with other parking spaces and physical obstructions.

Thus, while the Applicant has submitted substantial evidence showing that the Project is eligible for payment of in-lieu parking fees, Yo, LLC has failed to submit any evidence or credible argument to the contrary.

### Traffic & Congestion

The next issue raised in the Appeal concerns the Project’s purported traffic impacts. Referring to the presence of other restaurants on the 600 block of Emerson Street, Yo, LLC argues that “Location of another restaurant may bring traffic and circulation on this block to a standstill, especially during the peak evening hours.” The Notice of Appeal again offers no evidence to support its claim.

We understand that the City typically requires a locally focused traffic analysis for projects generating more than 50 trips per peak hour; and only requires a complete analysis to be performed for projects generating more than 100 new weekday peak hour trips.<sup>3</sup> The Planning & Transportation Commission staff has concluded that projects generating less than 50 new peak hour trips, “would generate an insignificant amount of traffic relative to the local street network (i.e. they would not have the potential to result in direct, indirect, or ‘considerable’ contributions to cumulative impacts).”

Here, the Project would replace an existing 4,000 square foot commercial use with a new 4,063 square foot commercial use. The Planning Department staff concluded that in light of the type of use, square footage, and location, the Project’s impact on traffic and circulation will be negligible. Yo, LLC has offered no facts or evidence to rebut that conclusion. Accordingly, the record does not support overturning the ARB’s decision on this basis.

### **Loading Requirements**

Yo, LLC next argues that the Project’s elimination of the three on-site parking spaces “creates loading problems for this site” because the three spaces “also act as loading space.” Notably, this argument conflicts with Yo, LLC’s previous argument regarding parking, since spaces that are consistently used for parking could not be used for loading. However, in addition to this logical inconsistency, the Council should reject this argument for several other reasons.

First, the Municipal Code unambiguously provides that the Project does not need to have a loading zone. Table 3 in Municipal Code § 18.52.040 sets forth the Minimum Off-Street Loading Requirements for various uses. The requirement for “Eating and Drinking Services” with 0 to 4,999 square feet of space, such as the Project, is zero.

Second, the lack of a separate loading zone is consistent with the City’s existing policy of encouraging the use of alleys behind commercial properties as loading zones. Indeed, Ms. Wong benefited from the same policy when the City approved her 429 University Avenue project, despite the fact that the project included a loading zone that was too small to satisfy the City’s requirements. As noted in the Staff Report for the March 20, 2017 City Council meeting regarding the 429 University Avenue project,

There is a loading zone at Kipling Street and the alley provides sufficient loading space for the project and service alleys throughout downtown have historically been used for the purpose of shared loading and access. Using the alley is consistent with prior projects reviewed by the City and with previous iterations of the project design, and meets the intent of the City’s Code requirement.

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<sup>3</sup> This understanding, and the quotation in the next sentence, come from a City Planning & Transportation Commission Staff Report dated December 11, 2013, titled “Traffic Impact Analysis Guidelines and Traffic Model Update.”

There is no reason why the same logic should not apply to this Project, which will generate considerably *less* demand for loading and unloading than Ms. Wong's four-story, mixed-use project at 429 University.

Third, Yo, LLC's argument ignores the fact that the Project has access to the existing loading zone for the adjacent hotel. The hotel's loading and trash area is located off of Hamilton Avenue, and includes a 145 square foot indoor trash area, a 231 square foot indoor loading and elevator access area, and a 290 square foot outdoor loading space located outside of the public right of way. All of these areas are approximately 155 feet from the proposed connection between the hotel and the Project's kitchen. While the Project has access to sufficient space for loading even without these facilities, and the City's Municipal Code unequivocally does not require further loading space, the Project's access to such extensive facilities for the foreseeable future is also worth noting in assessing this issue.

The Notice of Appeal also argues that "Larger delivery trucks and vehicles that service the grease traps for example cannot make the two sharp turns in the alley." Yo, LLC again offers no evidence or credible argument to support its assertion. According to the staff reports for the Project and Mr. Gutierrez's testimony to the ARB, Planning Department staff specifically measured the width of the alley and concluded that the alley is wide enough to be used for service and delivery vehicles. Although parking on the Property is infeasible because the alley is a one-way street and has existing obstructions in the specific area where cars would have to back out from any parking spaces on the Property, those issues would not apply to service vehicles proceeding through the alley in the permitted direction.

Further, there are already two other restaurants (Tacolicious and Dan Gordon's) on the same side of the same block of Emerson Street, in front of the same alley. There is no evidence that either of these restaurants are having any problems with servicing of their grease traps. Yo, LLC's purported concerns regarding the lack of a loading zone are therefore entirely unfounded.

### Access to Restrooms

Finally, the Notice of Appeal argues that the Project's provisions for access to restrooms are insufficient. Because the Project will include two physical connections between the new restaurant space and the existing hotel next door (one for staff, the other for customers), the Project provides for the restaurant's restroom needs to be satisfied through the existing restrooms in the hotel lobby. The end result will be similar to many existing restaurants in the City, where customers make a short walk from the dining area to restrooms located just outside the restaurant.<sup>4</sup>

This arrangement fully complies with all legal requirements. The law does not require that restrooms be placed on the same parcel of real estate as the facilities they serve. Instead, the Plumbing Code states that restrooms must be provided within a maximum travel distance. In

<sup>4</sup> For example, several restaurants at Stanford Shopping Center utilize the center's common restrooms, rather than providing separate facilities.

non-mall facilities, that distance is 500 feet. The Retail Food Code (part of the Health and Safety Code) contains various other requirements for travel distances in the 200 to 300 foot range. The maximum travel distance for the Project will be 150 feet, comfortably complying with all of these requirements.

Further, in case the restaurant access to the hotel is ever severed, the Conditions of Approval require the Property to construct its own, Code-compliant restrooms; and the Project plans require Applicant to install plumbing on the Property to allow restrooms to be quickly installed, should that ever prove to be necessary.

Yo, LLC argues that these Conditions of Approval are insufficient because, “There is no provision for monitoring or enforcement of this provision once the building permit is approved.” However, putting aside the fact that whoever owns the restaurant space at the time of severance would have a strong incentive to provide restrooms for staff and customers, severing the restaurant’s access to the hotel would also require physical changes that would necessitate issuance of new permits. Those permits could only be issued after a plan check, during which the City would have to determine whether the separate structures resulting from the severance comply with all applicable codes. Accordingly, the requirement that the Property’s owner install separate restrooms upon severance of the structures is fully enforceable, both practically speaking and as a matter of law.

## Conclusion

The Project complies with all City requirements, and none of the objections raised in the Appeal withstands close scrutiny. The undersigned therefore respectfully requests that the City Council affirm the ARB’s carefully considered, unanimous approval of the Project.

Sincerely,  
SSL LAW FIRM LLP



Christine R. Wade

cc: Associate Planner Samuel Gutierrez (*via email*)  
Greg Stutheit, Architect and Associate Principal, Montalba Architects, Inc. (*via email*)

## **APPENDIX A**

### **General Plan Policies Relevant to Project**

The following General Plan policies express the City's conscious desire to develop the Downtown Commercial District in a pedestrian and bicycle-friendly manner, rather than forcing every project to accommodate demand for parking on-site:

- Policy T-5.1: "All new development projects should manage parking demand generated by the project, without the use of onstreet parking, consistent with the established parking regulations. As demonstrated parking demand decreases over time, parking requirements for new construction should decrease."
- Policy T5.1.2: "Consider reducing parking requirements for retail and restaurant uses as a way to encourage new businesses and the use of alternative modes."
- Policy T5.2.2: "Study and implement pricing strategies for public parking in commercial districts, taking into consideration both employee parking demand and the needs of retailers and customers. Use pricing to encourage short term parking on street, long term parking in parking garages and the use of alternative modes of transportation."
- Policy T5.3: "Work with merchants when designating dedicated employee (long term) parking areas in public parking lots and garages."
- Policy T5.4: "Encourage shared parking where complementary demand timing is demonstrated in order to optimize parking spaces in commercial centers and employment districts."
- Policy T5.6: "Strongly encourage the use of below-grade or structured parking, and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible."

## **APPENDIX B**

### **Municipal Code § 18.18.090(d)**

The requirements for the City's in-lieu parking program are set forth in Municipal Code § 18.18.090(d), which provides:

**(d) In-lieu Parking Provisions**

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined pursuant to Chapter 16.57 of Title 16 of this code, by the director of planning and community environment, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director of planning and community environment, shall be eligible to participate in the in-lieu parking program:

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
- (2) The site area is less than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; or
- (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

**Carnahan, David**

**From:** herb <herb\_borock@hotmail.com>  
**Sent:** Monday, August 20, 2018 4:32 PM  
**To:** Council, City; Clerk, City  
**Subject:** Re: August 20, 2018, Council Meeting, Item #8: Stanford Fire Protection Agreement and Settlement Agreement

Oops !

When I clicked on the Attachment link to the 2006 staff report at the bottom of my copy of the letter I just sent you, it didn't work. If you have the same problem, simply go to the June 26, 2006, City Council agenda online, where the link to the Attachment for Agenda Item 7 does work.

Herb Borock

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**From:** herb <herb\_borock@hotmail.com>  
**Sent:** Monday, August 20, 2018 11:22 PM  
**To:** city.council@cityofpaloalto.org; city.clerk@cityofpaloalto.org  
**Subject:** August 20, 2018, Council Meeting, Item #8: Stanford Fire Protection Agreement and Settlement Agreement

Herb Borock  
P. O. Box 632  
Palo Alto, CA 94302

August 20, 2018

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

**AUGUST 20, 2018, CITY COUNCIL MEETING, AGENDA ITEM #8  
STANFORD FIRE PROTECTION AGREEMENT AND SETTLEMENT AGREEMENT**

Dear City Council:

I urge you to continue this item to a future meeting to provide adequate time for the City Council, the public, and the press to review this lengthy and complex agenda item, because the staff report and attachment for the item was not available eleven days before the meeting, which is the standard for distribution of staff-prepared agenda item material.

It is a curious coincidence that the total of all the payments by the City to Stanford are more than the first year's fees payable by Stanford under the New Service Agreement.  $[\$5,500,000 + \$1,010,000 > \$6,273,111]$

Station Direct Costs are the principal metric used to determine the Grand Total for the costs to be allocated by the Agreement.

The Agreement conflates the number of personnel in Stations with the actual use of those personnel on Calls for Service.

The deployment of all Fire Department personnel on Calls for Service should be a principal metric in determining Stanford's share of Station Direct Costs but that data, which is readily available, is not shown.

Did City staff and Stanford staff examine the historical use of all Station personnel on all Calls for Service to agree on Stanford's share of Direct Station Cost and then work backwards to derive the formula for the 19% cost allocation?

Or did one side of the negotiation use the historical record to obtain the actual personnel deployment data on Calls for Service and then suggest the personnel division used in the Agreement to calculate Stanford's share of Direct Station Cost?

Remember, for example, that all medical calls on the Stanford campus responded to by the Palo Alto Fire Department medic vans are responded to by medic vans from Stations in the City of Palo Alto, not from Station No. 6.

Although there is language in the Agreement at Section 2.1(c) regarding changes on the Stanford Campus that may impact resources allocated to Stanford, there is no language that addresses the effect of Stanford moving tax-exempt Academic Facilities to land in the City of Palo Alto, such as the Stanford Research Park, or building tax-exempt housing on land in the City of Palo Alto, such as the Stanford Shopping Center or the Stanford Research Park.

When Stanford's tax-exempt facilities are on the Stanford Campus, Stanford has the responsibility for paying for fire protection and medical services, but when those same tax-exempt facilities are within the City of Palo Alto, the City is responsible for paying for those services with General Fund revenues, but those Stanford tax-exempt facilities in the City would not be contributing their fair share to the General Fund.

For those interested in the text of the prior Agreement, please refer to:

Amendment Number Two to Stanford Fire Contract, June 26, 2006, CMR:  
277:06:

**City of Palo Alto | City Clerk's Office | 8/20/2018 4:33 PM**

<https://www.cityofpaloalto.org/cityagenda/publish/cmrs/documents/CMR277-06.pdf>

Attachment:

<https://www.cityofpaloalto.org/cityagenda/publish/cityclerkreports/documents/060622no7stanfordfirecontract.pdf>

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

**Carnahan, David**

**From:** Adina Levin <adina.levin@friendsofcaltrain.com>  
**Sent:** Monday, August 20, 2018 4:13 PM  
**To:** Minor, Beth; Council, City  
**Subject:** Comments on Stanford GUP  
**Attachments:** FoC Stanford GUP letter (1).pdf

Honorable Council Members,

This note is in regard to the discussion about the Stanford General Use Permit.

Since the 2000 General Use Permit went into effect, Stanford has been a regional leader in practices to reduce solo driving and transportation impact. We hope that you and Stanford's planning team consider these comments to strengthen Stanford's role in helping to solve these important challenges.

I am attaching Friends of Caltrain's earlier letter with regard to the General Use Permit. Two items in particular to continue to encourage from the earlier letter:

\* Contribution to Caltrain capacity improvements. The first phase of Caltrain electrification is currently in progress. Building on this project, scheduled for completion in 2022, Caltrain has requested and received some state funding to purchase additional cars for longer trains. With its planned growth, Stanford is expected to be one of the largest users of the additional capacity from Caltrain electrification phase 2. Therefore it is reasonable, either as environmental mitigation if technically appropriate, or as part of a development agreement, for Stanford to contribute to a fair share of the capacity increase that benefits the institution and its employees.

\* Provide Stanford's leading TDM benefits to long-term contract workers. Stanford, like many large employers, sources some basic functions at its facilities from contracting organizations. Our understanding is that workers for these contracting agencies are not eligible for transportation benefits. Data from Palo Alto's TMA indicates that workers without transportation benefits drive at a higher rate than workers with benefits. We urge Stanford to provide TDM benefits to these classes of workers, benefiting the workers, Stanford, the City of Palo Alto and neighbors with resulting reduction in traffic and parking demand.

Thank you for your consideration,

- Adina  
Adina Levin  
Friends of Caltrain  
<http://greencaltrain.com>  
650-646-4344



February 2, 2018

County of Santa Clara  
Department of Planning and Development  
County Government Center  
70 West Hedding Street, San Jose, CA 95110  
Attention: David Rader  
[david.rader@pln.sccgov.org](mailto:david.rader@pln.sccgov.org)

Dear Santa Clara County Board of Supervisors,

Thank you for the opportunity to provide feedback on the Stanford General Use Permit (GUP). Friends of Caltrain is a 501c3 nonprofit focusing on sustainable transportation on the Peninsula Corridor. We respectfully submit the following comments for your consideration:

#### Transportation Infrastructure

- Caltrain Capacity funding. Stanford's growth, and success at encouraging transit use, will add many more riders to Caltrain, which has been running at capacity. The electrification project being constructed is the first of several steps to add capacity to the system. The EIR does not fully analyze impact on Caltrain capacity. We recommend more robust analysis on the impact of the project on Caltrain crowding, and funding contributing to the upcoming phases of Caltrain modernization, providing longer trains, longer platforms, and level boarding, which will allow Caltrain to carry more Stanford commuters and help Stanford achieve its "no net new trips" goal.
- Bicycle connections between the Palo Alto Transit Center, Stanford, and Palo Alto. Caltrain has the highest rate of bicycle use for first/last mile connections in the US. However, the routes connecting Stanford to and through the Palo Alto Transit Center are confusing and stressful. The bicycle mode share from north Palo Alto is lower than West Menlo Park, and Stanford's bikeshed studies confirm that Palm Drive has one of the lowest bicycle volumes. Therefore, it would be valuable for Stanford to partner with the City of Palo Alto, CalTrans and other agencies to create a more stress-free, continuous cycling experience along University Avenue to Palm Drive corridor, and from the Quarry district to the transit center and downtown services, including the route to/from the Homer Tunnel. Such improvements would help improve access to the transit center, but improve access to Stanford from North Palo Alto and East Palo Alto.

## Transportation Demand Management

- Extend TDM benefits for “Other Workers.” We applaud the no-net new trips goal, and Stanford’s success over time in reducing vehicle trips. However, the EIR’s extrapolation that “Other Workers” (Temporary, casual, seasonal workers who have <50% FTE roles) are likely to have transportation patterns similar to full-time employees is problematic, since these jobs are often lower-income and workers may live in different places with different commute patterns. Commute patterns of these worker populations should be studied directly, with the results included in VMT and no net new trips assessments.

Given a projected increase of 2500 “Other Workers” between 2015 and 2035 this could account for a significant number of daily trips. Other workers should also be able to benefit from transit passes, rideshare, carpool and other TDM benefits to reduce SOV commutes that full time regular employees have in order to extend Stanford’s TDM performance and meet the “no net new trips” obligation.

- Update “offsite mitigations” to be more multi-modal, working with neighboring TDM programs. Historically, the Stanford Community plan provides an additional means to achieve No Net New Commute Trips through implementation of “offsite” programs to reduce trips in other jurisdictions. Current examples of such offsite mitigations include: 1) Marguerite riders outside the cordon, 2) hospital employees in the Commute Club, and 3) hospital employees on the East Bay bus service. Currently, the area eligible for “offsite mitigations” includes roadways proximate to the Stanford Campus. In recent years, Palo Alto and nearby communities have established TDM policies and are moving forward with Transportation Management Associations with programs to reduce vehicle trips. These organizations are typically starting from a higher drivealone mode share base, similar to where Stanford was before the No Net New Trips requirement.

Building on the offsite mitigation program, we recommend that Santa Clara County change the definition of the eligible geography to a 45 minute transit or bicycle commuteshed. Offsite mitigations could include contributions to transportation management associations, joining forces to negotiate new transit routes and expand transit service with Caltrain, VTA, SamTrans, AC Transit, and pool transportation benefits (bikeshare, carshare, etc), focused on reducing peak hour trips within the transit and bicycle commuteshed. Such an effort can significantly improve regional transportation linkages by creating a wider “Stanford Plus” transit sphere of influence.

## Housing

- More housing on (or near) campus. Over the last several years, EIRs for Stanford’s General Use Permit and other major plans in the region show that housing near jobs results in lower VMT per person. The 3150 beds/housing units proposed in the draft GUP is welcome and much needed, but the projected jobs increase still results in a shortfall of 2425 housing units. Please consider adding more housing options particularly for administrative staff, post-doctorates and Stanford workers who have fewer local

options due to high local rental prices. We also encourage Stanford to partner with the City of Palo Alto or the County of Santa Clara to explore more housing on nearby sites.

- Housing locations. Stanford proposes to change the location where affordable housing impact fees could be used from within a 6-mile radius to any location near robust transit. However, the proposal as written could logically provide funding for housing near the Antioch eBART station, SMART in Santa Rosa, ACE in Tracy or some transit location with a 2.5+hour one-way commute to Stanford. We would recommend modifying the proposal to apply to locations near transit, within a 60-minute transit commutesheded to Stanford, and favoring locations within 6 miles and a 45 minute transit commute.

Since the 2000 General Use Permit went into effect, Stanford has been a regional leader in practices to reduce solo driving and transportation impact. We hope that you and Stanford's planning team consider these comments to strengthen Stanford's role in helping to solve these important challenges.

Sincerely,

A handwritten signature in black ink, appearing to read "Adina Levin". It is written in a cursive style with a horizontal line extending from the end of the signature.

Adina Levin  
Friends of Caltrain  
<http://greencaltrain.com>  
650-646-4344

**COUNCIL MEETING**

08/20/2018

Received Before Meeting**2****3****4****5**

City of Palo Alto | City Clerk's Office | 8/17/2018 1:36 PM

**Carnahan, David**

**From:** Ng, Judy  
**Sent:** Friday, August 17, 2018 1:18 PM  
**To:** Council Members; ORG - Clerk's Office; Council Agenda Email  
**Cc:** Keene, James; Shikada, Ed; De Geus, Robert; Flaherty, Michelle; Minor, Beth; Dauler, Heather; Lloyd, Debra; Nickel, Eric; Richardson, Harriet; Dailey, Karla; Abendschein, Jonathan; Batchelor, Dean  
**Subject:** 8/20 Council Agenda Questions for Items 2, 3, 4, & 5



Dear Mayor and Council Members:

On behalf of City Manager Jim Keene, please find below in **bold** staff responses to inquiries made by Council Member Tanaka and Kou in regard to the August 20, 2018 council meeting agenda.

Item 2: Determination of Potential Risk of Wildfires Caused by Electric Lines – CM Tanaka

Item 3: Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of March 31, 2018 – CM Tanaka

Item 4: Policy and Services Recommendation to Accept the ERP Planning: Information Technology and Data Governance Audit – CM Tanaka

Item 5: Resolution Supporting a Bay Delta Plan Negotiated Settlement – CM Tanaka and Kou

Item 2: Determination of Potential Risk of Wildfires Caused by Electric Lines – CM Tanaka

Q. 1. If this is mandated by state law, why does Council need to approve the mitigation measures?

**A. 1. The law itself requires Council approval of mitigation measures. (Please refer to the Discussion portion of the staff report which reads “[o]nce a determination is made, the law mandates a second step: Council approval of mitigation efforts....”) Specially, Public Utilities Code 8387 (c) states in part: “the local publicly owned electric utility or electrical cooperative shall, at an interval determined by the (governing) board, present to the board for its approval those wildfire mitigation measures....”**

Q. 2. Why is there no resource impact to this?

**A. 2. There is no resource impact because Council’s action will not modify any operation or policy, adds no work requirements, and requires no financial**

resources beyond current actions mandated by state regulations. As noted in the staff report, no specific activities will begin as a result of Council's determination. Vegetation clearance and inspection are already required and ongoing activities.

Item 3: Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of March 31, 2018 – CM Tanaka

Q. 1. What were the deficiencies?

A. 1. I believe that this question is in regard to the ERP Planning: Information Technology and Data Governance Audit, which is listed as "complete" in the Quarterly Report. The audit conclusion was that the City does not have a sufficient IT or data governance structure, including policies and procedures that clearly define roles and responsibilities. It is essential for the City to develop IT and data governance processes prior to implementing a new ERP system to ensure that implementation and ongoing operation of the system are successful, in alignment with City goals and objectives, and that existing data are accurate, consistent, and complete before being migrated into the new system.

Q. 2. Is the report ready now since it is already pass mid-2018?

A. 2. I believe that this question is also in regard to the ERP Planning: Information Technology and Data Governance Audit. We presented that audit to the Policy & Services Committee on June 21, 2018. It is included on the Council's Consent Agenda for August 20, 2018, and is available here:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/66250>.

Q. 3. Currently have you found any missing items or damaged ones in the inventory for the Mobile Device Inventory and any lapses in Security?

A. 3. We do not provide information on what we are finding in an audit until we publish the audit report. The reason is that the Government Auditing Standards require that we validate, prior to issuing a report, that the evidence supports the findings, conclusions, and recommendations contained in the audit report. We do this as part of our audit quality control process, also required by the Government Auditing Standards, which occurs at the end of the audit, after the audit report has been drafted. We do not want to prematurely release information and then have to reverse what we said at a later date if we were not able to validate it. This audit is currently in the field work phase, so the auditor is in the process now of

collecting the information you requested, but we cannot release that until the report is complete and the work has been reviewed.

Q. 4. How far along is the report for the ones which are in the mid-2018 phase?

**A. 4. This will be addressed more fully in the September Quarterly Report, but here is a quick update (in same order as listed in the June Quarterly Report):**

- **ERP Planning: Data Reliability and Integrity – Data Standardization.** This report is currently being reviewed with the applicable departments, which is a standard process we go through to ensure report accuracy prior to finalizing it and requesting the City Manager's official written response.
- **Code Enforcement Audit.** This report is being reviewed with the applicable departments. The review process is taking longer than usual because of the number of departments involved and the need for us to schedule multiple meetings to go through the report with them.
- **ERP Planning: Separation of Duties.** This report is currently being reviewed with the applicable departments.
- **ERP Planning Audit: Data Reliability and Integrity of Human Resources/Payroll Data – A report has been drafted and I expect to do my review of it next week.**
- **Business Registry – This audit is out for the City Manager's official response. I expect it to be completed in time to be on the September 11 Policy and Services Committee agenda.**
- **Mobile Device Inventory and Security.** Audit is in the field work phase.
- **Transferable Development Rights.** Audit is still in the planning phase.
- **Nonprofit Organizations Audit.** Audit is still in the planning phase but should be in the field work phase starting next week.
- **Contract Oversight.** Audit is still in the planning phase but should be in the field work phase starting next week or the following week.

Q. 5. Can you release some of your main concerns and what form of advice you gave to the IT Department, and how did their participation limit your involvement? (ERP Non-Audit)

**A. 5. Our concerns centered around the City's readiness for a new ERP system. The City had not addressed the recommendations provided in the 2014 ERP system evaluation report ([CMR ID# 6192, Study Session, 2/29/16](#)), and has experienced turnover of key positions with more to come. Our recommendations included that the City, prior to awarding a contract:**

- Establish a formal ERP governance structure to provide strategic direction, solicit and aggregate staff input, and make informed project decisions.
- Define expected business benefits and determine how to measure success.
- Identify and assess project risks, such as cost overrun and project delay, considering the availability of resources, integration and customization needs, and competing priorities.

- Develop a project plan and budget that can mitigate project risks, considering hidden costs such as internal resources and backfill costs required for the design phase or data cleansing.
- Design and negotiate a contract that can sufficiently mitigate project risks. Formalize contract administration roles and responsibility.

IT department staff indicated that our recommendations are being addressed, and suggested that we discuss after the vendor selection how we can work together moving forward. We have not attended any ERP meetings this fiscal year.

Q. 6. How many of the 3,000 returned the surveys? (Custom Citizen Survey)

**A. 6. We received 632 responses to the Custom Citizen Survey. The response rate was 22 percent ( $632 \div 2,879$ , not  $\div 3,000$  because 121 of the surveys mailed were returned as undeliverable).**

Q. 7. How are you planning to increase the response rate? What is the current response rate? Are there particular demographics not responding to the survey, and are there other ones we should be sending our surveys? Could these be done electronically so that the people do not have to mail them in? (National Citizen Survey)

**A. 7. The response rate was 21 percent in 2017. We shortened the 2018 survey as a way of trying to increase the response rate. I asked all department directors to go through the survey and delete questions where resident opinion is not important to them and also gave the Council an opportunity to identify questions they thought needed to be retained or could be deleted. We also deleted demographic questions that are not used for weighting or in our analysis of how various demographic groups respond. The 2018 surveys went in the mail last week. The City Manager's communication staff are posting information about it on the City's social media sites and Nextdoor to encourage residents who receive the survey to respond. They also sent a press release to the media and will be posting information about the survey on the reader board in the City Hall lobby.**

We cannot target specific demographic groups because we do not have data that shows addresses for residents who fall within any specific demographic group. Doing so would also void the statistical reliability of the survey. The National Research Center conducts the survey by randomly selecting a statistical sample of residents that covers all parts of the City. Statistically, this should capture an appropriate number of residents from various demographic groups.

Residents already have the option of responding electronically to the survey. Of the 614 completed surveys in 2017, 149 responded online. A link to the online survey is included in the letter residents receive with their survey packet, but most residents continue to prefer doing the survey on paper.

Q. 8. Are there any important issues you have come upon from the Utilities Risk Oversight Committee & Information Security Steering Committee?

**A. 8. No. The UROCC is a forum that serves primarily as a resource for vetting topics/issues that will come before the Utilities Advisory Commission and the City**

Council at a later date. However, if we learned anything that would cause us concern from an audit perspective, we would consider adding it to our next annual audit work plan.

Q. 9. Have the misallocations been researched and solved? If not, how many of them are done? (Sales and Use Tax Allocation Reviews)

**A. 9. The California Department of Tax and Fee Administration (CDTFA) conducts the research for potential misallocations based on inquiries from us and our sales and use tax consultant. The number cited as waiting to be researched changes quarterly based on reviews that the CDFTA has completed and new inquiries from us and our consultant, so the number is never going to be zero.**

Q. 10. What were the goals and objectives? (Inventory Management)

**A. 10. The objective of the inventory management audit was to determine if the City has adequate controls to ensure accuracy and completeness of inventory records, accountability for inventory transactions, and safeguarding of inventory.**

Q. 11. Is the management report the new one for ERP or the old SAP?

**A. 11. The inventory management audit was issued in 2014, before there were plans for a new ERP. Thus, the recommendation was made in the context of the current SAP system, but we would expect the reports and configuration to also be made in a new ERP system when implemented.**

Q. 12. How has the city been monitoring duplicate invoices up to now? And how effective and efficient is that method?

**A. 12. The City relied on SAP to prevent duplicate invoices, but the City's SAP configuration required a near-exact match in subsequent invoice data to offer a "soft warning," which the user could bypass to accept the invoice without verifying if the invoice was indeed a duplicate. Duplicate vendor master records in SAP made the configuration less effective because duplicate invoices could each be posted to a different vendor master record. This configuration control could be considered efficient but only moderately effective because of the bypass option. Administrative Services Department staff also stated that they relied on manual processes, such as periodic account analysis, vendor relationships, and contracts, which we did not view as either effective or efficient.**

Q. 13. Has whether the new e-procurement system or tech solution can help with the tracking and reporting of green purchases performance measures been evaluated?

**A. 13. No, please see the implementation status for recommendation 6, which is available here:**

<https://www.cityofpaloalto.org/civicax/filebank/documents/65429>.

Q. 14. Is it more cost efficient to hire someone who is already an expert in the field inspections, or is it better to put them through a training program as suggested?

**A. 14.** I believe that this question pertains to the Cross Bore Inspection Contract audit. It is more cost efficient to contract out this service than to hire additional City staff or train existing staff to do this work. The service will no longer be needed after the inspections of all sewer lines have been completed.

Q.15. Have the billing errors been corrected, since the due date for this recommendation was 5/18?

**A. 15.** Yes, please see the implementation status for recommendation 1.1 in the status report, which is available here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/65405>.

Q. 16. Should the currently installed eMeters be replaced?

**A. 16.** Customers who had an eMeter installed were provided the opportunity to have their meter replaced. 55 of the 1,178 customers who had eMeters opted to have their meter replaced. Please see the implementation status for recommendation 2.3 in the status report, which is available here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/65405>.

Item 4: Policy and Services Recommendation to Accept the ERP Planning: Information Technology and Data Governance Audit – CM Tanaka

Q. 1. If the City assigns new responsibilities, would it just be for one person? Will it require additional budget?

**A. 1.** I do not see this as assigning new responsibilities or requiring additional budget or staff. Paragraph 2.08.240(a)(2) of the Palo Alto Municipal Code already requires the Director of Information Technology “To direct and manage interdepartmental technology governance, planning and coordination activities to accomplish specific city-wide objectives.” So in essence, the audit is saying that the department should do something that it is already required to do and should be managing its staff in a manner that accomplishes that.

Q. 2. How would this help make data more accessible to the public?

**A. 2.** Yes, it should help make data more accessible to the public. It is much easier to aggregate and publish data into a publishable format when it has standardized formats and it is known that it represents what it purports to represent. Having strong governance policies and practices helps accomplish that.

Item 5: Resolution Supporting a Bay Delta Plan Negotiated Settlement – CM Tanaka and Kou

CM Tanaka

Q. 1. Does endorsing this mean we endorse cutting Palo Alto water's usage by roughly 50% as the plan goals state (to increased flows on the Tuolumne River by 40%)?

**A. 1. This resolution endorses the goals of the Bay Delta Plan, which includes improving the health of the Tuolumne River and endorses a voluntary settlement among all parties (environmental groups, agricultural users, urban water users, etc.) rather than endorsing the Bay Delta Plan as it is currently formulated. Under the Bay Delta Plan, at normal water demand levels, 40-50% rationing could be necessary during dry years. Even at current depressed water usage levels, 20-30% rationing would be required in a dry year. The number of dry year shortages would double or triple from the existing projected number of 1 in every 10 years to 2 or 3 in every 10 years.**

CM Kou

Q. 1. The Tuolumne River Trust provided information that is different from the staff report. Has staff found any factual errors in the TRT video?

[https://www.youtube.com/watch?v=pL\\_INODOxsl&feature=youtu.be](https://www.youtube.com/watch?v=pL_INODOxsl&feature=youtu.be)

**A. 1. As to video, just note factual inaccuracies and/or mischaracterizations**

**a. TRT: SFPUC's analysis of the Bay Delta Plan falsely characterizes the anticipated water supply impacts.**

SFPUC's analysis is correct. It considers an appropriate design drought (longer than has been observed in the past but realistic given climate change). TRT represents accurately that several other agencies only plan for the minimum drought required by the State, which up until recently was a 3-year drought. TRT neglects to mention that the new State Urban Water Management Plan requires a minimum 5-year drought plan. Given climate change and the high consequences of losing water supply in an extended drought, staff has traditionally been comfortable with the SFPUC's 8.5 year standard for drought planning.

**b. TRT: The economic study prepared by SFPUC's expert has been "debunked."**

The author of the study is an expert in the field, and the study accurately predicted how the region responded to the most recent drought. Due to the State-mandated water use reduction (16% average across the region), agencies focused of reducing residential and dedicated irrigation customers, and almost no water use reductions were required from businesses. Depending on the BAWSCA agency, reductions of more than 20-30% will require water rationing by commercial and industrial customers that translates into reduced economic output and job losses. A mandatory water use reduction of 50% would significantly impact all customers. It should also be noted that the economic study is separate from the SFPUC's modeling of dry-year water supply impacts. This model showed that , at normal water demand levels, 40-50% rationing could be necessary during dry years. Even at current depressed water usage levels, 20-30% rationing would be required in a dry year. The number of dry year shortages

would double or triple from the existing projected number of 1 in every 10 years to 2 or 3 in every 10 years.

- c. TRT: The SFPUC has a contractual obligation with the irrigation districts to support their position of fish flow matters.

No such contractual obligation exists. The contract cited by the TRT pertained to an expired FERC license for Don Pedro Reservoir, a facility in which the SFPUC holds some storage capacity. The obligation does not pertain any SRWCB proceedings, the current FERC re-licensing proceeding, nor future FERC re-licensing proceedings.

- d. TRT: Water can be purchased from other sources, such as agricultural districts, at a reasonable price to make up for shortfalls during a drought.

Since 2001 both BAWSCA and the SFPUC have sought to enter into water transfers, specifically to address dry year needs. To date those efforts have been unsuccessful. Parties, including the TRT, have opposed water transfers in the past.

- e. TRT: The SFPUC opposed the Bay Delta Plan because they are planning for massive development driven by Plan Bay Area.

The SFPUC is not a land use management agency. The SFPUC does not rely on Plan Bay Area but on the growth projections provided by the individual land use management agencies. It should be noted that, even at current depressed water usage levels, 20-30% rationing would be required in a dry year.

Q. 2. Why was the BAWSCA statement included in the staff report, but nothing from the Tuolumne River Trust?

A. 2. Palo Alto is a member of BAWSCA, so it was appropriate to include BAWSCA's statement. There are numerous perspectives from parties commenting on the Bay Delta Plan that were not included, including a variety of environmental groups, agricultural groups, and urban water agencies.

Q. 3. What role did BAWSCA play in producing the staff report?

A. 3. BAWSCA staff reviewed the report written by Palo Alto staff.

Thank you,  
Judy Ng



Judy Ng  
City Manager's Office | Administrative Associate III  
250 Hamilton Avenue | Palo Alto, CA 94301  
Phone: (650) 329-2105  
Email: [Judy.Ng@CityofPaloAlto.org](mailto:Judy.Ng@CityofPaloAlto.org)

**Carnahan, David**

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**From:** Roberta Ahlquist <roberta.ahlquist@sjtu.edu>  
**Sent:** Monday, August 20, 2018 2:21 PM  
**To:** Council, City  
**Subject:** Save the existing rental housing at the President Hotel

Dear City Councilmembers:

It's been two months now since the Hotel President building was sold. WHAT ROLE IS THE CITY GOING TO TAKE TO HELP THE TENANTS REMAIN IN THEIR HOMES? There are viable solutions: Pass an interim urgency ordinance. Allow tenants to stay at the same rents until they move out. Place an emergency moratorium on the demolition or removal of rental housing until replacement housing is available at the same rents. This is a fair, just way to address the issue.

This is an urgent issue. You can help these tenants stay in their homes. Be creative in finding solutions. What role might the PA Housing Corporation play?

Now is the time to act!

Sincerely,

Roberta Ahlquist, Women's International League for Peace & Freedom Low-Income Housing

Committee

**Carnahan, David**

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**From:** Virginia Smedberg <virgviolin@hotmail.com>  
**Sent:** Sunday, August 19, 2018 10:38 PM  
**To:** Council, City  
**Subject:** ADU's

Dear Palo Alto City Council Members:

I have not read all of the information, so I am simply putting forth to you a perspective about the idea of ADUs, from my own life.

- 1) infilling is a more efficient way of utilizing our space and facilities, especially transportation.
- 2) allowing an ADU could permit another family member - in this case I am a Great Aunt - to live in close proximity to family but still have some personal space.

In my case, I am fortunate to have a home with a separate enough bedroom and bath, and family with enough tolerance of my presence, and different enough living schedules (kitchen dances), so that I can live in the same space as my niece and her family. But not all homes, or family dynamics, would allow that.

3) allowing ADUs could potentially allow local teachers, firefighters and other community workers to actually live in the community whose work they do.

In my case, since my niece is a teacher in PAUSD, I feel fortunate that she and her family can live here with me, and bike or walk to work.

So those are my perspectives. I hope you will consider them.

Sincerely,

Virginia Smedberg  
441 Washington Ave  
Palo Alto 94301

**Carnahan, David**

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**From:** Michael Harbour <dr.mharbour@gmail.com>  
**Sent:** Wednesday, August 15, 2018 9:37 PM  
**To:** Council, City; Stump, Molly  
**Subject:** Appellant's Objections to New Design for 429 University Ave  
**Attachments:** Appellants' Objections to 429 University.pdf

Dear Palo Alto Council Members and Ms. Stump,  
Please find the Appellant's objections to the newly submitted designs for 429 University Avenue in preparation of the quasi-judicial ARB hearing on Thursday August 16, 2018.

Thank you,  
Michael Harbour, MD, MPH on behalf of Appellants for 429 University Ave

**Palo Alto ARB Quasi-Judicial Hearing  
Appellants' Objections to 429 University Ave Design Proposal  
August 16, 2018**

**History:** This project was appealed by neighbors and community members. Project was NOT approved by the Palo Alto ARB and the HRB. However, the project was narrowly approved by the city council on February 6, 2017. The applicant has exceeded her 1-year time limit and was granted an extension by the planning depart.

**Today:** Quasi-Judicial Public Hearing as mandated by the City Council decision

New Architect: Peter Tat-Ping Ko

Landscape Architect: Greg Ing

**Reason for Quasi-Judicial Hearing:**

1. Evaluate Proposed West Elevation Wall Design
2. Evaluate Landscape Details
3. Evaluate Exterior Building Materials, Colors and Craftmanship

**Objection to West Elevation based on Municipal Code Violation 18.18.110**

1. West Elevation Wall Design is out of character and context with rest of the building design. It is not consistent nor compatible with that which was originally proposed to this ARB Board or City Council by Architect Joe Bellomo.
2. The side chevrons appear like some sort of tribal pattern and clearly stick out as an add on by a different person not related to the original project.
3. When looking eastward down University Ave, the design is not compatible with the iconic Varsity Theatre architecture, Birge Clark former Apple building and the Hotel President.



**It is Impossible to Evaluate the Expected Craftsmanship of the building or landscape because the applicant has not provided any background information, experience or completed past projects of either the new building architect, contractor, project manager or landscape architect.**

1. Joe Bellomo and associates have disavowed themselves from this design. In a phone conversation with Mr. Bellomo, he told Dr. Harbour that “the current design is NOT his” and he is “no longer affiliated with the building.” Therefore, the applicant is obligated to resubmit the entire plan to the ARB, Council and community in its entirety for evaluation. If these plans are not satisfactory, then the ARB must immediately notify the city council of such.
2. The applicant previously praised her choice of architect for this project as the recipient of multiple award including the Birge Clark Award. She told all of us at a past ARB hearing that it would be an “iconic” building that would anchor the existing building at 102 University Ave at Alma St. He has a known track record. Now that architect is no longer affiliated and disavows this building, this must be taken into consideration for the approval.
3. The Bellomo project is unique because of its construction materials and craftsmanship. The applicant and her designees must convince this Board and the appellant that they have the experience and capability to construct and manage such a project. What can they offer to convince us of this?
4. It appears that the applicant has committed a “Bait and Switch” tactic to cut costs which will result in unknown quality and craftsmanship. This is too important and historic parcel to be left to chance without additional scrutiny and confirmation of quality. We must remember that Birge Clark designed buildings are to be torn down to construct this new building.

**Carnahan, David**

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**From:** Davina Brown <browntow@pacbell.net>  
**Sent:** Tuesday, August 21, 2018 9:57 AM  
**To:** Council, City  
**Subject:** Message from the City Council Home Page

I would like to express my support again for putting the train in a trench. I understand that the expense is outrageous, but it is for forever. We do this not for ourselves and our quality of life, but for all future Palo Altans. Please do not rule out this BEST solution because of cost. We must and will find a way to pay for it.

Davina Brown  
Palo Alto Resident for over 50 years

**Carnahan, David**

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**From:** Magic <magic@ecomagic.org>  
**Sent:** Tuesday, August 21, 2018 10:05 AM  
**To:** Council, City  
**Subject:** Bay Delta Plan

Dear Councilmembers,

Thank you for voting unanimously to support the CA Department of Water Resources scientifically sound Bay Delta plan. I'm grateful for your leadership on this matter with its very important long-term implications for the balance we strike between those of us who seem willing to convert every bit of nature we're able to human biomass and artifact, and those who recognize that doing so impoverishes us all.

Listening to the people who argued in favor of "negotiated settlement," I wondered where they were as the salmon population dropped from 100,000+ to <1,000. Realizing that they were willing to do to the Tuolome what we've done to the Colorado (now bone dry before it reaches the Gulf of California) in order to move more people into the Bay Area, all the while pretending that, "We support the goals of the plan," I felt immensely sad. Thank you again for declining to heed them.

With appreciation,

David Schrom

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**Carnahan, David**

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**From:** Mark Moragne <mwmoragne@mac.com>  
**Sent:** Tuesday, August 21, 2018 5:53 PM  
**To:** Council, City  
**Subject:** Bay Delta Water Quality Control Plan

Dear Council Members,

Thank you for endorsing the Bay Delta Water Quality Control Plan!

Mark Moragne

**Carnahan, David**

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**From:** Joe Hirsch <jihirschpa@earthlink.net>  
**Sent:** Tuesday, August 21, 2018 10:35 AM  
**To:** Council, City; Tam, Valerie; Keene, James; Stump, Molly  
**Cc:** Gal Eva; Satterthwaite Ruth; Keehn Suzanne; Holzemer Terry  
**Subject:** Bulb-Outs on Arastradero in Green Acres

Dear Council Members.

My three-minute presentation to you last night did not fit well into the two minutes that were allotted. My apologies for not also preparing a two minute version, but I had a lot to say, and, unfortunately, much went unsaid. Here is the full text of what I had hoped to say last night:

"Mayor Kniss and Council Members:

I am here tonight to make you aware of new concerns we in the Green Acres neighborhood have about the Arastradero road construction.

The new concerns pertain to the so-called "bulb-outs" that are proposed to be added at the intersections of seven streets with Arastradero. All are on the N or NW side of Arastradero. There are none on the other side of Arastradero in our area for some unknown reason.

They are large, they decrease the width of the entrances to each of those seven streets, forcing passing cars closer together, potentially leaving the rear end of a car out in Arastradero where rear end collisions might happen if the driver entering one of those seven streets stops short for some reason and/or the following driver is not paying proper attention.

The worst intersection by far is at Donald Drive where students on bicycles are told to stop in a bright green box in the middle of Donald waiting for the light to turn green so they can cross Arastradero on their way to middle school. A rear end collision there might push the front car into the waiting cyclists. This could be worse as cars turning left from Donald onto Arastradero

queue up behind the waiting cyclists. Thus, a worse-case scenario is where the waiting cyclists are pushed against any car waiting behind them. Bulb-outs at this particular intersection are, in my opinion, and the opinions of others living on Donald and Willmar, to be an incredibly poor design, leading potentially to major legal liability for the city.

Signs posted by the city give a rationale for these bulb-outs. In one instance, “this corner is being extended to provide a safer refuge on the corner for pedestrians, as well as to shorten the distance a pedestrian needs to cross” the given street. Sounds textbook to us as Arastradero is not a pedestrian thoroughfare. It is vehicular arterial with little pedestrian activity. Sure pedestrian activity happens, but not in the quantities that require a "refuge" on each corner, some of which are huge.

Two of us spent approximately 45 minutes on a Wednesday afternoon with two members of city staff – only one pedestrian and one jogger came by. A number of us met with two city council members on two separate occasions for about 45-60 minutes and only a handful of pedestrians/joggers came by. I drive Arastradero Road all the time and have never seen a large number of walkers in the area where the bulb-outs are proposed. Simply stated, once again, Arastradero Road is not a pedestrian thoroughfare.

A good friend has written city staff indicating that the bulb-outs are “a solution in search of a problem.” I fully agree.

So, what are we asking for? The elimination of all of the bulb-outs in our area. This will maintain what we have now, which we don’t think has been unsafe or dangerous.

Advantages of following this recommendation: it will prevent the city from constructing something that could lead to potential legal liability if our assessments are correct that students, in particular, might be injured, which, of course, none of us want to happen, and it would save the city some money in the process.

Bottom line, avoid textbook planning. Be guided as to what has happened in the past in this area and what is happening now.

Why construct something that is neither needed nor wanted?

Thank you."

Personally, I think Council would be remiss if you don't ask for a thorough review of all the bulb-outs that are planned for Arastradero (and Charleston as well) or city staff undertakes that review on its own. If nothing else, from a potential legal liability point of view if there is any belief that, if installed, the bulb-outs could lead to future collisions of any sort. At the very least, the Donald/Arastradero intersection, in my opinion and the opinions of others, has to be reviewed and modified (delete the bulb-outs?) to avoid any possibility of injury to students now massing in the middle of the Donald waiting for the traffic signal to turn green.

Thank you for your consideration of this request.

Joe Hirsch

Georgia Avenue

[jihirschpa@earthlink.net](mailto:jihirschpa@earthlink.net)

(650) 493-9169

**Carnahan, David**

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**From:** David Page <dalpage5@gmail.com>  
**Sent:** Saturday, August 18, 2018 3:45 PM  
**To:** Council, City  
**Subject:** climate/solar energy

**"TRAILBLAZERS...**Four Palo Alto firefighters arrived back into town on Aug. 9 after 15 days of battling flames and protecting properties from state wildfires...

**...FIELD OF BEAMS ...** Solar panels continue to be a hot item in Palo Alto, with the school district leading the charge. For board members, the installations make plenty of sense. They provide clean power and, according to a recent feasibility study, will save the district about \$1.1 million over the course of their 25-year useful life. Not everyone, however, is thrilled. In May, the school board backed away from its plan to install solar panels in **Palo Alto High School**'s front parking lot after residents argued that the installations would obscure views of historic Paly buildings."

Dear Council Members

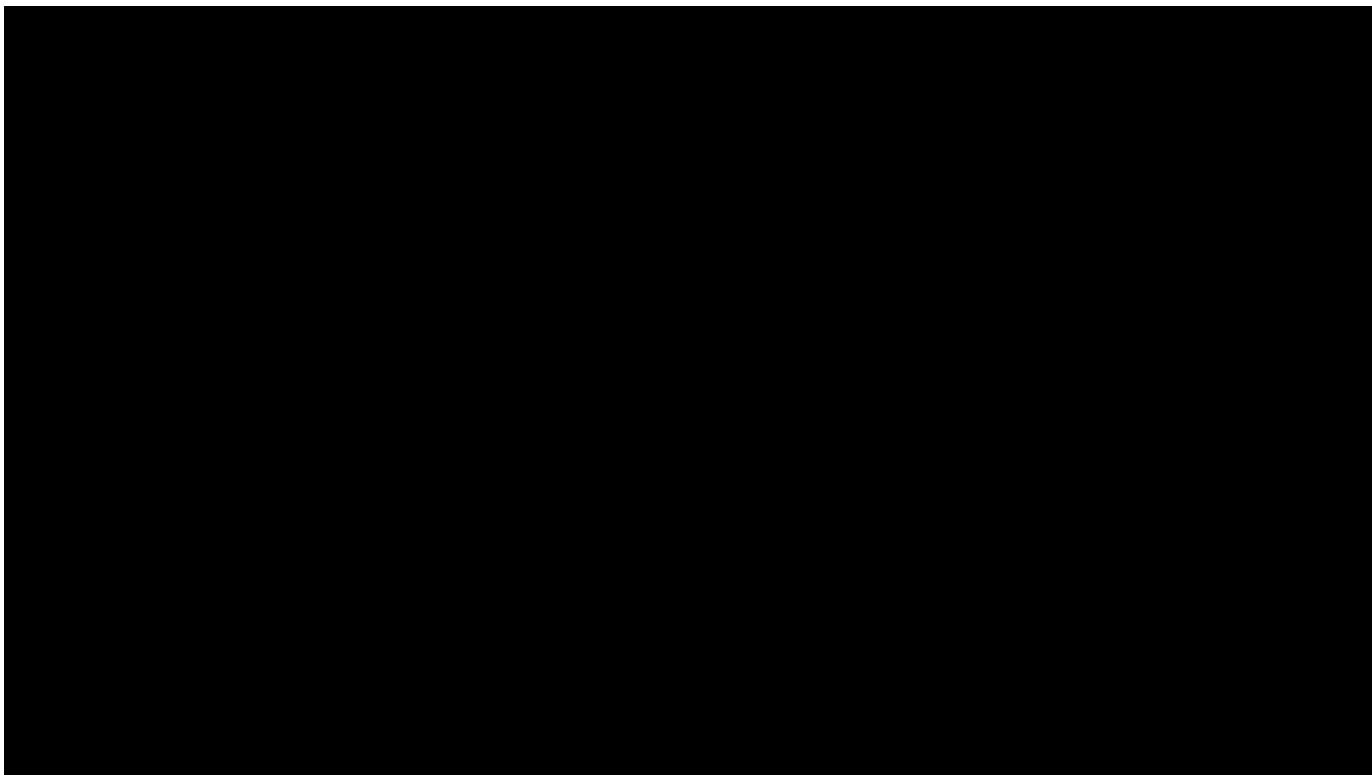
Within the same article of the current Weekly [see above], we see a short description of how climate-warming touches us all, as well as how my (uninformed?) fellow citizens can feel inconvenienced when a tiny effort is made to reduce emissions of poison-pollution.

This e-mail is an attempt to say thank you for pushing ahead with local emission reduction plans, and a plea to go much further towards eliminating such pollution. The fate of human civilization is not a Palo Alto-only problem, but local visionary leadership will be fondly remembered by [the dwindling number of] future generations.

Thank you very much, David Page

3115 Avalon Court, Palo Alto 94306

ps: in case the crisis of climate warming seems vague, maybe some photos will help:



Found dead [ Carr Fire, 7/18 ] in Redding, from left, Emily Roberts, 5; Melody Bledsoe, 70; and James Roberts, 4. [ great-grand mother and great grand children ]

**Carnahan, David**

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**From:** D Martell <dmpaloalto@gmail.com>  
**Sent:** Sunday, August 19, 2018 2:00 PM  
**To:** Stump, Molly  
**Cc:** CHamilton@da.sccgov.org; JRosen@dao.sccgov.org; Jonsen, Robert; Goodell, Erin; Anne.Ream@mail.house.gov; Senator.Hill@senate.ca.gov; Alex Kobayashi; Supervisor.Simitian@bos.sccgov.org; Micaela.Hellman-Tincher@bos.sccgov.org; Kniss, Liz (internal); Council, City; Scharff, Gregory (internal); Keene, James; Minor, Beth; Carnahan, David; VHS101@yahoo.com; Bill Johnson; Jay Thorwaldson; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; JGreen@dailynews.com; Kleinberg, Judy; richard@alexanderlaw.com; Aram James; Andrew Pierce; Debra@firstpaloalto.com; Bear.ride@fprespa.org  
**Subject:** CPRA Request | Sex Perversion at Lytton Gardens Senior Communities

Molly Suzanne Stump, JD  
City Attorney at City of Palo Alto

**CALIFORNIA PUBLIC RECORDS ACT REQUEST (made this 19th day of August, 2018)**

Dear Madame:

Pursuant to California Public Records Act Request (CPRA) (Govt. Code 6250 § et seq.), I am requesting the release of copies of all emails and paperwork sent and received by PAPD's Detective Erin Goodell, on or around August 10, 2018 [starting July 23, 2018, through present], to and from Kevin Gerber the CEO of Covia (formerly Episcopal Senior Communities (ESC)), and others at Covia and Lytton Gardens Senior Communities (LG) re Case #18-3932. This request encompasses notes, transcripts, and recordings of telephone calls and other conversations, and date logs. **Do not include correspondence between our PAPD and DA Office.**

As Covia's CEO oversees LG, and LG's Director is accountable to Covia, the documents I request bring to Covia's and LG's attention, several events of sexual perversion by different men at LG. Perverts include LG employees, LG residents, and homeless guy camped out at LG. More specifically, on July 23, 2018, a crime reported by an elderly woman to PAPD was sent to DA Clarissa Hamilton's "Sexual Assault Unit" for prosecution consideration.

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On the Sunday evening last July 22, a male resident wondered the LG hallways, waiting outside an elevator while wearing only underwear. The predator exposed his genitals, masturbated, and beckoned the opposite sex to come near.

Male exhibitionism is about power over women with intent to shock, alarm, frighten and anger. That the resident understood his crime is evidenced by rapid withdrawal of hands from his genitals, when a photo was taken.

Psychiatrists unanimously agree that mentally-compromised old men, even those with Alzheimer's, do not SUDDENLY turn exhibitionist. Male exhibitionism is a predisposed mental illness that usually manifests first symptoms in teenage years and escalates over time. Exhibitionism is a felony that carries zero tolerance in a HUD-funded senior-living facility that houses mostly frail elderly women.

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Absent some legitimate reason for delay provided in the government code, make sure that I receive the requested documents within ten (10) days of this CPRA Request. Send all correspondence via my email to [dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com). Thank you.

Respectfully,  
-Danielle Martell  
[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

**Carnahan, David**

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**From:** Sheri Furman <sheril1@earthlink.net>  
**Sent:** Monday, August 20, 2018 4:26 PM  
**To:** Council, City; Lait, Jonathan; Keene, James; Shikada, Ed  
**Cc:** nhbeamer@yahoo.com; jeff@levinsky.org; ptaskovich@yahoo.com; rebsanders@gmail.com; electcormack@gmail.com  
**Subject:** Cubberley Master Plan

Hello all,

On behalf of Palo Alto Neighborhoods, I am writing to you to request that the October 4 meeting planned by Concordia for the Cubberley Master Plan be reconsidered and rescheduled.

First, the date conflicts with PAN's Council Candidate Forum, which will be held in Council Chambers that evening.

More importantly, we do not believe an adequate community needs assessment can or should be made at a single two-hour meeting based on who shows up.

As a member of the Cubberley Community Advisory Committee Community Needs Subcommittee, I believe our conclusions included:

"Exactly what is needed for the growing school population and what is needed for the evolving city of Palo Alto requires more work and expertise than was available to the Cubberley Community Advisory Committee. PAUSD has the capacity to identify its needs as population growth unfolds and to identify the best way to meet those needs."

Deciding which buildings to build or remodel as well as deciding on renting and leasing priorities for a community center requires a very thorough community needs assessment to identify what services and opportunities are needed by the community, where such services exist now, and what services are best offered at Cubberley to meet community needs. We need professional expertise to do this work well. Only by investing in such a systematic study with the school district as a willing partner can we be sure we are planning well for a facility that will serve Palo Alto for years to come. Such a study will require that PAUSD and the Palo Alto Planning Department work together to determine how to meet this broad range of community needs."

We need services for all ages and cultures, singles and families, workers and retirees.

We need specificity on community needs, obtained through a *professional* Community Needs Assessment.

While there is great pressure to use the entire site for a school, the reality is that the City owns a portion of the site and there is just as great a need for a modern, comprehensive community center, not simple a library with meeting rooms as we have at Mitchell Park.

I repeat, a single two-hour, who shows up meeting does not qualify as a true needs assessment.

Thank you for your consideration

Sheri Furman

PAN Co-chair

**Carnahan, David**

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**From:** Alice Smith <alice.smith@gmail.com>  
**Sent:** Monday, August 20, 2018 11:58 PM  
**To:** Council, City  
**Cc:** Peter Drekmeier  
**Subject:** Delta plan decision tonight

Thank you for supporting your Bay with your action tonight at the City Council.

Peter Drekmeier: thank you for being so pro active on a matter which impacts the quality of all of our lives.

Kind regards,

Alice Schaffer Smith  
850 Webster Street #520  
Palo Alto, CA  
94301

**Carnahan, David**

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**From:** NRT <nrt@hamilton.com>  
**Sent:** Tuesday, August 21, 2018 1:18 PM  
**To:** Council, City  
**Subject:** Delta Water Quality Plan

Dear Council members,  
A heartfelt Thank You for unanimously voting to endorse the Bay Delta Water Quality Control Plan. You held firm even though the staff report was against.  
Nancy Teater, Hamilton Ave

**Carnahan, David**

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**From:** Roberta Ahlquist <roberta.ahlquist@sjtu.edu>  
**Sent:** Saturday, August 18, 2018 1:49 PM  
**To:** Council, City  
**Subject:** Even the banks are in support

Time to support low-income tenants

[Freddie Mac to lower financing costs for landlords who cap rent rises](#) MarketWatch · 1 day ago

Freddie Mac | Rent Control | Real Estate Refinancing

The Real Deal · 1 day ago

**Web result** Freddie Mac Has a New Plan to Cap Rent Increases - WSJ

<https://www.wsj.com/.../freddie-mac-looks-to-cap-rent-increases-with-new-financing-pro...>

1 day ago - **Freddie Mac**, the country's largest backer of apartment loans, is rolling out a ... The initiative acts similar to **rent control**—which has been gaining ...

Sincerely,  
Roberta Ahlquist, WILPF Low Income Housing Committee

**Carnahan, David**

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**From:** James F. Cook <jamesfelixcook@yahoo.com>  
**Sent:** Tuesday, August 21, 2018 8:06 AM  
**To:** Council, City  
**Subject:** Fw: Please support the State Water Board's proposal for the Bay Delta Water Quality Control Plan.

Dear Council Members,

Thank you! Ya'll supported this proposal for the Bay Delta Water Quality Control Plan, that's fantastic!!!

Much appreciated,  
James

----- Forwarded Message -----

**From:** James Cook <jamesfelixcook@yahoo.com>  
**To:** "city.council@cityofpaloalto.org" <city.council@cityofpaloalto.org>  
**Sent:** Monday, August 20, 2018 06:30:38 AM PDT  
**Subject:** Please support the State Water Board's proposal for the Bay Delta Water Quality Control Plan.

I want the City Council to deny the staff recommendation and instead support the State Water Board's proposal for the Bay Delta Water Quality Control Plan.

Thank you!  
James  
730 College Ave

**Carnahan, David**

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**From:** Geri <geri@thegrid.net>  
**Sent:** Monday, August 20, 2018 9:28 PM  
**To:** Council, City  
**Cc:** Peter Drekmeier; Geri Mc Gilvray  
**Subject:** Fwd: item 5

I repeat: PLEASE  
Support the optimistic plan  
of Peter Drekmeier. All species need healthy water in our rivers.

I saw central valley flood irrigating on several occasions. Crazy!

Geri McGilvray

Sent from my iPhone

Begin forwarded message:

**From:** Geri <[geri@thegrid.net](mailto:geri@thegrid.net)>  
**Date:** August 18, 2018 at 5:24:05 PM PDT  
**To:** [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org), [James.Keene@CityofPaloAlto.org](mailto:James.Keene@CityofPaloAlto.org), Peter Drekmeier <[peter@tuolumne.org](mailto:peter@tuolumne.org)>, [kbennett@luxsci.net](mailto:kbennett@luxsci.net)  
**Cc:** A-MIKE BECHLER <[mlb@thegrid.net](mailto:mlb@thegrid.net)>, Geri Mc Gilvray <[geri@thegrid.net](mailto:geri@thegrid.net)>, IMOGENE AND ROCHARD HILBERS <[HILBERS@SBCOBAL.NET](mailto:HILBERS@SBCOBAL.NET)>  
**Subject: Re: item 5**

Hello,

PLEASE support the BAY DELTA PLAN.

The TUOLUMNE river needs MORE natural flow in order to support any of the healthy wild creatures, trees and plants necessary for all species to survive.

Do not allow the SFPUC to  
Keep manipulating their habitat. Look what happened in Yellowstone when killing all the wolves caused the grazing deer to destroy all the vegetation there. Unbelievable!

Interconnected habitats  
are crucial to everything, everywhere.

Healthy water should flow into our bay.

Geri McGilvray  
EVERYDAY SAFETY and  
WALKABILITY, Midtown, Palo Alto  
Sent from my iPhone

**Carnahan, David**

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**From:** Stephanie Munoz <stephanie@dslextreme.com>  
**Sent:** Thursday, August 16, 2018 7:59 PM  
**To:** M. Gallagher  
**Cc:** chuck jagoda; roberta.ahlquist@sjsu.edu; Ruth Chippendale; WILPF Peninsula Palo Alto; Cherrill M. Spencer; Council, City; Wendy Peikes; Gloria Burd; supervisor.simitian@bos.sccgov.org  
**Subject:** Fwd: Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

I need to express my solidarity with all individuals and groups working for housing. I admit I was disappointed in the Palo Alto Forward 's endorsement of the developers' plan for only somewhat lowered rents than market rate; I do share their prioritization of housing. For me, teachers are the guardians of civilization, Horatius at the Bridge. But it is also in the economic interest of their employers, the PAUSD aka us, to compensate them in housing if inflation drives the price of housing out range of the salaries we are paying them, as it has at the present time, and we have plenty of public land to offer desirable, stabilized affordable rent as part of their salary if they wish. As we speak, Palo Alto has hired expensive consultants to dope out something ELSE, other than teacher housing, for that land. Remember, this is where we came in. Palo Alto City stepped in to buy part of Cubberly because PAUSD was foolishly selling off its irreplaceable, steadily growing in value real estate. The same is true, on a smaller scale, of policemen and firemen, where the public owns land connected with those functions that could house public servants.

What I wanted, and had previously asked for as a salvaged Maybell, was for the City Council to set its sights on three times as many sro units of 200 square feet as were projected for 60- 600 square - foot units--i.e.180 small units. When I talked to the developers, they revealed that they wanted 2,000 per apartment x60 (120,000) and \$600. times 180 equals only \$108,000. However, the City has the power to allow additional floors, and count the FAR as only applying to the residential part. so that a ground floor might have been added comprising La Comida, the Betty Wright Swim Center, the senior YMCA , a small child care center, a small cafe, perhaps a library media annex, a jitney bus to run everybody to transit, library, voting, shopping and volunteer work; there wold be no in-house parking and residents would have to agree not to park on the public street. There would be basement storage rented at the same rate per square foot as residential. All this would be rent controlled. To winnow down the number of applicants, one could make the building no smoking. This residence would have be exquisitely gardened and have a garden balcony, to accommodate the Council's notion that Palo Alto is a superior town in every respect-- along those same lines, might I timidly remind whoever that the most genteel language we can use might be helpful in persuading the Palo Alto City Council that homeless people are not low class? In solidarity, Stephanie

**From:** "Roberta Ahlquist" <roberta.ahlquist@sjsu.edu>  
**To:** "M. Gallagher" <writing2win@gmail.com>y  
**Cc:** "WILPF Peninsula Palo Alto" <wilpf.peninsula.paloalto@gmail.com>, "chuck jagoda" <chuckjagoda1@gmail.com>, "Ruth Chippendale" <grchippendale@yahoo.com>, "stephanie" <stephanie@dslextreme.com>  
**Sent:** Thursday, August 16, 2018 1:52:40 PM  
**Subject:** Re: Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

Thanks for this. PAF is NOT supportive of low-income housing and need to be exposed as disingenuous.

On Thu, Aug 16, 2018 at 9:36 AM, M. Gallagher <[writing2win@gmail.com](mailto:writing2win@gmail.com)> wrote:

Have folks read this article w/ comments from the publi

<https://www.paloaltonline.com/print/story/2018/06/01/citys-move-to-require-fewer-parking-spaces-sparks-concerns>

Mary Gallagher, B.S.

Content Strategist

650-683-7102

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On Thu, Aug 16, 2018 at 9:05 AM, WILPF Peninsula Palo Alto <[wilpf.peninsula.paloalto@gmail.com](mailto:wilpf.peninsula.paloalto@gmail.com)> wrote:

Of interest to writing a letter/email on this?  
Forwarded by Judy A.

On Wed, Aug 15, 2018 at 7:57 PM, D Martell <[dmpaloalto@gmail.com](mailto:dmpaloalto@gmail.com)> wrote:

Joshuah Mello

Chief Transportation Official

Palo Alto's Transportation Division

Mr. Mello:

Don't ask me to do your job; you have the address.

**Handicapped must come first.**

This downtown Palo Alto property has, at minimum, a quasi-public nature given their Mission Statement and the Founding Documents for Lytton Gardens Senior Communities.

-Danielle Martell  
[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

From: **Mello, Joshuah** <[Joshuah.Mello@cityofpaloalto.org](mailto:Joshuah.Mello@cityofpaloalto.org)>  
Date: Wed, Aug 15, 2018 at 4:38 PM  
Subject: RE: Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

To: D Martell <[dmpaloalto@gmail.com](mailto:dmpaloalto@gmail.com)>

Ms. Martell:

Thank you for writing. Is this within the public right-of-way (on-street parking) or in the private Lytton Gardens parking lot?

Regards,



**JOSHUAH D. MELLO, AICP**  
Chief Transportation Official

OFFICE OF TRANSPORTATION

**Joshuah.Mello@CityofPaloAlto.org**

**office:** 650.329.2520

**fax:** 650.329.2154

From: D Martell [mailto:[dmpaloalto@gmail.com](mailto:dmpaloalto@gmail.com)]

Date: Mon, August 13, 2018 5:34 PM

Subject: Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

cc: Lauing, Ed <[evlauing@yahoo.com](mailto:evlauing@yahoo.com)>; Council, City <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>; Keene, James <[James.Keene@CityofPaloAlto.org](mailto:James.Keene@CityofPaloAlto.org)>; Stump, Molly <[Molly.Stump@CityofPaloAlto.org](mailto:Molly.Stump@CityofPaloAlto.org)>; Bill Johnson <[BJohnson@paweekly.com](mailto:BJohnson@paweekly.com)>; Jay Thorwaldson <[jaythor@well.com](mailto:jaythor@well.com)>; Dave Price <[price@baydailypost.com](mailto:price@baydailypost.com)>; [Allison@padailypost.com](mailto>Allison@padailypost.com); [EmiBach@padailypost.com](mailto:EmiBach@padailypost.com); Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)>

To: Mello, Joshua <[Joshuah.Mello@CityofPaloAlto.org](mailto:Joshuah.Mello@CityofPaloAlto.org)>

Joshuah Mello

Chief Transportation Official

Palo Alto's Transportation Division

Dear Mr. Mello:

Why has Palo Alto's downtown Lytton Gardens Senior Communities (LG), [656 Lytton Avenue](#), been allowed to obliterate five (5) Handicap Parking spaces in front of their entrance?

This includes paved asphalt sans parking lines, and red curbs. For decades, PAPD ticketed autos without Handicap Plaques that parked in front of LG. --Two of the five former parking spots share a LG dumpster. Together, the site of all five former parking spaces resembles an expanding entryway for LG, and add greatly to the aesthetics of their building.

Curious minds want to know why FIVE downtown Handicap Zones have "vanished like a fart on the breeze".

Please respond.

Sincerely,

-Danielle Martell

[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

**Carnahan, David**

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**From:** Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>  
**Sent:** Sunday, August 19, 2018 4:09 PM  
**To:** Loran Harding; dennisbalakian; David Balakian; Dan Richard; Doug Vagim; esmeralda.soria@fresno.gov; paul.caprioglio; Mark Standriff; Mayor; beachrides; bearwithme1016@att.net; Cathy Lewis; Council, City; huindentsanmateo; robert.andersen; blackstone@blastfitness.com; Leodies Buchanan; bballpod; Chris Field; Daniel Zack; fmerlo@wildelectric.net; Raymond Rivas; hennessy; steve.hogg; Joel Stiner; jerry ruopoli; kfsndesk; kwalsh@kmaxtv.com; kclark; leager; Tom Lang; Mark Kreutzer; mthibodeaux@electriclaboratories.com; mmt4@pge.com; scott.mozier; nick yovino; nchase@bayareanewsgroup.com; newsdesk; pavenjithdhillon@yahoo.com; popoff; russ@topperjewelers.com; Steve Wayte; terry; Mark Waldrep; yicui@stanford.edu  
**Subject:** Fwd: State Ins. Commissioner warns again re higher ins. costs from fires

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

From: **Loran Harding** <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>  
Date: Sun, Aug 19, 2018 at 3:16 PM  
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires  
To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

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

From: **Loran Harding** <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>  
Date: Sun, Aug 19, 2018 at 3:06 PM  
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires  
To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

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

From: **Loran Harding** <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>  
Date: Sun, Aug 19, 2018 at 2:45 PM  
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires  
To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

Sunday, Aug. 19, 2018

To all-

More information. KCBS this morning just after 11AM had a woman on from Cal-Fire. She said that we no longer have a "fire season" in California and that it is now a year-round phenom. Warmer temperatures, dryer conditions make for more wildfires and during more parts of the year. She is indicating that the people at Cal-Fire, at least, now believe that the climate has changed, at least in California and other western states.

Climate change may be a hoax cooked up at Stanford, but something has changed to increase the frequency and severity of wildfires, at least in the opinion and experience of Cal-Fire.

She said that **if you live in California, you are now subject to wildfires, and you should be prepared to evacuate!** Even if you live in an area which does not seem to put you at risk for wildfires, you are subject to them now. She said that wildfires are ferocious and that the embers they produce can land a mile out in front of the fire and start new fires.

She also said that residents of Santa Rosa, Calif. never thought, in October, 2017, that a fire there would jump Hwy. 101 and burn thousands of homes, but it did.

This may all be scare-talk by wild-eyed liberals from the Bay Area. You decide. If it is, people at Cal-Fire should be disciplined for scare-mongering.

She gave a website, once, and said it quickly, to help all residents of California prepare to evacuate quickly.

[www.readyforwildfire.org](http://www.readyforwildfire.org)

Thankfully, KCBS repeated it.

When you get to that website, you have to scroll and click again. Cal-Fire should get the website right, but I know they are pretty busy right now.

If every home-owner in California now has a home in a fire-prone area, we are going to face escalating homeowners' insurance premiums. Prop. 13 saved us from rampant, outrageous property tax gouging by school districts and local governments, but who will save us from this?

We may have to elect a President who has some concern for the suckers, the American people. The current one has as his paramount goal the in-your-face screwing of 99% of the American people, all to enrich his fellow one-percenters. \$716 billion was just passed for the DOD in the coming year when half that would deter and defeat any foe or combination of foes. It is more than the next 20 largest industrial nations put together spend on defense. That makes sense since we provide a free military defense for the next 20 largest, and richest, industrial nations. The United States pays 70% of the cost of NATO, by Trump's own recent public complaint.

Some of those wasted billions should be re-directed to controlling the severe wildfires in California and other western states.

There are things that could be done to address the now severe, year-round wildfires plaguing California and other western states with their months long severe air pollution which Californians are forced to breath. Forest management practices in California have been terrible, with even the smallest forest fire snuffed out immediately. Before the modern era, moderate wildfires cleared out the fuel.

One thinks of building fire breaks during the non-fire season, but the area covered by California's forests is immense. I've suggested the simple expedient of cutting dead trees down, piling them up and soaking them with retardant. I notice that fires sometimes jump from tree-top to tree-top. If trees are horizontal on the ground, and have some retardant on them, how could that propagation take place? What if big firebreaks were created with this technique, several miles wide, and in the non-fire season, if there still is such a thing. That would be expensive, but we are spending huge money to fight wildfires in California now. We are told that embers can

travel large distances, so those could defeat big fire breaks in some cases, but such fire breaks might help limit the spread of a wildfire.

I think that extreme vigilance would help, and that means surveillance. I vaguely recall hearing recently that satellites can see small wildfires. Maybe we need more satellites to do that. Look-out towers used to help spot fires, but many of them are now gone. Maybe we build some again. Aircraft flying over forests could spot fires when they are small. Perhaps we have to build up a real forest fire surveillance air force, armed with infrared equipment, to see fires before they get big.

What if we put fire sensors in the forests and had them transmit to satellites any indication of a wildfire getting started. That technology probably already exists. If it does not, it would be an easy task for Silicon Valley to undertake. Then we install thousands of such sensors in our forests. Cameras, smoke detectors, heat sensors, microphones, humidity and wind measurement equipment could all be included in such sensors. Maybe they could be dropped from aircraft into the forests. Stealing or damaging one could be made a very serious crime. The sensor itself could report any attempt to steal or disable it.

The fire retardant drops by the DC-10 (s) and the 747 (s) do really work. I suggest we have five or ten times the number of such craft that we have now in California. Expensive for sure, but we are going to need them, and look what we spend now fighting the fires after they start and grow huge. Then pre-position a LOT of fire retardant where these planes can re-fill. Designate more airports for them dwell in and fly from. Enact laws that will allow State and federal officials to limit commercial air traffic, if need be, when these planes are called into action. Rich Republicans who own the airlines won't like this at all, but these planes should have top priority. We now have a public health crisis in California, with the residents here breathing dangerous wildfire smoke for months and months on end every year. The wealthy owners of the TV stations in Fresno are having their on-air people lie to minimize the health impacts. After I complained, they are reducing that, but Friday night, one weather man here declared that "the sky is clear over Fresno. It's great to have Friday night football back"! As he said this, the graphic by his shoulder said that the air was "hazy" that night. The people having teens play football on such a night should be prosecuted and the station should lose its broadcast license.

So there are a few suggestions I have, without really trying hard to develop solutions. But develop and implement them we will, or the Central Valley of California will become unfit for human habitation.

BTW, KCBS reported this AM that the "Ferguson fire" in Mariposa Co. in and near Yosemite is now fully contained. It raged for over a month, burned 150 square miles of forest, and filled the Central Valley with dangerous wildfire smoke for that entire time. And that is just ONE of the 18 or so serious wildfires that have raged for over a month in California. The "Car fire" near Redding Calif. has been huge, destroyed over 1,000 homes, and is probably still burning. The "Mendocino Complex fire" in Lake and other counties has been the biggest wildfire in California history. Home values, insurance premiums? They will go in opposite directions as this continues. We need leadership in government to address this crisis. All I have seen so far is a little bit of desultory hand-wringing.

L. William Harding  
Fresno

----- Forwarded message -----  
From: **Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>**

**City of Palo Alto | City Clerk's Office | 8/20/2018 8:34 AM**

Date: Tue, Aug 14, 2018 at 2:34 AM

Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires

To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>, Doug Vagim <[dvagim@gmail.com](mailto:dvagim@gmail.com)>, Dan Richard <[danrichard@mac.com](mailto:danrichard@mac.com)>, Joel Stiner <[jastiner@gmail.com](mailto:jastiner@gmail.com)>

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

From: **Loran Harding** <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

Date: Mon, Aug 13, 2018 at 11:43 AM

Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires

To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>, Doug Vagim <[dvagim@gmail.com](mailto:dvagim@gmail.com)>, dennisbalakian <[dennisbalakian@sbcglobal.net](mailto:dennisbalakian@sbcglobal.net)>, David Balakian <[davidbalakian@sbcglobal.net](mailto:davidbalakian@sbcglobal.net)>, Dan Richard <[danrichard@mac.com](mailto:danrichard@mac.com)>, Joel Stiner <[jastiner@gmail.com](mailto:jastiner@gmail.com)>

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

From: **Loran Harding** <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

Date: Mon, Aug 13, 2018 at 11:35 AM

Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires

To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

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

From: **Loran Harding** <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

Date: Mon, Aug 13, 2018 at 10:40 AM

Subject: State Ins. Commissioner warns again re higher ins. costs from fires

To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

Here is a "good" review of the Calif. wildfires to date this year. October is the worst month.

<https://www.mercurynews.com/2018/07/10/why-california-fire-season-is-off-to-worst-start-in-10-years/>

I was looking for a map showing "fire prone areas" of Calif. to see who will get the huge premium hikes. This does not show it.

Mon. August 13, 2018

To all- Mighty KCBS SF, broadcasting the truth into the Central Valley, reported this morning that the Calif. State Insurance Commissioner warns again now the following:

Ins. Cos. may stop offering fire insurance for homes in fire prone areas of Calif. If they do offer it, it may cost more. They may cancel policies for homes in fire-prone areas. He said that this is not at a crisis level yet, but could get there.

<https://www.thestate.com/news/business/article216586725.html>

I guess we have to nose around and see if our home(s) are in a fire prone area. If it is, you may be paying more for coverage, if you can get it. Even if it is not, you may be paying more.

I'd be surprised if this is reported on local TV in Fresno, since it could be bad for business.

If Fresno City Hall plans to approve 50,000 new homes to the east getting near the trees, the homes may be un-insurable. City officials had better warn their developer friends. It would be wrong to take their money if the homes they approve are uninsurable and therefore un-salable.

I won't spread this mail far and wide. We don't want to build in the expectation that we are all now ripe for **big** ins. premium hikes.

It would be interesting to see a map of Fresno County indicating where fire-prone areas are **and** to know who drew up the map. That last one is always important.

And notice that, regarding the ins. companies recovering the \$12 billion they are laying out just in the wine country to homeowners there, they can't recover that from the rest of us in one year. State law requires them to screw the rest of us with higher premiums over several years. I wonder how the insurance industry convinced people in Sacramento to make that the law.

LH

**Carnahan, David**

---

**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Thursday, August 16, 2018 10:07 PM  
**To:** dcbertini@menlopark.org; paloaltotfreepress@gmail.com; Jonsen, Robert; stevendlee@alumni.duke.edu; HRC; Keene, James; Council, City; mdiaz@redwoodcity.org; council@redwoodcity.org; gkirby@redwoodcity.org; jrosen@da.sccgov.org; wilpf.peninsula.paloalto@gmail.com; stephanie@dslextreme.com; molly.o'neal@pdo.sccgov.org; chuckjagoda1@gmail.com; Stump, Molly; ibain@redwoodcity.org; Binder, Andrew; swagstaffe@smcgov.org; Perron, Zachary; Kilpatrick, Brad; Cullen, Charles; citycouncil@menlopark.org; Van Der Zwaag, Minka; Constantino, Mary; michael.gennaco@oirgroup.com; Minor, Beth; Carnahan, David; Tony Dixon; sscott@scscourt.org; rpichon@scscourt.org; dryan@scscourt.org; bwalsh@scscourt.org; Lee, Craig; Kniss, Liz (internal); fred124c41@gmail.com; Kan, Michael; roberta.ahlquist@sjsu.edu; court@courtskinner.com; supervisor.simitian@bos.sccgov.org; assemblymember.berman@assembly.ca.gov; allison@padailypost.com; cromero@cityofepa.org; emibach@padailypost.com; apardini@cityofepa.org  
**Subject:** Here's how California became the most secretive state on police misconduct

<http://www.latimes.com/politics/la-me-california-police-discipline-secret-20180815-story.html>

# Here's how California became the most secretive state on police misconduct

[Liam Dillon](#)



Former state Sen. Gloria Romero introduced a bill more than a decade ago that would have allowed the public to access police discipline hearings and some records. It was defeated in the face of fierce opposition from police unions. (Myung J. Chun / Los Angeles Times)

In the 1970s, Los Angeles police officers were furious that past complaints against them increasingly were making their way into court cases.

So LAPD officials did something radical: They took more than four tons of personnel records dating to the 1940s and shredded them.

That decision resulted in the dismissal of more than 100 criminal cases involving officers accused of wrongdoing whose records had been purged, sparking public outrage.

The Legislature responded by passing a law that ensured officer discipline records would be preserved — but also made it nearly impossible for anyone to learn about them. The action, driven by police unions, began a decades-long process that has made California the strictest state in the nation when it comes to protecting police confidentiality.

That could change in the next few weeks, with lawmakers in Sacramento considering a landmark effort to increase disclosure.

Repeated efforts to open access to misconduct records have run into aggressive opposition from the unions, one of the most powerful political forces in the Capitol and city halls around the state. Lawmakers who championed transparency faced threats of union opposition at election time.

Police unions repeatedly have argued that California's confidentiality rules protect officer safety and privacy — and prevent cops' names from being dragged through the mud.

But this year, a group of California legislators is [confronting police unions in ways once unthinkable](#). They argue the organizations are out of touch with public sentiment over how officers use force and interact with communities of color. The shift comes amid the backdrop of the Black Lives Matter and criminal justice reform movements.

“It’s hard to build trust … when police keep secret how they respond to killing members of the public and hide serious misconduct,” said Peter Bibring, director of police practices at the American Civil Liberties Union of California.

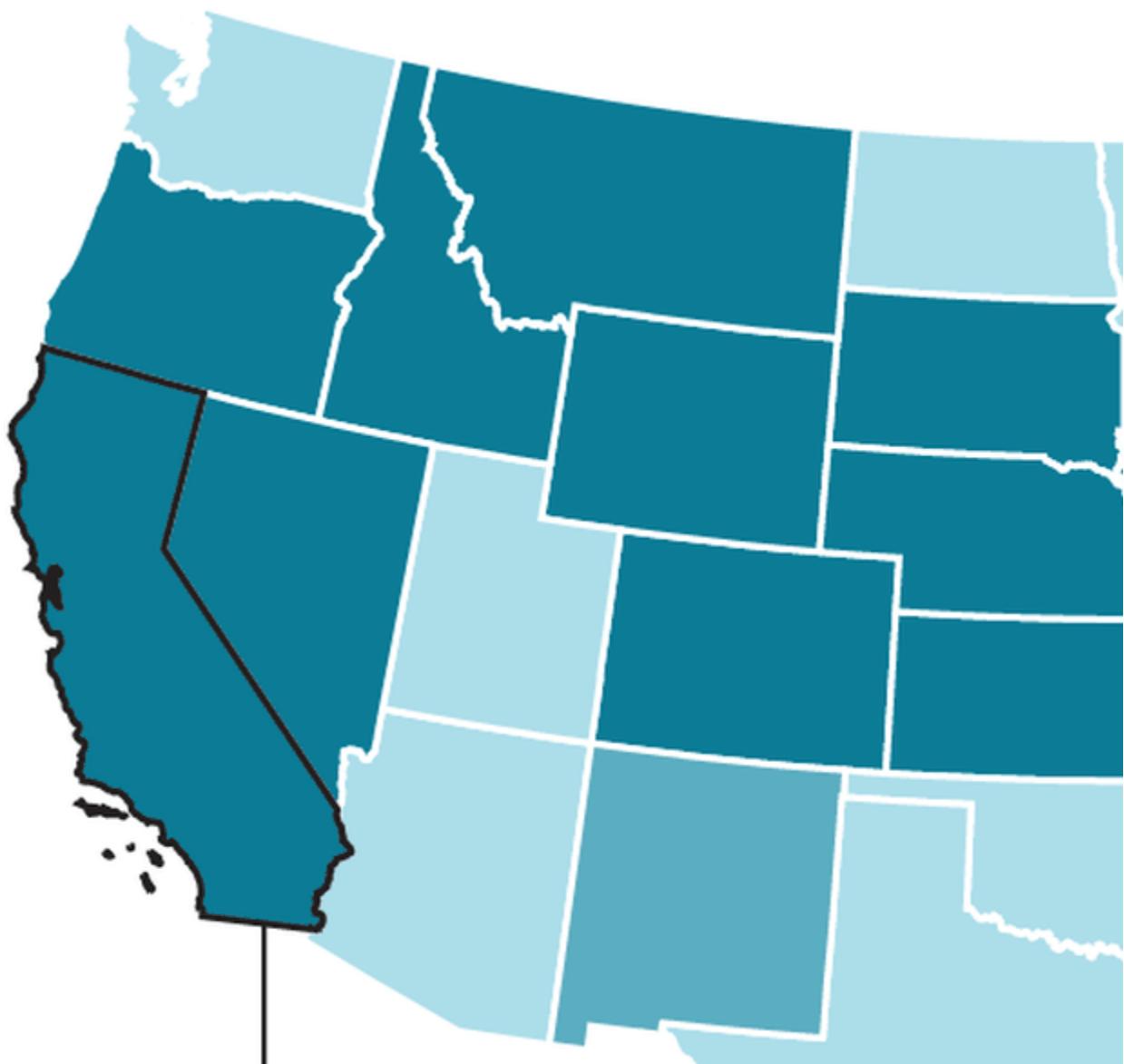
The latest [proposal to make some misconduct records public](#) faces a key decision in the Legislature this week. While passage is far from assured, some union leaders privately are conceding that a measure of disclosure might be inevitable.

Robert Harris, a director for the union that represents rank-and-file LAPD officers, said high-profile videos capturing police using force — and the protests that followed — have put his side on the defensive.

“We’re kind of at the table trying to work with them, not because of the validity of their arguments but because we’re watching this movement create some hostility in our communities,” Harris said. “The profession of law enforcement is under siege.”

# Access to records of sexual misconduct varies by state

Confidential



(Los Angeles Times)

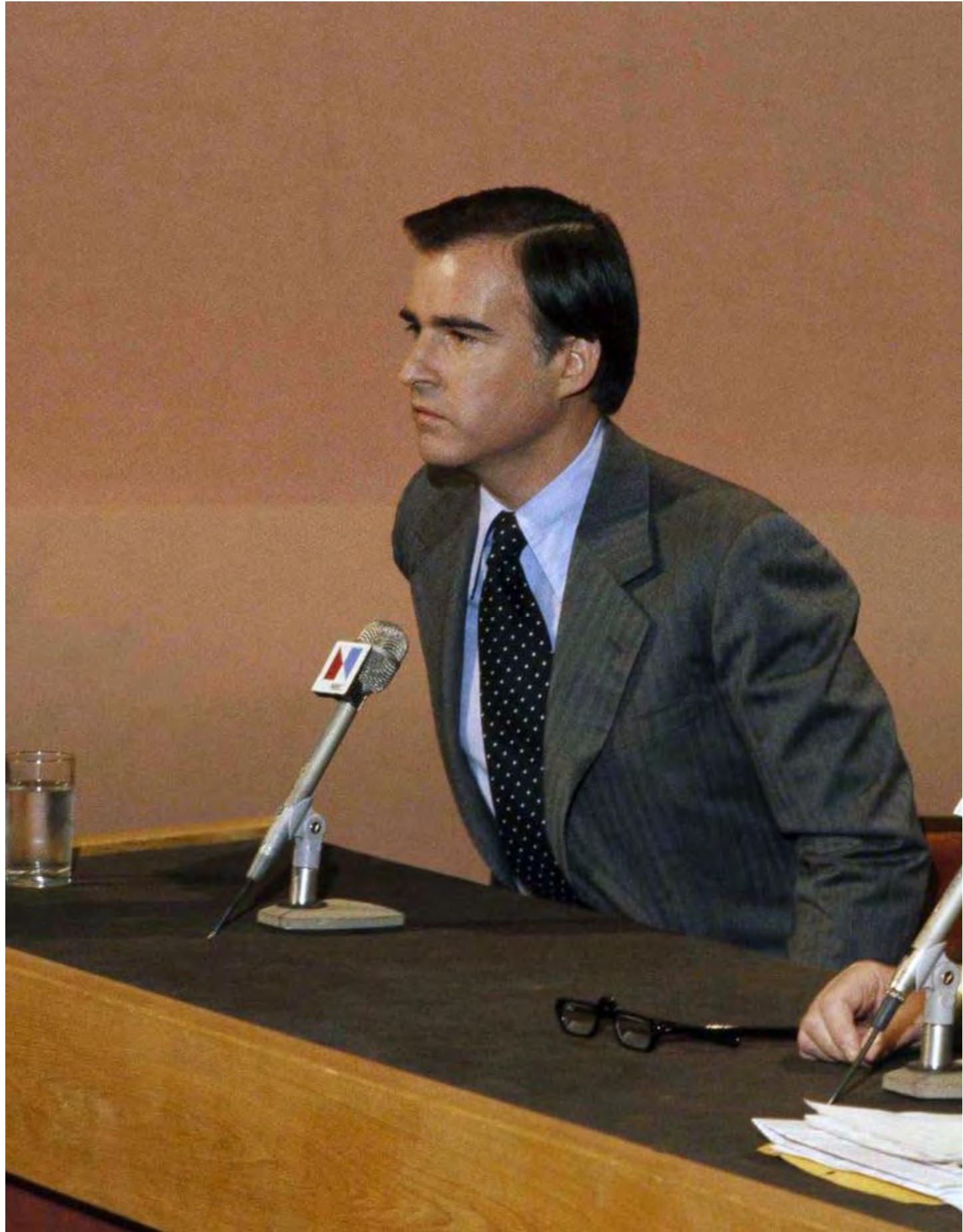
No other state has locked away citizen complaints and internal investigation files like California.

Records of misconduct that results in suspensions and other significant discipline are public in 21 states. Only California, Delaware and New York have specially enshrined confidentiality laws that single out police disciplinary files. California is alone in denying prosecutors direct access to the records.

[A Times investigation](#) found that past misconduct, whether alleged or proven, [routinely is kept hidden](#) in court as a result of California's police privacy laws.

The road to secrecy began in 1974, when the California Supreme Court ruled that defendants had a right to know about complaints that had been lodged against officers testifying in their cases. Defense attorneys started asking for information that might cast doubt on officers' testimony.

It was during the barrage of requests that the LAPD destroyed complaints dating to 1949 that hadn't resulted in a finding of wrongdoing. The leader of the Peace Officers Research Assn. of California, or PORAC — the state's largest law enforcement labor organization — complained that criminal defendants could now "embark on fishing expeditions into peace officers' personnel files."



First-term Gov. Jerry Brown, left, appears with California Atty. Gen. Evelle Younger on NBC's "Meet The Press" in 1978. Younger was the principal backer of the police confidentiality bill that Brown signed into law the same year. (Associated Press)

In 1978, state Atty. Gen. Evelle Younger sponsored the legislation that required departments to keep misconduct records but also expressly blocked public access and made it much more difficult to view them in criminal court.

Under the bill, defendants would have to persuade a judge to examine an officer's confidential file, in private, and decide if there was relevant information to disclose.

The Legislature passed the measure unanimously, sending it to Gov. Jerry Brown, then in his first term, who signed it.

Later that year, after Brown won reelection, his chief of staff credited law enforcement as one of most significant endorsements that led to his victory.

After the law took effect, a slice of police misconduct records remained available to the public.

In Los Angeles, Oakland, San Francisco and other major cities, civil service commissions or police review boards considered officer discipline issues in open hearings. In 2006, the [California Supreme Court ruled](#) that the confidentiality law also applied to those hearings.



As a state senator, Gloria Romero repeatedly tried to pass legislation to loosen restrictions on police disciplinary records but was stymied by police unions. "It's a pack. Like wolves coming at you," she said. (Myung J. Chun / Los Angeles Times)

That prompted Sen. Gloria Romero, a Democrat from Los Angeles, to introduce a bill to reopen disciplinary hearings and make some police records directly available to the public.

Law enforcement unions fiercely opposed what they described in letters to lawmakers as an attempt to undermine their "sacred" right to privacy.

John Stites, a union leader from Southern California, warned in an email to a lobbyist that if the bill passed, police would try to defeat a ballot measure seeking to extend the time some legislators could remain in office.

"There is no compromise on this. Ensure it be understood that this will only be the beginning," Stites wrote in the message, which quickly made its way to lawmakers.

At a hearing for Romero's bill in the Assembly Public Safety Committee, law enforcement officials filed into the committee room's front rows — seats typically reserved for legislators and their staffs. So many police officers and lobbyists stood to express their opposition that the line extended out the door.

Ron Cottingham, then head of the law enforcement union PORAC, told the committee that Romero's proposal was "one of the most insidious and dangerous bills we've seen come along in many years and maybe decades in Sacramento."

The bill [died without a vote](#).

The following year, Romero [tried and failed again](#).

She said in a recent interview that the experience showed her why police unions are so feared in the Capitol.

"It's a pack. Like wolves coming at you," Romero said. "Other [legislators] see it, and you're basically like meat thrown to the lions."



Mark Leno, left, talks with Lou Correa at the Capitol when both men served in the state Senate. Leno twice proposed police transparency bills that failed when police unions opposed them. (Rich Pedroncelli / Associated Press)

Around the time of Romero's first bill, Assemblyman Mark Leno (D-San Francisco) introduced a similar proposal. It failed to win enough support to merit even a committee vote.

A year later, in 2008, Leno was running for the state Senate when opponents set up a political action committee called Protect Our Kids that ran ads attacking his votes to cut education spending. San Francisco's police union, which was critical of Leno's unsuccessful bill, was one of its top donors.

The lawmaker, who is openly gay, said he considered the committee's name to be a clear reference to homophobic stereotypes about gay men as child predators.

"That's how they play," Leno said. "You come after us, we'll come after you."

San Francisco police labor officials did not return calls for comment. At the time, a union leader told reporters they were upset about Leno's votes on public safety and education issues.

Leno won the election but waited until his final year in the Senate before [introducing a new police transparency bill in 2016](#).

The timing followed the rise of the Black Lives Matter movement and the 2014 killing of Michael Brown, a black teenager shot by a white officer in Ferguson, Mo.

Even so, the bill quickly [died in a Senate fiscal committee](#).

"It was just too hot," Leno said.



State Sen. Holly J. Mitchell at the Ronald Reagan State Building in Los Angeles. Mitchell told lobbyists for police unions this year that they were out of touch with public sentiment about law enforcement. (Gary Coronado / Los Angeles Times)

Two years later, a hearing on the latest disclosure bill showed how far the tone surrounding police issues has changed in the Capitol.

Sen. Holly J. Mitchell (D-Los Angeles) told union lobbyists in April that they were out of touch with how communities perceived officers. No longer, she said, would the unions always get their way.

“Those days are over,” Mitchell said.

Her warning came less than a month after protests erupted near the Capitol in the wake of the fatal shooting of Stephon Clark, an unarmed black man, by Sacramento police.

Senate Bill 1421 would open records from investigations of officer shootings and other major force incidents, along with confirmed cases of sexual assault and lying while on duty. The bill must clear an Assembly fiscal committee this week en route to passage in the Legislature by the end of August, when lawmakers break for the year.

Its author, Sen. Nancy Skinner (D-Berkeley), has argued lawmakers must heed calls from black and Latino residents who want to know what happens to officers they accuse of misbehavior.

Police unions complain the measure would increase government costs and prompt a flood of court filings by inmates seeking release once a law enforcement witness’ past dishonesty is revealed. Knowing internal investigations will be disclosed, they say, also could lead some officers to hesitate during violent confrontations, endangering their lives.

“It has unintended consequences that are extreme and will hurt the public,” Ed Fishman, an attorney with PORAC, said at the April hearing.

Unlike in years past, the unions say they’re willing to negotiate.

Brian Marvel, current president of PORAC, said he could see the state’s rules changing in cases in which officers were found to have committed serious misconduct. “I’m not opposed to opening records,” he said.

As public scrutiny of police conduct has increased, unions also have experienced setbacks at the ballot box. In recent years, statewide voters approved several justice reform measures

despite law enforcement opposition, including initiatives to unwind the state's strict three-strikes sentencing law and reduce punishments for low-level thefts and drug offenses.

Still, the law enforcement lobby remains highly influential and the bill's future uncertain.

Endorsements from police groups still are highly coveted by lawmakers fearful of opponents labeling them as soft on crime. Over the last decade, those unions have contributed more than \$145 million to statewide ballot measures as well as legislative, gubernatorial and other statewide races, according to a Times analysis of campaign finance data. They've spent an additional \$18 million on lobbying and other efforts to influence policy at the Capitol.

Assemblywoman Lorena Gonzalez Fletcher (D-San Diego), who worked closely with police unions as a labor leader before being elected in 2013, heads the fiscal committee that will consider the bill this week.

Gonzalez Fletcher said she strongly supports protecting officers' privacy. But she agrees that the conversation surrounding policing issues has changed.

In her district, which encompasses southern San Diego and stretches to the Mexican border, she's noticed more complaints from Latino residents that police are treating them unfairly.

"Transparency is necessary," Gonzalez Fletcher said. "We have to do something in order for communities like mine to gain trust in police again."

*Times staff writers Ben Poston, Mini Racker, Maloy Moore and Jack Leonard contributed to this report.*



Liam Dillon covers California state politics and policy for the Los Angeles Times and is based in Sacramento. Prior to joining The Times in 2016, Dillon covered local politics in San Diego and Southwest Florida.

Please enable JavaScript to view the &lt;a href="<http://solidopinion.com/>"&gt;comments powered by SolidOpinion.&lt;/a&gt;

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Sent from my iPhone

**Carnahan, David**

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**From:** mark weiss <earwopa@yahoo.com>  
**Sent:** Thursday, August 16, 2018 5:11 PM  
**To:** Council, City  
**Cc:** tomforcouncil@gmail.com; cory@corywolbach.com  
**Subject:** Limits on driver services

Hey I think we need to cap And limit The number of drivers who are permitted to operate and pick up passengers in our city limits. They are a menace they drive like idiots in my neighborhood they routinely run stop signs. Mark weiss downtown North other cities have done this. Our civilization is at stake.

Sent from my iPhone

**Carnahan, David**

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**From:** veronica <mary\_etriggs@yahoo.com>  
**Sent:** Tuesday, August 21, 2018 12:28 PM  
**To:** Council, City  
**Subject:** Loud noises from city repairs

I do not know to whom sent these complains so I sent to the City Council

Since last 30 days the city has engaged to perform some repair jobs during the middle of the night, sometime in July they performed a job in the middle of the night for about 4 hours in Middlefield with Loma Verde, producing laud noises and flash light , again, last night in Loma Verde AVE close to Middlefield they have some kind the job with a heavy machineries broking the concrete and generating very laud noises, this happened from 11:00 PM to 4:30 AM.

I understand that some time are emergencies that require repair, but also the people in charge should considerer how and when those repairs should be done with a minimum disturbing to the citizens.

I truly believe the quality of life in Palo Alto is deteriorating .I live in this city since 1969 and I can see the respond from the Police to the management it have a lot to said .

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Sent from [Mail](#) for Windows 10

**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Tuesday, August 21, 2018 12:26 AM  
**To:** Council, City  
**Subject:** Meeting on Cubberley - October

Hi Folks:

Inspired by Chuck's post here is what I just posted: aram

First things first: We need to file a public records act request with the city and school district to determine how much the consulting firm, Concordia, is being paid. Second how did communities of color and the poor post -Katrina

feel about their inclusion or exclusion from the Unified New Orleans Plan? Will Concordia recruit community fellows from the marginalized, underserved and unhoused members of the Palo Alto community? Or in the alternative, will the fellows recruited have to rank high on their willingness to be manipulated by Concordia, the city and the school district ? Will the Brown Act apply to the meetings, so that all members of the public who wish to speak, have an absolute right to do so? I'm hopeful a reasonable percentage of the 35 acres will be permanently dedicated to housing the formerly unhoused. In order to have any chance of making this happen advocates for the unhoused and marginalized members of the community, and their supporters, will have to be well organized, pack the meetings, and be fully informed on the all relevant issues, including zoning laws. In fact, the community may need to raise funds for an attorney who knows this area of the law and can assist us in winning a fair shares of the 35 acres for those normally excluded from the city's vision.

Aram

On Aug 20, 2018, at 9:03 PM, chuck jagoda <[chuckjagoda1@gmail.com](mailto:chuckjagoda1@gmail.com)> wrote:

Thanks for the reminder. I'll watch.

Here's what I commented to the Weekly on the article whose link you sent.

C

Posted by **cdogz**  
a resident of Ventura  
0 hours ago

Cubberley Campus is a commons-- something owned by all. It was been sanitized so that only people who aren't homeless or who don't look homeless can use it. It is a great resource for all. Small interest groups can exist there whereas they could never afford local commercial rents. In 2013, Palo Alto let Jim Keene lead the expulsion of

**City of Palo Alto | City Clerk's Office | 8/21/2018 2:35 PM**

poor and unhoused folks who camped there on the ground and in vehicles and contributed to the community. It is time for the common resource to be available to all, not just the whiter, wealthier members of the community who one day may not be so wealthy and will appreciate the option to use this common resource.



Virus-free. [www.avast.com](http://www.avast.com)

On Mon, Aug 20, 2018 at 5:26 PM, WILPF Peninsula Palo Alto

<[wilpf.peninsula.paloalto@gmail.com](mailto:wilpf.peninsula.paloalto@gmail.com)> wrote:

Please watch for dates so you can attend (:

<https://www.paloaltonline.com/news/2018/08/18/first-community-meeting-on-cubberley-set-for-october>

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**Chuck**

**Carnahan, David**

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**From:** Liza [REDACTED] [REDACTED]  
**Sent:** Saturday, August 18, 2018 1:36 PM  
**To:** Council, City  
**Subject:** Message from the Rail Committee Home Page

Dear members of the Palo Alto Rail Committee,

My name is Liza [REDACTED] I am a junior at Gunn High School and a reporter for the *Oracle*, Gunn High School's student newspaper. For our next issue, we will be covering Palo Alto's plans regarding CalTrain grade separation. I would be happy to be able to speak on the phone with one of you sometime in the coming week. I will be available throughout this weekend as well as on week days after 4pm. Would any of you be available to speak with me? Please let me know what times work best for you. In addition, is there anyone else you would recommend that I speak to regarding this topic?

Thank you for your help. I am looking forward to speaking with you.

Best regards,  
Liza [REDACTED]

## Carnahan, David

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**From:** daverzl@sbcglobal.net  
**Sent:** Sunday, August 19, 2018 7:26 PM  
**To:** Council, City  
**Subject:** Message from the Rail Committee Home Page

There is a post in Nextdoor.

### 'Train on wall' versus 'Train in shallow trench' option for Charleston and Meadow train intersections - Palo Alto City Rail Committee meeting notes

This is what was presented in the past.

From Presentation to City Council on May 29, 2018

### Rail Committee Recommended Ideas

Type of Separation (Alphabetical Order)	Citywide	Palo Alto 2017 ADT (vehicles/day) = 16,200 (+ 550 bikes)	Churchill 2017 ADT (vehicles/day) = 9,200 (+ 1,020 bikes)	Meadow 2017 ADT (vehicles/day) = 8,900 (+ 900 bikes)	Charleston 2017 ADT (vehicles/day) = 17,900 (+ 240 bikes)
Closure		 Palo Alto Ave Closed, Add Improvements (PCX)	 Churchill Ave Closed, Add Improvements (CAX)		
Hybrid (Road over Rail)			 Churchill Ave Reverse Hybrid (CAR)	 Meadow + Charleston Reverse Hybrid, Loma Verde Bike/Ped (MCR)	
Hybrid (Road under Rail)		 Palo Alto Ave Hybrid and/or Viaduct (PAH)	 Churchill Ave Hybrid (CAH)	 Meadow + Charleston Hybrid, Loma Verde Bike/Ped (MCH)	
No Build / Do Nothing					
Rail under Road (Trench)				 Meadow + Charleston Trench or Tunnel (MCT)	
Rail under Road (Tunnel)	 City-Wide Tunnel within Palo Alto (WBP)				
Rail over Road (Berm/Viaduct)				 Meadow + Charleston Viaduct (MCV)	
Road Over Rail					

The posting provided the good and bad of each option.

Overwhelmingly the community **does not** want a raised tracks between Charleston and Eastmeadow.

The community wants Rail under Road as first option and Hybrid Road over Rail – Basically some form of a trench or tunnel.

Can you please survey the community and represent what we would like.

Thanks

David Herzl  
4135 Park Blvd.  
Palo Alto, CA 94306

## Carnahan, David

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**From:** cindy goral <cindy@goral.org>  
**Sent:** Wednesday, August 22, 2018 1:27 AM  
**To:** board@pausd.org; Council, City  
**Subject:** MOU between PAPD and PAUSD

Dear Honorable Council Members and School Board Members,

In tonight's school board meeting, there was a discussion about the revised MOU between the PAPD and PAUSD, which was passed by the City Council on August 13, 2018 before having been reviewed by the School Board.

While the primary purpose of the revised MOU was to add section M. in Exhibit A to address requirements of the Resolution Agreement between OCR and PAUSD, there were additional sections added to Exhibit A unrelated to this issue. In particular, Section I is entitled "Protocols for Involuntary Psychiatric Hold" and Section J states "Use of Mechanical Restraints During Transport."

Section J states: "**As required by PAPD policy**, the SRO or responding officer **shall use mechanical restraints** on a student being transported to a medical facility, but the SRO or the responding officer will make an effort, when possible, to do so out of view of other students...."

Ms. Baten Caswell asked whether restraint was a requirement and what does a mechanical restraint mean? The police officer who was in attendance at the meeting stated per PAPD policy, it is a **requirement** and it means **handcuffs**.

In looking at the PAPD policy dated March 2017, which I believe is the most recent policy, it states in section 418.5 "When transporting any individual for a 5150 commitment...officers may transport individuals in a patrol unit and shall secure them *in accordance with the Handcuffing and Restraints Policy*."

The Handcuffing and Restraints Policy 306 states

306.2 states: "When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest
- The demeanor and behavior of the arrested person
- The age and health of the person
- Whether the person is known to be pregnant
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- Whether the person has any other apparent disability"

306.3.3 states: "A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property"

306.4 states: "**Handcuffs**, including temporary nylon or plastic cuffs, **may be used only to restrain a person's hands to ensure officer safety**. Although **recommended** for most arrest situations, **handcuffing is discretionary and not an absolute requirement of the Department**. Officers should consider handcuffing

any person they reasonably believe warrants that degree of restraint. However, **officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances."**

PAPD policy clearly states that use of handcuffs is not an absolute requirement, contrary to what was reported this evening.

In addition, the definition of a mechanical restraint goes beyond handcuffs and is "Any restrictive device (e.g., seatbelt, straitjacket, vest, or physical confinement) used to restrict a person's free movement, most commonly in emergency situations." Other devices described in the PAPD policy under restraints are 306.5 Spit Hoods, 306.6 auxillary restraint devices such as chains and belts, and 306.7 leg restraints. If the intent is handcuffs, say handcuffs.

Using a mechanical restraint of any kind on someone with a mental health issue is demeaning. It should only be done when absolutely necessary if there is risk of injury to the student or officer. Stating in the MOU that transporting a student on a 5150 requires a mechanical restraint 100% of the time is not in line with the current PAPD Handcuffing and Restraints Policy. Section J of the MOU should not be adopted as written. Furthermore, I urge Council Members and PAUSD staff to include mental health experts for guidance and review when writing policies around psychiatric issues in the future.

Respectfully,

Cindy Goral

**Carnahan, David**

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**From:** Neilson Buchanan <cnsbuchanan@yahoo.com>  
**Sent:** Sunday, August 19, 2018 8:39 AM  
**To:** Council, City  
**Subject:** News posted Aug 15 on city website

I support the City Auditor's effort to improve the sample size but this raises new and old issues. The serial reporting of citizen opinions is very important.

1. The survey data will be collected over an extended time frame in 2018 reflecting respondents completing questionnaires with different sets of information. For example, the recent publicity from the Mayor's traffic remarks and retraction creates a bias in the questionnaire returns. One way to manage this differential is to compare results from the two mailings. The Survey company can be asked to render a professional opinion about samples and result bias.
2. It would be helpful for the public to understand how much lower Palo Alto response rate is.
- 3.. I repeat my ongoing plea to Council and City Manager that survey results are very important feedback to both citizens, city staff and Council. Withholding survey results for such an extended period of time delays formulation of improved city process, budgets and staffing to address embedded problems consistently identified by the annual survey.
4. Council has opportunity to evaluate the need for survey comparisons with other cities operating in very different environments. This feature of the survey slows down reporting of results available to the Council and citizens.
5. The built-in time gap between compilation and release of survey results is counter to modern quality assurance.

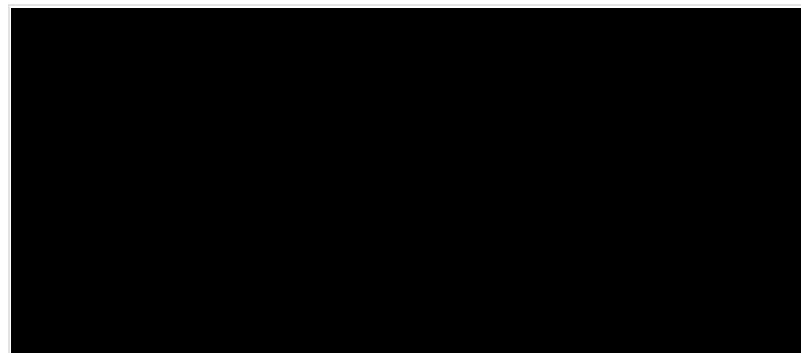
Thank you. I look forward to January 2019.

Neilson Buchanan

-----excerpt from city website-----

The City of Palo Alto is upping the number of residents receiving this year's National Citizen Survey by 1,500 in an effort to increase participation rates, which have been dropping in recent years. While only 21 percent responded to the City's survey last year, lower response rates to surveys is a trend nationally. City officials are hoping that increasing the total number of residents receiving the survey will increase the overall pool of respondents. The surveys were sent out starting last week to a total of 4,500 randomly selected Palo Alto households. This year, survey responses must be postmarked and returned by September 21 to be included in the final results.

[City of Palo Alto, CA - News Details](#)



**City of Palo Alto, CA - News Details**

Neilson Buchanan  
155 Bryant Street  
Palo Alto, CA 94301

650 329-0484  
650 537-9611 cell  
[cnsbuchanan@yahoo.com](mailto:cnsbuchanan@yahoo.com)

**Carnahan, David**

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**From:** Tony Ciampi <T.Ciampi@hotmail.com>  
**Sent:** Thursday, August 16, 2018 9:32 PM  
**To:** Keene, James; Binder, Andrew; Council, City; HRC; Stump, Molly; Shikada, Ed  
**Cc:** kamala\_harris@harris.senate.gov; Nathan\_Barankin@harris.senate.gov;  
Marguerite\_Biagi@harris.senate.gov; Clint\_Odom@harris.senate.gov;  
Lily\_Adams@harris.senate.gov; dustin.brandenburg@mail.house.gov;  
katie.weiss@mail.house.gov; liz.argo@mail.house.gov;  
Anthony.Ratekin@mail.house.gov; Julian.Plank@mail.house.gov;  
kelsey.smith@mail.house.gov; christopher.livingston@mail.house.gov;  
alexandra.gouridakian@mail.house.gov; Philip\_Maxson@mcconnell.senate.gov;  
asoltani@aclunc.org; btucker@aclunc.org; organizing@aclunc.org;  
aschlosser@aclunc.org; mrisher@aclunc.org; info@sanjosenaacp.org;  
naacpsfbr@att.net; actso@naacpnet.org; hollywoodbureau@naacpnet.org;  
info@lccr.com; info@anamericaninjustice.com; bharat\_ramamurti@warren.senate.gov;  
elizabeth\_warren@warren.senate.gov; Dan\_Geldon@warren.senate.gov;  
Stephanie\_Akpa@warren.senate.gov; blanca.jimenez@mail.house.gov;  
rykia.dorsey@mail.house.gov; scheduling49@mail.house.gov  
**Subject:** No Video?

James Keene  
Palo Alto City Manager:

Mr. Keene,

How many days does it take to tell me whether or not Ofc. Conde recorded the incident?

Based upon Captain Binder's initial response and now subsequent failure to respond I have to conclude that your police command staff is covering up Ofc. Conde's violation of the Constitution the same way they covered up the violations committed against Tajae Murray.

One thing is not disputed and that is Ofc. Conde turned on the lights of his patrol car to pull me over. Turning on the lights of the patrol car turns on the camera system.

*Patrol Cars*

WatchGuard Video will remove the current Mobile In-Car Video System on 22 of the Police Department patrol cars, and install the new WatchGuard 4RE Video System. Six patrol cars were recently replaced and are anticipated to be delivered by June 2014, so the installation of the new will Mobile In-Car Video System will take place after the replacement vehicles are delivered. Key improvements from the current system include:

- ✓ Improved Video and Audio Quality
- ✓ Greater Field of Vision
- ✓ 3 Additional Cameras per Vehicle (side and rear views)
- ✓ Video Uploaded Wirelessly
- ✓ Automatic Recording Triggers (i.e. lights and sirens)
- ✓ Selective Resolution and File Compression that Saves Storage
- ✓ Live Streaming Capability
- ✓ Extended Warranty, Including Software Updates

*Body Worn*

A small number (nine) of body-worn audio/visual systems are also included, which will be pilot tested with the Police Department's Traffic Safety Team and patrol officers. This will allow officers, primarily on motorcycles, to capture video evidence when they are away from their vehicles.

Thus if there is no recording than your officers are lying just like in the Murray case.

<https://chiefburns.weebly.com/murray-dog-attack.html>



## Murray Dog Attack - Palo Alto Police Chief Dennis Burns ...

[chiefburns.weebly.com](http://chiefburns.weebly.com)

Just like the Tyler Harney case the City of Palo and the Palo Alto Police settles another excessive use of force law suit before the Plaintiff, in this case Tajae Murray could obtain the evidence as to why there is no recording of the Dog Jumping Out of the Patrol Car.

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**obtain the evidence as to why there is no recording of the Dog Jumping Out of the Patrol Car.**

And of course there is the feature called : "***Record After the Fact***"

that ensures all encounters are recorded.

<https://corruptpaloaltopolice.weebly.com/systemic-flaws.html>

<https://watchguardvideo.com/software/record-after-the-fact>

DOJ: Deputies at LA County sh... +

https://www.scpr.org/news/2013/06/28/37967/doj-deputies-at-la-county/



CRIME & JUSTICE

# DOJ: Deputies at LA County sheriff's stations in Lancaster, Palmdale discriminated (Update)



<https://www.scpr.org/news/2013/06/28/37967/doj-deputies-at-la-county-sheriff-s-stations-in-la/>

City of Palo Alto, CA - New... +

https://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4079

ABCmouse.com Early ... Library - City of Palo A...

comes and will do my best to earn their trust and to provide leadership to a department I truly care about and want to serve this city with professionalism, integrity, and respect."

Prior to coming to Menlo Park, Jonsen served in increasingly senior positions within law enforcement in California. From 2011 to 2013, Jonsen was Captain/Chief of Police for the Lancaster Sheriff's Department. In this position, he was responsible for police operations for a geographical area covering 600 miles with 30 police stations. During his tenure in this position, the overall crime rate dropped by 5.3 percent including a 23 percent drop in violent crimes. From 2008 to 2011, Jonsen served as coordinator of the Antelope Valley Community Policing Institute (AVCFI) focused on reducing violent crimes over a 1,370 square mile area.

From 2005 to 2008, Jonsen was a Lieutenant at the Palmdale Sheriff's Station with over 100 personnel and a \$20 million budget. He also served as Watch Commander for the station, leading efforts to reduce crime and increase community engagement. In 2004, he served as a Sergeant in the Administrative Services Division. Jonsen also spent two years as the Assistant Director of the Regional Community Policing Institute, a six-county federally-funded community policing program. While there, he developed domestic violence training programs, ethics and integrity, as well as first responder training.

<https://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4079>

### **'Coffee with the Captain' recap**

by [M. Dilworth](#) • April 12, 2012

"If you don't feel you are being treated with respect or there is a lack of professionalism, those are the things I want to know about," he said. "Those are the things we can change... **we can hold our own accountable and we have been doing that quite a bit over the past 12 months.**"

**Jonsen said the Lancaster Station had met with the Justice Department as part of the federal investigation into alleged discriminatory policing by law enforcement in the Antelope Valley.** He said the Justice Department gave him some feedback, which he took to heart.

"The feedback was that we need to be more engaged in the community, because there's a perception out there that we're not connected..." Jonsen. "I agree there's room for improvement, there always is, and that's what we're trying to do."

**Jonsen said respect is a two-way street, and the community had to do its part in giving deputies the necessary respect as well.** He said there was a misperception that Lancaster deputies routinely used excessive force when, in reality, the station used the least amount of force in the region.

<http://theavtimes.com/2012/04/12/coffee-with-the-captain-recap/>

### **Police body cams are scarily easy to hack into and manipulate, researcher finds**

Luke Dormehl

[Digital Trends](#) • August 15, 2018

Nuix cybersecurity expert [Josh Mitchell](#) demonstrated how it is possible to manipulate footage from police body cams. Mitchell's demo used five different cameras — including Vieuu, Patrol Eyes, Fire Cam, Digital Ally and CeeSc — and showcased how these could be hacked into and potentially altered. This could include [deleting or altering footage](#) or amending crucial metadata, including where and when footage was shot.

<https://www.yahoo.com/news/police-body-cams-scarily-easy-212958177.html>



## Police body cams are scarily easy to hack into and manipulate, researcher finds

www.yahoo.com

Nuix cybersecurity expert Josh Mitchell has demonstrated how it is possible to hack into and potentially manipulate footage from police body cams. The really scary part? It's shockingly easy.

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<https://www.yahoo.com/news/police-body-cams-scarily-easy-212958177.html>

Tony Ciampi

**Carnahan, David**

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**From:** Virginia Smedberg <virgviolin@hotmail.com>  
**Sent:** Wednesday, August 22, 2018 2:49 AM  
**To:** Council, City  
**Subject:** our water, the Bay and the Delta

Dear Council Members,

I am writing to thank you for voting to endorse the Bay Delta Water Quality Control Plan. I think it's really important for us to keep looking at the big picture of California's, and especially the Delta and Bay's, water ecosystem.

Sincerely,  
Virginia Smedberg  
Palo Alto

## Carnahan, David

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**From:** D Martell <dmpaloalto@gmail.com>  
**Sent:** Thursday, August 16, 2018 4:14 PM  
**To:** roberta.ahlquist@sjtu.edu  
**Cc:** Mello, Joshuah; Lauing, Ed; Stump, Molly; Council, City; Kniss, Liz (internal); Scharff, Gregory (internal); Keene, James; Minor, Beth; Kleinberg, Judy; Bill Johnson; Jay Thorwaldson; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; Jason Green; AnnaEshoo@mail.house.gov; Anne.Ream@mail.house.gov; Senator.Hill@senate.ca.gov; Alex Kobayashi; Supervisor.Simitian@bos.sccgov.org; Micaela.Hellman-Tincher@bos.sccgov.org; VHS101@yahoo.com; WILPF.peninsula.paloalto@gmail.com; richard@alexanderlaw.com; Aram James; Andrew Pierce; Debra@firstpaloalto.com; Bear.ride@fprespa.org; CHamilton@da.sccgov.org; JRosen@dao.sccgov.org; Goodell, Erin; Jonsen, Robert  
**Subject:** Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

Professor Roberta Ahlquist  
WILPF  
Low-Income Housing Committee

Dear Professor Ahlquist:

Thank you for speaking out for Palo Alto City Government accountability and transparency.

I believe City of Palo Alto's Chief Transportation Official Joshuah Mello should be admonished for his poor stewardship over public need.

As a quasi-public facility supported by HUD funding, Lyttons Garden Senior Communities is a type of corporation in the private sector that is backed by a branch of government that has a public mandate to provide for the needs of the public.

Respectfully,  
-Danielle

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Danielle Martell  
[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

----- Forwarded message -----  
From: **Roberta Ahlquist** <[roberta.ahlquist@sjtu.edu](mailto:roberta.ahlquist@sjtu.edu)>  
Date: Thu, Aug 16, 2018 at 1:34 PM  
Subject: 5 Handicapped parking spaces  
To: [Joshuah.Mello@cityofpaloalto.org](mailto:Joshuah.Mello@cityofpaloalto.org)

Dear Mr. Mello,

**City of Palo Alto | City Clerk's Office | 8/16/2018 4:39 PM**

I would like an explanation for why these five spots have been removed: 1. Under what guidelines, 2. Who made this decision? 3. Why?

Sincerely,

Roberta Ahlquist  
for the WILPF Low-Income Housing Committee

From: **D Martell** <[dmpaloalto@gmail.com](mailto:dmpaloalto@gmail.com)>  
Date: Wed, Aug 15, 2018 at 7:57 PM  
Subject: Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces  
To: [Joshuah.Mello@cityofpaloalto.org](mailto:Joshuah.Mello@cityofpaloalto.org)  
Cc: Ed <[evlauing@yahoo.com](mailto:evlauing@yahoo.com)>, Molly <[Molly.Stump@cityofpaloalto.org](mailto:Molly.Stump@cityofpaloalto.org)>, City <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>, "Kniss, Liz (internal)" <[liz.kniss@cityofpaloalto.org](mailto:liz.kniss@cityofpaloalto.org)>, "Scharff, Gregory (internal)" <[greg.scharff@cityofpaloalto.org](mailto:greg.scharff@cityofpaloalto.org)>, James <[James.Keene@cityofpaloalto.org](mailto:James.Keene@cityofpaloalto.org)>, "Minor, Beth" <[beth.minor@cityofpaloalto.org](mailto:beth.minor@cityofpaloalto.org)>, "Kleinberg, Judy" <[Judy@paloaltochamber.com](mailto:Judy@paloaltochamber.com)>, Bill Johnson <[BJohnson@paweekly.com](mailto:BJohnson@paweekly.com)>, Jay Thorwaldson <[jaythor@well.com](mailto:jaythor@well.com)>, Dave Price <[price@baydailypost.com](mailto:price@baydailypost.com)>, [Allison@padailypost.com](mailto:Allison@padailypost.com), [EmiBach@padailypost.com](mailto:EmiBach@padailypost.com), Jason Green <[jgreen@dailynewsgroup.com](mailto:jgreen@dailynewsgroup.com)>, [AnnaEshoo@mail.house.gov](mailto:AnnaEshoo@mail.house.gov), [Anne.Ream@mail.house.gov](mailto:Anne.Ream@mail.house.gov), Senator.Hill@senate.ca.gov, Alex Kobayashi <[Alex.Kobayashi@sen.ca.gov](mailto:Alex.Kobayashi@sen.ca.gov)>, [Supervisor.Simitian@bos.scgov.org](mailto:Supervisor.Simitian@bos.scgov.org), [Micaela.Hellman-Tincher@bos.scgov.org](mailto:Micaela.Hellman-Tincher@bos.scgov.org), VHS101@yahoo.com, WILPF.peninsula.paloalto@gmail.com, richard@alexanderlaw.com, Aram James <[abipdl@gmail.com](mailto:abipdl@gmail.com)>, Andrew Pierce <[apierce@pierceshearer.com](mailto:apierce@pierceshearer.com)>, Debra@firstpaloalto.com, Bear.ride@fpresa.org, CHamilton@da.scgov.org, JRosen@dao.scgov.org, [Erin.Goodell@cityofpaloalto.org](mailto:Erin.Goodell@cityofpaloalto.org)

Joshuah Mello

Chief Transportation Official

Palo Alto's Transportation Division

Mr. Mello:

Don't ask me to do your job; you have the address.

**Handicapped must come first.**

This downtown Palo Alto property has, at minimum, a quasi-public nature given their Mission Statement and the Founding Documents for Lytton Gardens Senior Communities.

-Danielle Martell  
[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

From: **Mello, Joshuah** <[Joshuah.Mello@cityofpaloalto.org](mailto:Joshuah.Mello@cityofpaloalto.org)>  
Date: Wed, Aug 15, 2018 at 4:38 PM  
Subject: RE: Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces  
To: D Martell <[dmpaloalto@gmail.com](mailto:dmpaloalto@gmail.com)>

Ms. Martell:

Thank you for writing. Is this within the public right-of-way (on-street parking) or in the private Lytton Gardens parking lot?

Regards,



**JOSHUAH D. MELLO, AICP**  
Chief Transportation Official  
**OFFICE OF TRANSPORTATION**  
**[Joshua.Mello@CityofPaloAlto.org](mailto:Joshua.Mello@CityofPaloAlto.org)**

**office:** 650.329.2520

**fax:** 650.329.2154

From: D Martell [mailto:[dmpaloalto@gmail.com](mailto:dmpaloalto@gmail.com)]

Date: Mon, August 13, 2018 5:34 PM

Subject: Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

cc: Lauing, Ed <[evlauing@yahoo.com](mailto:evlauing@yahoo.com)>; Council, City <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>; Keene, James <[James.Keene@CityofPaloAlto.org](mailto:James.Keene@CityofPaloAlto.org)>; Stump, Molly <[Molly.Stump@CityofPaloAlto.org](mailto:Molly.Stump@CityofPaloAlto.org)>; Bill Johnson <[BJohnson@paweekly.com](mailto:BJohnson@paweekly.com)>; Jay Thorwaldson <[jaythor@well.com](mailto:jaythor@well.com)>; Dave Price <[price@baydailypost.com](mailto:price@baydailypost.com)>; [Allison@padailypost.com](mailto>Allison@padailypost.com); [EmiBach@padailypost.com](mailto:EmiBach@padailypost.com); Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)>

To: Mello, Joshua <[Joshua.Mello@CityofPaloAlto.Org](mailto:Joshua.Mello@CityofPaloAlto.Org)>

Joshuah Mello

Chief Transportation Official

Palo Alto's Transportation Division

Dear Mr. Mello:

Why has Palo Alto's downtown Lytton Gardens Senior Communities (LG), [656 Lytton Avenue](#), been allowed to obliterate five (5) Handicap Parking spaces in front of their entrance?

This includes paved asphalt sans parking lines, and red curbs. For decades, PAPD ticketed autos without Handicap Plaques that parked in front of LG. --Two of the five former parking spots share a LG dumpster. Together, the site of all five former parking spaces resembles an expanding entryway for LG, and add greatly to the aesthetics of their building.

Curious minds want to know why FIVE downtown Handicap Zones have "vanished like a fart on the breeze".

Please respond.

Sincerely,

-Danielle Martell

[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

**Carnahan, David**

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**From:** D Martell <dmpaloalto@gmail.com>  
**Sent:** Wednesday, August 15, 2018 7:16 PM  
**To:** Michael Hawkins  
**Cc:** Martineau, Catherine; Maika Horjus, Canopy; Passmore, Walter; Stump, Molly; Council, City; Kniss, Liz (internal); Scharff, Gregory (internal); Keene, James; Kleinberg, Judy; Bill Johnson; Jay Thorwaldson; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; Aram James; Jason Green; John Fredrich; Chris Payne; AlfredMan@aol.com; daniel kottke  
**Subject:** Palo Alto's beautiful old-growth trees keep disappearing ...

Michael Hawkins, Program Director  
Palo Alto Canopy

Dear Michael:

I appreciate your shared concern for tree preservation.

Attached find Screen Shots of this week's NEXTDOOR neighborhood online dialogue showing Palo Alto trees continue to "vanish like a fart in the breeze". --Residents are alarmed.

**Why are there no posted City Notices warning the public of this ongoing slaughter?**

Best,  
-Danielle

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Danielle Martell  
[dmPaloAlto@gmail.com](mailto:dmPaloAlto@gmail.com)

C craig yana, Community Center

### Tree Watch; Jordan Middle

Hope its just trimming. On Middlefield Rd.



1d ago · 22 neighborhoods in General

Thank Reply

1 7

D Danielle Martell, Community Center · 1d ago

Jordan Middle School is now Frank S. Greene Middle School.

I called the school's main office (650 494-8120) and was assured that no trees are being cut down.

C craig yana, Community Center · 1d ago

Its gone. The pic was from yesterday. I just rode by again this morning. Its been cut down.



D Danielle Martell, Community Center · 1d ago

Please take a photo of the felled tree and post it too.

A Anne Anderson, Old Palo Alto · 1d ago

Actually, that tree was just taken down. When the city installed their bike lanes here they extended the sidewalks, encroaching on the root system of the trees on this corridor. School landscape personnel have been watching the health of all of those trees since then and notified the city of the declining health of this tree recently. The city responded that they would have the city arborist inspect the tree and today took it out without notifying the District. (These trees are on school property.) It sounds like the main office personnel at Greene were also not informed. You should be aware that the city is proposing a similar bike lane installation on Churchill between Alma and El Camino, on school property and in close proximity to major oaks and redwoods located at the entrance to Paly's driveway as well as within the green space created by the District several years ago.

2 Thanks

D Danielle Martell, Community Center · 1d ago

Craig Yana, let's see another photo to compare yesterday's site with today's site. Thanks.

**City of Palo Alto | City Clerk's Office | 8/16/2018 7:49 AM**

craig yana, Community Center · 1d ago  
Its [gone.rip](#). 2 at Addison, 2 or more at Zoo, ....all old trees.



1 Thank

craig yana, Community Center · 9h ago  
Thanks Anne, Makes you wonder why they widened the sidewalk AND added the street bikeway. Exactly, how many kids bike between the 2 bicycle parking areas at Greene. By the way, the white cones prevent the street cleaners from clearing the pine needles from the street which is a hazard to bikes. Also, takes away parking for those night events at the school which are becoming more numerous.

1

**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Tuesday, August 21, 2018 4:00 PM  
**To:** cromero@cityofepa.org  
**Cc:** lgauthier@cityofepa.org; lmoodly@cityofepa.org; epatoday@epatoday.org; sdremann@pawebly.com; drutherford@cityofepa.org; rabrica@cityofepa.org; paloaltofreepress@gmail.com; dprice@padailypost.com; allison@padailypost.com; emibach@padailypost.com; jgreen@dailynewsgroup.com; Jonsen, Robert; roberta.ahlquist@sjsu.edu; chuckjagoda1@gmail.com; gkirby@redwoodcity.org; Council, City; mdiaz@redwoodcity.org; michael.gennaco@oirgroup.com; ibain@redwoodcity.org; dcbertini@menlopark.org; apardini@cityofepa.org; Binder, Andrew; wilpf.peninsula.paloalto@gmail.com; Keene, James; Tony Dixon; Carnahan, David; jrosen@da.sccgov.org; molly.o'neal@pdo.sccgov.org; Stump, Molly  
**Subject:** PERF (Police Executive Research Forum) & COPS (Community Oriented Police Services) : Implementing a Body-Worn Camera Program-Recommendations and Lessons learned.....92 page article

August 21, 2018

Dear City Councilmen Carlos Romero:

It was good meeting you, however brief, at the East Palo Alto City Council meeting on August 8, 2018.

My apologies for being so slow in sending out this article to you, re body-worn camera implementation, and related policy considerations.

As I mentioned at the council meeting, former East Palo Alto Police Chief Ron Davis- played a significant part in making this article happen. Here is his letter at P-9-10 of the article:

***Letter from the COPS Office Director***

*Dear Colleagues,*

*One of the most important issues currently facing law enforcement is how to leverage new technology to improve policing services. Whether using social media to engage the community, deploying new surveillance tools to identify suspects, or using data analysis to predict future crime, police agencies around the world are implementing new technology at an unprecedented pace.*

*Body-worn cameras, which an increasing number of law enforcement agencies are adopting, represent one new form of technology that is significantly affecting the field of policing. Law enforcement agencies are using body-worn cameras in various ways: to improve evidence collection, to strengthen officer performance and accountability, to enhance agency transparency, to document encounters between police and the public, and to investigate and resolve complaints and officer- involved incidents.*

*Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's perception of the police, and expectations about how police agencies should share information with the public. Before agencies invest considerable time and money to deploy body-worn cameras, they must consider these and other important questions.*

*The COPS Office was pleased to partner with the Police Executive Research Forum (PERF) to support an extensive research project that explored the numerous policy and implementation questions surrounding body-worn cameras. In September 2013, the COPS Office and PERF hosted a conference in Washington, D.C., where more than 200 law enforcement officials, scholars, representatives from federal agencies, and other experts gathered to share their experiences with body-worn cameras. The discussions from this conference, along with interviews with more than 40 police executives and a review of existing body-worn camera policies, culminated in the recommendations set forth in this publication.*

*Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned offers practical guidance as well as a comprehensive look at the issues that body-worn cameras raise. I hope you find that the wide range of perspectives, approaches, and strategies presented in this publication are useful, whether you are developing your own body-worn camera program or simply wish to learn more about the topic. The goal of the COPS Office and PERF is to ensure that law enforcement agencies have the best information possible as they explore this new technology; therefore, we encourage you to share this publication, as well as your own experiences, with other law enforcement practitioners.*

*Sincerely,*

*Ronald L. Davis, Director  
Office of Community Oriented Policing Services*

**Aram James' e-mail continues**

I hope you and your fellow council members have the opportunity to thoroughly review the PERF/COPS report, before finally deciding which are the best practices/policies, that should apply to body-worn camera use, in East Palo Alto.

As an example: at the council meeting of August 8, we discussed whether police officers should be allowed to review their body-worn camera footage, before writing their police reports.

Although a majority of police executives interviewed for the PERF/COPS report, expressed the view that officers should be allowed to review camera footage, before writing their report, a minority of police executives disagreed ( see page 41-42 of the report):

“Other police executives, however, said that the truth—and the officer’s credibility—are better served if an officer is not permitted to review footage of an incident prior to making a statement. “In terms of the officer’s statement, what matters is the officer’s perspective at the time of the event, not what is in the video,” said Major Mark Person of the Prince George’s County (Maryland) Police Department. “That perspective is what they are going to have to testify to. If officers watch the video before making a statement, they might tailor the statement to what they see. It can cause them to second-guess themselves, which makes them seem less credible.”

**Aram James' e-mail continues**

There are many other policy issues debated in the report. Should police crime victims, victims of alleged police brutality, the press, and community watchdogs- have ready access to body-worn came footage? Or, in the alternative, should the police be allowed to keep camera footage secret, unless the camera footage shows the police in a favorable light?

These are all important issues that the council, the police, and the community-will have to grapple with, as we work together, to establish best community police relations.

Best regards,

Aram James

<https://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

**Carnahan, David**

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**From:** Amy Kacher <amyewardwell@yahoo.com>  
**Sent:** Thursday, August 16, 2018 12:07 PM  
**To:** Council, City  
**Subject:** Photo of traffic on University

I had my son take this photo while we were on University at Center at 2:37pm Tuesday August 14. The traffic is coming from downtown as far as the eye can see. This is extremely common even this early in the day.



Sent from my iPhone

**Carnahan, David**

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**From:** Richards <rchrds@comcast.net>  
**Sent:** Sunday, August 19, 2018 12:08 PM  
**To:** Council, City  
**Subject:** Rail Committee: proposed options for Charleston crossing

Dear Sirs:

I am a homeowner whose property on Monroe Drive abuts the railroad tracks.

The noise from the current trains, especially the freight trains, is loud enough. An elevated track as described in Aecom's August 7, 2018 (MCL Road Hybrid) would certainly increase the noise level. And it's likely that passengers on an elevated train would be able to see more of the property, reducing my privacy. I strongly feel that an elevated railroad track would be detrimental to my quality of life and the value of my property.

I much prefer the partially lowered railroad track described as MCR Reverse Hybrid.

Best,

Shan Richards

**Carnahan, David**

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**From:** Trish Mulvey <[mulvey@ix.netcom.com](mailto:mulvey@ix.netcom.com)>  
**Sent:** Tuesday, August 21, 2018 1:34 PM  
**To:** Council, City  
**Subject:** RE: THANKS for your support for State Water Resources Control Board's Bay Delta Water Quality Control Plan

BIG HUGS & THANKS to each of you for your unanimous support vote last night, and special thanks to whoever realized that this item should not be on the consent item calendar. trish

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**From:** Trish Mulvey [mailto:[mulvey@ix.netcom.com](mailto:mulvey@ix.netcom.com)]  
**Sent:** Monday, August 20, 2018 8:54 AM  
**To:** [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)  
**Subject:** support for State Water Resources Control Board's Bay Delta Water Quality Control Plan

Dear Mayor Kniss and Council Members,

Please add this note to your collection of community requests urging you to deny the City staff recommendation and instead strongly support the State Water Board's well-researched and balanced proposed Bay Delta Water Quality Control Plan. Thanks for your attention to this request.

Trish Mulvey  
527 Rhodes Drive, Palo Alto

## Carnahan, David

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**From:** Stephanie Munoz <stephanie@dslextreme.com>  
**Sent:** Thursday, August 16, 2018 5:06 PM  
**To:** paloaltofreepress  
**Cc:** Aram James; swagstaffe; jrosen; Perron, Zachary; Kilpatrick, Brad; Council, City; Lee, Craig; michael gennaco; Kan, Michael; Jonsen, Robert; dcbertini; Kniss, Liz (internal); stevendlee; HRC; gkirby; Keene, James; mdiaz; WILPF Peninsula Palo Alto; council; myraw; molly o'neal; Stump, Molly; Binder, Andrew; Cullen, Charles; citycouncil; ibain; fred124c41; Bains, Paul; dennis r burns; Constantino, Mary; Van Der Zwaag, Minka; roberta ahlquist; nklippen@scscourt.org; dryan@scscourt.org; bwalsh@scscourt.org; sscott; mharris; rpichon; jsylva@scscourt.org; aflint@scscourt.org  
**Subject:** Re: An L.A. County deputy faked evidence. Here's how his misconduct was kept secret in court for years

I'm on. How do we get that simple fix you recommend so persuasively? Stephanie

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**From:** "paloaltofreepress" <paloaltofreepress@gmail.com>  
**To:** "Aram James" <abjpd1@gmail.com>  
**Cc:** "swagstaffe" <swagstaffe@smcgov.org>, "jrosen" <jrosen@da.sccgov.org>, "zachary perron" <zachary.perron@cityofpaloalto.org>, "brad kilpatrick" <brad.kilpatrick@cityofpaloalto.org>, "Council, City" <city.council@cityofpaloalto.org>, "craig lee" <craig.lee@cityofpaloalto.org>, "michael gennaco" <michael.gennaco@oirgroup.com>, "michael kan" <michael.kan@cityofpaloalto.org>, "Robert Jonsen" <Robert.Jonsen@cityofpaloalto.org>, "dcbertini" <dcbertini@menlopark.org>, "liz kniss" <liz.kniss@cityofpaloalto.org>, "stevendlee" <stevendlee@alumni.duke.edu>, "hrc" <hrc@cityofpaloalto.org>, "gkirby" <gkirby@redwoodcity.org>, "james keene" <james.keene@cityofpaloalto.org>, "mdiaz" <mdiaz@redwoodcity.org>, "WILPF Peninsula Palo Alto" <wilpf.peninsula.paloalto@gmail.com>, "council" <Council@redwoodcity.org>, "myraw" <myraw@smcba.org>, "molly o'neal" <molly.o'neal@pdo.sccgov.org>, "molly stump" <molly.stump@cityofpaloalto.org>, "Andrew Binder" <Andrew.Binder@CityofPaloAlto.org>, "Charles Cullen" <Charles.Cullen@CityofPaloAlto.org>, "citycouncil" <citycouncil@menlopark.org>, "ibain" <ibain@redwoodcity.org>, "fred124c41" <fred124c41@gmail.com>, "stephanie" <stephanie@dslextreme.com>, "Paul Bains" <pbains7@projectwehope.com>, "dennis r burns" <dennis.r.burns@gmail.com>, "mary constantino" <mary.constantino@cityofpaloalto.org>, "minka vanderzwaag" <minka.vanderzwaag@cityofpaloalto.org>, "roberta ahlquist" <roberta.ahlquist@sjsu.edu>, nklippen@scscourt.org, dryan@scscourt.org, bwalsh@scscourt.org, "sscott" <sscott@scscourt.org>, "mharris" <mharris@scscourt.org>, "rpichon" <rpichon@scscourt.org>, jsylva@scscourt.org, aflint@scscourt.org  
**Sent:** Sunday, August 12, 2018 11:09:43 AM  
**Subject:** Re: An L.A. County deputy faked evidence. Here's how his misconduct was kept secret in court for years

A simple fix would be the elimination of the police officers special bill of rights:

[https://en.m.wikipedia.org/wiki/Law\\_EnforcementOfficers%27\\_Bill\\_of\\_Rights](https://en.m.wikipedia.org/wiki/Law_EnforcementOfficers%27_Bill_of_Rights)

**City of Palo Alto | City Clerk's Office | 8/17/2018 9:17 AM**

You wont find anyone, anyone outside of law enforcement willing to discuss to hot topic... police officers are notoriously known to receive unprecedeted witness protection... by DA's.

Secondly, the first rule of discover asked in any criminal case involving the police? Prior misconduct. This should be explored first, during Pre-Trial Conference...and should be reviewed and confirmed independently....

Unfortunately, police are known to lie cheat and steal at the cost of being innocence. Including, but far from limited, exculpatory evidence withheld.

Mark

Sent from my iPad

On Aug 10, 2018, at 1:37 PM, Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)> wrote:

<http://www.latimes.com/local/california/la-me-brady-list-secrecy-court-20180809-htmlstory.html>

## **An L.A. County deputy faked evidence. Here's how his misconduct was kept secret in court for years**

They were at the tail end of their overnight shift when they spotted Gerald Simmons near a vacant lot in Inglewood.

The two Los Angeles County sheriff's deputies said they saw the 43-year-old toss a plastic baggie of rock cocaine to the ground.

Their testimony would become the backbone of the 2009 criminal case against Simmons.

After a six-day trial, the verdict was swift. Guilty.

But jurors made their decision without knowing a crucial detail.

Jose Ovalle, one of the deputies who also booked the evidence, had been suspended five years earlier for pouring taco sauce on a shirt to mimic blood in a criminal case. He nearly lost his job.

Ovalle's past was kept secret for years from prosecutors, judges, defendants and jurors, even though he was a potential witness in hundreds of criminal cases that relied on his credibility, according to a Times investigation.

The deputy took the stand in 31 cases before the district attorney's office found out about his misconduct. Once his credibility came into question, prosecutors offered some career criminals generous plea deals in pending cases or dropped charges altogether. Some went on to commit serious crimes.

Ovalle is not an isolated example. Misconduct by law enforcement officers who testify in court is routinely kept hidden by California's police privacy laws.

The U.S. Supreme Court requires prosecutors to inform criminal defendants about an officer's wrongdoing — but the state's laws are so strict that prosecutors cannot directly access the personnel files of their own police witnesses. Instead, California puts the burden on defendants to prove to a judge that an officer's record is relevant.

Times reporters reviewed documents from hundreds of criminal cases in which the district attorney's office identified Ovalle as a potential witness after he was caught faking the bloody evidence in 2003.

Few defendants tried to obtain information about Ovalle's past. A handful of those who did weren't given information about the deputy's discipline. Judges never gave them a public explanation for why it wouldn't have been relevant.

By the time the district attorney's office learned about Ovalle's misconduct, he had been a potential witness against 312 defendants. More than 230 were convicted.



The California Supreme Court will decide whether law enforcement agencies can tell prosecutors if a police witness has a record of serious discipline. Justin Sullivan / Getty Images

A [Times investigation last year](#) identified Ovalle and others on a secret Sheriff's Department [list of deputies whose misconduct](#) included falsely testifying in court, pulling over a motorist and receiving oral sex from her while on patrol, and tipping off a drug dealer's girlfriend about a narcotics bust.

Los Angeles County Sheriff Jim McDonnell [wanted to disclose](#) the so-called Brady list of about 300 officers to prosecutors, but the deputies union went to court to stop him.

The state's Supreme Court [will soon decide](#) whether McDonnell and other law enforcement agencies can tell prosecutors if a police witness has a record of serious discipline. An appellate court has ruled they cannot.

Ovalle now works as a sergeant in the Sheriff's Department's Century station in Lynwood. Last year, he was paid \$240,000 in salary, overtime and other earnings.

When reached by The Times for comment, Ovalle said: "I don't understand why the L.A. Times is so interested about me." He declined to comment further and asked not to be contacted again.

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## 'It was stupidity'

Ovalle's troubles began in August 2003.



Los Angeles County Sheriff's Deputy Jose Ovalle. (L.A. County Sheriff's Department)

Several gang members at the Pitchess Detention Center in Castaic had slashed an inmate's neck and head with razor blades.

A 26-year-old deputy with just three years on the job, Ovalle was responsible for collecting the evidence and writing the incident report.

When he realized a bloody shirt from one of the suspects had gone missing, Ovalle took a clean one from the jail laundry, topped it with taco sauce and took a photo, according to court and [law enforcement records](#).

A custody assistant watching Ovalle warned him not to do it, but the deputy went ahead and booked the photograph into evidence. The custody assistant reported him to a supervisor, according to court records.

Confronted by sheriff's investigators, Ovalle confessed.

"It was stupidity now that I look back on it," he told the investigators, according to a [transcript of his interview](#) obtained by The Times. "This uniform means everything to me, this badge and gun, it's my life. ... I'm embarrassed."

Sheriff's Department officials told Ovalle he would be fired but then relented, noting that he had cooperated with investigators and accepted responsibility, according to internal documents. Ovalle was instead handed a 30-day suspension. He was ordered to serve 10 of those days and the remainder only if he committed a similar offense within the next five years.

In testimony he gave years later, Ovalle blamed poor training for his conduct and downplayed the significance of what he had done, insisting he hadn't fabricated evidence because the bloody shirt had once existed.

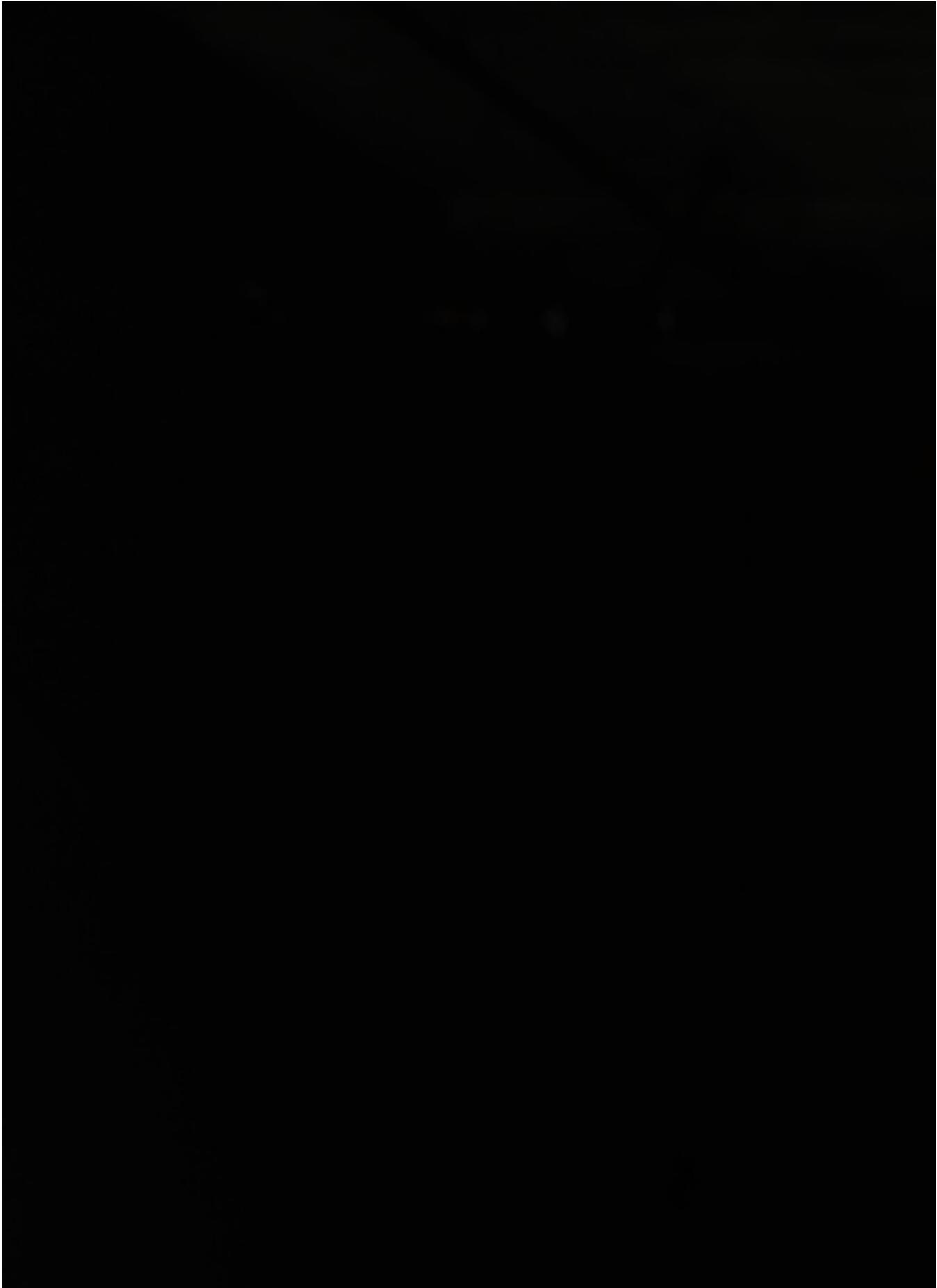
"I don't consider myself a liar," he said.

The Sheriff's Department never notified the district attorney's office about Ovalle's actions to see if he should be charged with a crime, according to law enforcement records. As a result, prosecutors handling cases in which Ovalle was involved had no way of knowing about his past actions.

## **'Trying to hide misconduct'**

Two years after his suspension, Ovalle was transferred to the Sheriff's Department's Lennox station in South Los Angeles, where he made arrests for drug possession, theft and assault and later testified in court.

Defendants who faced him had only one method of possibly learning about his misconduct, a procedure that is itself cloaked in secrecy.



"They are trying to hide misconduct, and everyone should be against it," said David Kanuth, a former Los Angeles County public defender, regarding California's police privacy laws. Genaro Molina / Los Angeles Times

Under California's so-called Pitchess laws, defendants can ask a judge to examine an officer's personnel records for allegations of excessive force, dishonesty, theft or other acts of "moral turpitude." Few go through the trouble.

By the spring of 2008, Ovalle had been listed by prosecutors as a potential witness against 125 defendants. Only five tried to delve into Ovalle's background, according to a review of court records.

If a defendant's Pitchess motion is granted, a representative from the officer's law enforcement agency meets with the judge in private to go over relevant complaints. Neither the prosecutor nor the defense attorney is allowed in the room.

If a judge decides to turn over anything, it is usually only the name and contact information of someone who made a complaint against the officer within the last five years.

It is then up to the defense attorney to figure out what happened.

Supporters say the Pitchess laws prevent accused criminals from fishing for information about police witnesses that is irrelevant in their cases.

David E. Mastagni, a Sacramento-based attorney who represents police unions, said most defendants don't file Pitchess motions because "in the vast majority of cases, the officer's credibility is not an issue." If an officer has a history of dishonesty, he said, a judge will almost always disclose it through Pitchess.

"It's a pretty perfect balancing," he said.

But defense lawyers complain that the laws make it difficult for people facing criminal charges to ask for the information. Many of their jailed clients, they say, don't want to spend weeks or months trying to find out whether a law enforcement witness has a history of complaints, especially if they could accept a plea deal that would speed up their release.

"It isn't a defeatist attitude as much as it is a realistic understanding of your client's life," said David Kanuth, a former L.A. County deputy public defender who is sharply critical of the state's police privacy laws. "They are trying to hide misconduct, and everyone should be against it."

**Inside a secret 2014 list of hundreds of L.A. deputies with histories of misconduct »**

One of the defendants who tried to dig into Ovalle's background was Lamar Dotson. He had been returning to the Acacia Inn in Inglewood from his job as a security officer when Ovalle and his partner ordered him out of his car with guns drawn.

The deputies said they smelled marijuana and found two baggies with the drug. When they discovered a stolen gun in the trunk, Dotson explained he had confiscated it from someone at one of the clubs where he worked.

In court records and an interview with The Times, Dotson insisted the deputies lied about him having marijuana in the car to justify the search. He said he had kept the gun because he had been worried about getting into trouble if he turned the weapon into authorities.

"I was 29 years old, never been in handcuffs, never been to jail," Dotson told The Times.

Dotson's attorney filed a Pitchess motion asking for the deputies' history of misconduct, including fabricating evidence. The judge denied the motion. The case file and related transcripts have since been destroyed.

Dotson, who had no criminal history, ended up agreeing to a deal in which he pleaded no contest to carrying a loaded firearm and was placed on summary probation for three years. The misdemeanor conviction, he said, prevented him from obtaining a firearm permit for 10 years, hurting his efforts to find work as a security officer and bodyguard.

If he had known about Ovalle's past misconduct, Dotson said, he would have fought harder for his case to be dismissed. But as months slipped by, his family members urged him to acquiesce.

"I was trying to get out of the situation as opposed to making it worse," Dotson said. "It really upset me, to tell you the truth, but what can you do about it at that point? I did what I had to do to keep going forward."

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[Can you win in a system set up to protect officers? »](#)

# You've been arrested by a dishonest cop



**BEGIN**

Word about Ovalle's misconduct began to spread after he arrested 18-year-old Sergio Martinez on suspicion of possessing methamphetamine in May 2008.

Martinez challenged Ovalle's account of his arrest. His lawyer filed a Pitchess motion seeking any complaints accusing the deputy of fabricating or planting evidence.

Superior Court Judge Hector M. Guzman reviewed Ovalle's personnel records and saw the Sheriff's Department's internal report about the taco sauce incident.

In an unusual move, the judge gave the records to the prosecutor and suggested the district attorney's office decide whether Ovalle should be added to the agency's database of problem officers to alert future defendants.

The prosecutor in the case, William Frank, told The Times he informed a supervisor about Ovalle's misconduct soon after the hearing — just before he started a new job with the state attorney general's office.

"I understood the seriousness of the material even though I was a relatively new lawyer. I knew what it meant for the case," Frank said. "I felt I had done what I was supposed to do."

A district attorney's spokeswoman blamed "a miscommunication among prosecutors."

The charges against Martinez were thrown out.



(California Department of Corrections and Rehabilitation)

## Juan Alvarez

- Suspected gang member known as “Demon,” arrested Aug. 10, 2008, by Deputy Jose Ovalle
- Accused of assault with a gun, facing more than a decade in prison
- Filed a Pitchess motion asking for allegations of misconduct against Ovalle
- Not informed that Ovalle had been suspended in 2004 for using taco sauce to mimic blood on evidence in a criminal investigation
- Filed another Pitchess motion saying Ovalle’s discipline was disclosed in a different case
- Accepted plea deal and released from prison eight months later
- Convicted in 10 cases since then, for domestic violence, drunk driving, violating a court order and drug possession

A month later, Ovalle took the stand at a preliminary hearing for Juan Alvarez, a suspected gang member known as “Demon.”

At 31, Alvarez had amassed a criminal record that spanned three states and included arrests for assault, drug possession, driving under the influence and domestic violence, according to court records.

Responding to a report of an armed assault, Ovalle said, he witnessed Alvarez toss a gun from his waistband, then flee down Lennox Boulevard. The deputies recovered a handgun from the scene, Ovalle testified. His misconduct never came up.

Alvarez’s defense attorney, Deputy Public Defender Ethna Burns, filed a Pitchess motion that accused Ovalle of lying in court about the arrest and asked for complaints against the deputy. Superior Court Judge Mark S. Arnold said he would turn over only information related to perjury or planting evidence.

After looking at Ovalle’s file, the judge initially determined there was nothing to disclose.

Burns objected. She demanded evidence about the taco sauce incident, which attorneys had been discussing in the Torrance courthouse.

At a later hearing, Arnold ordered the information be given to Burns and Paul Guthrie, the prosecutor handling the charges against Alvarez. Guthrie notified his office that Ovalle should be added to the district attorney's database of problem law enforcement officers.

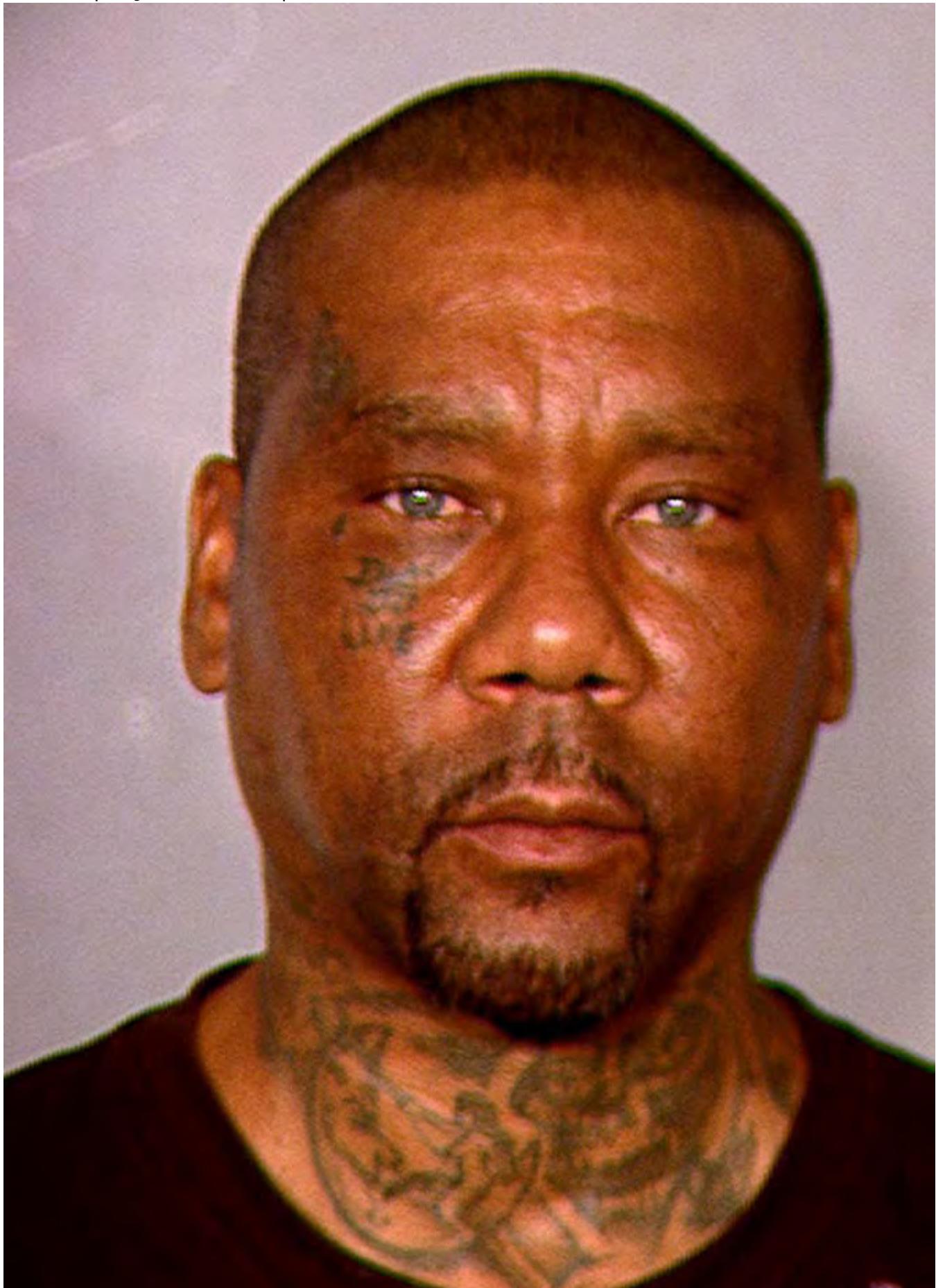
Alvarez was facing up to nearly 16 years in prison. A probation officer recommended he serve the maximum sentence if convicted.

"His criminal activity appears to be escalating and he does not appear to have been appreciative of the leniency afforded to him in the past," she wrote in her report.

But after Alvarez learned of Ovalle's wrongdoing, he struck a deal on Sept. 22, 2009, in which he pleaded no contest to carrying a loaded firearm. He was out on parole eight months later.

Alvarez has since been convicted in 10 additional cases, for domestic violence, drunk driving, violating a court order and drug possession.

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(Las Vegas Metropolitan Police Department)

## Gerald Simmons

- Arrested Jan. 22, 2009, by Deputy Jose Ovalle on suspicion of drug possession
- Filed a Pitchess motion asking for allegations of misconduct against Ovalle
- Not informed that Ovalle had been suspended in 2004 for using taco sauce to mimic blood evidence in a criminal investigation
- Convicted at trial on Aug. 18, 2009
- Judge threw out Simmons' conviction after learning about Ovalle's misconduct
- Convicted in 2013 of intentionally infecting a girlfriend with HIV
- Still in a Nevada prison

A day after Alvarez's plea agreement, another Ovalle case was rapidly crumbling in the same courthouse.

Gerald Simmons, the Inglewood man who had been convicted of cocaine possession after Ovalle and a partner said they spotted him dropping a baggie of drugs, was requesting a new trial.

Months earlier, his attorney, Jennifer Cheng, had filed a Pitchess motion. She alleged that the deputies "intentionally lied about their observations in order to create a case against Mr. Simmons."

Her motion was granted, but the information she was given about the deputies did not mention the taco sauce incident.

Simmons' criminal record dated back two decades and included assault with a deadly weapon, drug possession, attempted robbery and burglary. He had violated parole and probation several times.

After the jury found him guilty, he faced up to 12 years in prison.

But before sentencing, Cheng and the prosecutor learned of Ovalle's misconduct, according to court records.

The judge threw out the conviction. He ruled Ovalle had been a "significant material witness" and that his fabrication of evidence in 2003 went to "the very heart of this case."

Less than two years later, Simmons was in Las Vegas when he intentionally infected a girlfriend with HIV, court records show. He was sentenced to up to 12 ½ years in prison.

The 53-year-old was recently denied release. The parole board said his crimes were becoming increasingly more serious.

[corina.knoll@latimes.com](mailto:corina.knoll@latimes.com) | Twitter: [@corinaknoll](https://twitter.com/corinaknoll)

[ben.poston@latimes.com](mailto:ben.poston@latimes.com) | Twitter: [@bposton](https://twitter.com/bposton)

[maya.lau@latimes.com](mailto:maya.lau@latimes.com) | Twitter: [@mayalau](https://twitter.com/mayalau)

Sent from my iPhone

**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Friday, August 17, 2018 9:27 PM  
**To:** Palo Alto Free Press  
**Cc:** dcbertini@menlopark.org; Jonsen, Robert; Kilpatrick, Brad; Carnahan, David; mdiaz@redwoodcity.org; HRC; Council, City; Minor, Beth; Van Der Zwaag, Minka; Keene, James; council@redwoodcity.org; ibain@redwoodcity.org; gkirby@redwoodcity.org; Binder, Andrew; stevendlee@alumni.duke.edu; Tony Dixon; jrosen@da.sccgov.org; molly.o'neal@pdo.sccgov.org; sscott@scscourt.org; mharris@scscourt.org; jalcaraz@cityofepa.com; apardini@cityofepa.org; cromero@cityofepa.org; wilpf.peninsula.paloalto@gmail.com; stephanie@dslextreme.com; roberta.ahlquist@sjsu.edu; chuckjagoda1@gmail.com; apierce@pierceshearer.com; Stump, Molly; swagstaffe@smcgov.org; michael.gennaco@oirgroup.com; aflint@scscourt.org; dryan@scscourt.org; rpichon@scscourt.org; Perron, Zachary; Lee, Craig; Kan, Michael; allison@padailypost.com; Cullen, Charles; jseybert@redwoodcity.org; bwalsh@scscourt.org; acisneros@CApublicrecordslaw.com; griffinam@sbcglobal.net; Bains, Paul; dprice@padailypost.com; denkafer1@yahoo.com; emibach@padailypost.com; tom.dubois@gmail.com  
**Subject:** Re: Bid to open California's secret police misconduct files takes major step forward

Hi Mark,

Sadly the powerful police lobbies, here in California, continue to wage a war against full transparency of police records, body-worn camera footage, taser investigative reports, etc.,

As long as law enforcement continues to fight the full transparency that is required of other public employees—communities, particular the poor-and communities of color —will continue to distrust the police —all to the detriment of a truly robust, vibrant and enlightened democracy.

Progressive members of law enforcement acknowledge all of the above. Unfortunately the progressive members of law enforcement are greatly out numbered by those in law enforcement that trace their heritage and mentality-to the slave-catcher era. This bill, if passed -will be a very very small step in holding law enforcement to the same standard of accountability- that applies to other public employees. Much more work is necessary if law enforcement is to gain the trust of the people of this state.

Best regards,

Aram

P.S. There was a horrific death by Taser in Redwood City, on Tuesday, August 14, 2018. The Daily Post ran an article - front page -August 15. The article—that gave only brief details-describes 4 RWC police officers struggling to arrest a large suspect -with an apparent mental health history-known to the RWC police. Despite the known risk of tasering an individual in such a circumstances-the police- apparently ignored all of the warnings listed by the manufacturer, Axon, formerly known as Taser International -and in essence sentenced this man to execution by Taser -without a trial. I predict that a wrong death suit will be brought against Redwood City -which will result in huge financial judgment, against the city. I will keep you updated on the case.

**City of Palo Alto | City Clerk's Office | 8/20/2018 8:19 AM**

P.S.S. The views expressed above are those of the writer, Aram James

> On Aug 17, 2018, at 8:09 PM, Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)> wrote:

>

> Hi Mark,

> I'm not h

>

> Sent from my iPhone

>

>> On Aug 17, 2018, at 7:43 PM, Palo Alto Free Press <[paloaltofreepress@gmail.com](mailto:paloaltofreepress@gmail.com)> wrote:

>>

>> I hope the impossibility becomes the reality... With the passage of this bill, transparency and accountability will no longer become the shadow in which police hide....

>>

>>

>> Mark Petersen-Perez

>> Editor: Palo Alto Free Press

>> Ticuantepe, Nicaragua NI

>>

>>

>> Sent from my iPad

>>

>>> On Aug 16, 2018, at 10:57 PM, Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)> wrote:

>>>

>>> <http://www.latimes.com/politics/la-pol-ca-police-records-bill-advanc>

>>> es-20180816-story.html?outputType=amp

>>>

>>>

>>> Sent from my iPhone

## Carnahan, David

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**From:** Gina Goodhill <ggoodhill@tesla.com>  
**Sent:** Monday, August 20, 2018 9:46 AM  
**To:** Council, City  
**Cc:** Press  
**Subject:** Re: Consumer Complaint regarding Tesla/Solar City

Dear Mayor Kniss and Councilmembers,

We are responding to Ms. Mehta's email below in which she contends that her \$500 deposit is refundable because she did not proceed with the site survey.

By way of background, Mr. Satish Bisht signed the Solar Purchase Agreement associated with the address that Ms. Mehta provided Tesla Energy on March 7, 2018. Mr. Bisht subsequently requested to postpone his site survey on April 4<sup>th</sup>, 2018 and first requested a refund of his deposit on May 18, 2018. Pursuant to Mr. Bisht's Purchase Agreement, he had ten (10) business days after signing to cancel the Agreement at no cost to him. As confirmed by the aforementioned timeline, Mr. Bisht did not request to cancel his Agreement within this explicit cancellation period. As such, Mr. Bisht is not entitled to a refund of his deposit, as was first communicated to him back on May 18<sup>th</sup>.

Despite the Agreement's unambiguous cancellation timeframe, Tesla Energy agrees to refund Mr. Bisht's \$500 deposit as a gesture of good customer service. Tesla Energy now considers this matter closed.

Please let me know if you have any questions.

**Gina Goodhill | Sr. Policy Associate | Business Development and Policy**

p 213.447.8583 | ggoodhill@tesla.com



The content of this message is the proprietary and confidential property of Tesla Motors, and should be treated as such. If you are not the intended recipient and have received this message in error, please delete this message from your computer system and notify me immediately by reply e-mail. Any unauthorized use or distribution of the content of this message is prohibited. Thank you.



Please consider the environment before printing this email.

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**From:** Apurva Mehta <[mehta.apurva@gmail.com](mailto:mehta.apurva@gmail.com)>  
**Date:** Friday, August 17, 2018 at 11:00 AM  
**To:** "city.council@cityofpaloalto.org" <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>  
**Cc:** Press <[press@tesla.com](mailto:press@tesla.com)>  
**Subject:** Consumer Complaint regarding Tesla/Solar City

To  
Honorable Members of the Mayor and City Council of Palo Alto

Regarding: Consumer Complaint

Dear Members,

I contacted Tesla for a Solar System Installation in my home in San Jose. On an initial consultation, they charged a refundable \$500 for the site survey that was to happen at a future date. We later decided to not proceed and so the site survey never happened and requested for the refund back.

It's been more than 5 months and I have been bounced between the Sales Engineer and the Support Department.

I would really appreciate if the City Council of Palo Alto where Tesla is Headquartered can help or provide me with guidance with the next steps.

Thanks

Apurva Mehta

**Carnahan, David**

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**From:** Palo Alto Free Press <paloaltofreepress@gmail.com>  
**Sent:** Wednesday, August 22, 2018 6:10 AM  
**To:** aram james; bjjohnson@pawEEKLY.com; bjjohnson@embarcaderomediagroup.com; Council, City; Jonsen, Robert; Perron, Zachary; swebby@da.sccgov.org; Kniss, Liz (external); sdremann@pawEEKLY.com; gsheyner@pawEEKLY.com; acisneros@CApublicrecordslaw.com; Keith, Claudia  
**Subject:** Re: First community meeting on Cubberley set for October

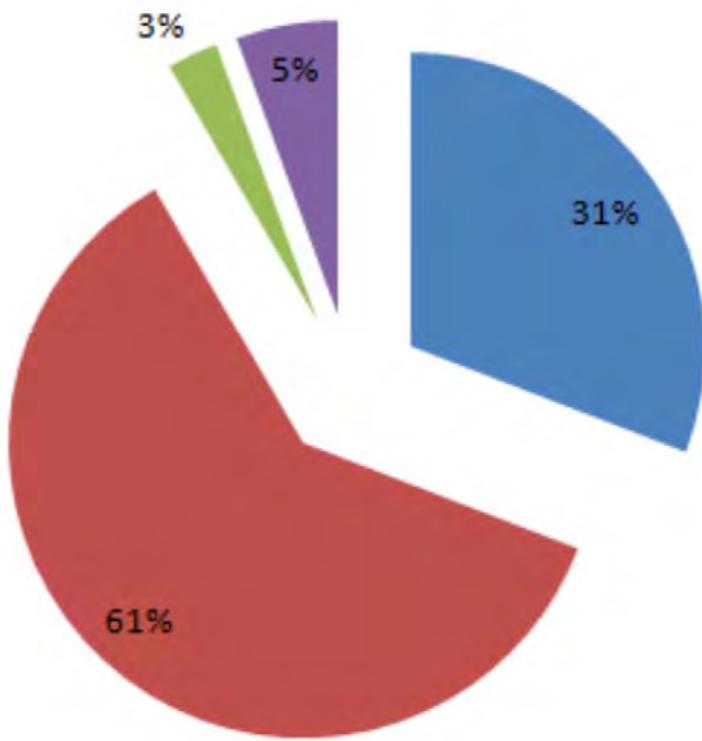
Great comment Aram..... Unfortunately, the Weekly has decided to ban our participation and comments. Stating alleged unknown violations....but, as you know, their record on spinning and censorship is undisputed.

Saludo,

Mark Petersen-Perez  
Editor: Palo Alto FREE Press  
Ticuanapepe, Nicaragua NI

## Censorship by Paloaltonline.com

- Portion removed by Palo Alto Online staff
- Post removed by Palo Alto Online staff
- Post removed due to disrespectful comment or offensive language
- Post removed due to same poster using multiple names



Sent from my iPad

> On Aug 21, 2018, at 3:09 PM, aram james <[abjpd1@icloud.com](mailto:abjpd1@icloud.com)> wrote:  
>  
> Mark,  
> See my comments towards end of comments -sorry for some typos....love if you comment —I remember your  
photojournalism article on Cub -well done. Maybe you can post that piece.  
> Aram  
>  
> <https://www.paloaltonline.com/square/index.php?i=3&t=38832#.W3x-qoJOThw.mailto>  
>  
>  
> Sent from my iPhone

**Carnahan, David**

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**From:** Linhai Qiu <lqiu@alumni.stanford.edu>  
**Sent:** Tuesday, August 21, 2018 5:44 PM  
**To:** Scharff, Greg; Fine, Adrian  
**Cc:** Council, City  
**Subject:** Re: From Charleston Meadow residents

Thank you all! We are looking forward to seeing these options go off the table soon.

On Tue, Aug 21, 2018 at 7:15 AM, Greg Scharff <[gregscharff@aol.com](mailto:gregscharff@aol.com)> wrote:  
I don't support the options, that will raise the rails. I expect that we will dispatch of them soon.

Greg

Sent from my iPhone

On Tue, Aug 21, 2018 at 8:09 AM, Fine, Adrian <[Adrian.Fine@cityofpaloalto.org](mailto:Adrian.Fine@cityofpaloalto.org)> wrote:

Thank you Linhai

Adrian

On Aug 20, 2018, at 11:40 PM, Linhai Qiu <[lqiu@alumni.stanford.edu](mailto:lqiu@alumni.stanford.edu)> wrote:

Hi Cory, Greg, Lydia, Adrian,

I am a resident living in the Charleston Meadow area with my family. We are very surprised to learn that the options that will raise the rails (including MCL) are still on the table, given our community is so against it. Here is why we are so against it. With the current height of the train tracks, we can already see through the windows of the caltrains in our backyard and even in the living room. We cannot imagine if the train tracks are raised another 14 feet (almost twice as high as our fence). The question now is not how it will impact the privacy of the caltrain neighbor residents. From our direct experience (before seeing any 3D simulation), we can testify that there will be no privacy at all. Let's forget about the noise (especially the freight trains) for a moment. Just think about trains passing over the head every day. Just think about that kind of feeling and how much stress that will cause "every" day. People have been so anxious about the decisions on your hands that they cannot even fall asleep sometimes. For us it is not just discussion and analysis, it is our life, daily life! We have been keeping mentioning the constraints, but I think no elevation of the rails should be the most basic constraint.

(I agree with one point from one of you that we should factor in the cost of all the necessary mitigation such as insulation, sight blocking, etc. into the cost analysis, although I also think much of the long-term damage caused by elevation will be so costly that can't even be measured.)

Thanks.

**Carnahan, David**

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**From:** Kniss, Liz (internal)  
**Sent:** Wednesday, August 22, 2018 10:20 AM  
**To:** Cheryl Lilienstein  
**Cc:** Council, City  
**Subject:** Re: Thank you

Thanks, Cheryl!

Liz

> On Aug 21, 2018, at 9:41 AM, Cheryl Lilienstein <clilienstein@me.com> wrote:

>

> Dear City Council,

> Please accept my gratitude for standing up for the wildlife, the rivers, and the beauty of California. Your vote to support the Bay Delta Plan was the right one, and it's particularly heartening to see a 9-0 vote on this issue. It's so important to us all.

> Sincerely,

> Cheryl Lilienstein

**Carnahan, David**

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**From:** Peter Broadwell <peter@plasm.com>  
**Sent:** Tuesday, August 21, 2018 9:17 PM  
**To:** Council, City  
**Subject:** Regarding the vote on the Bay Delta Water Quality Control Plan

City Council folk -

I was in the chambers last night for the first half of the discussion about "Item #5", formerly on the consent calendar about the Bay Delta Water Quality Control Plan.

Fate made it so I had to leave before most the public members got a chance to speak.

By the time I could tune in to the KZSU live broadcast you were onto other agenda items so I missed some points of view and the vote.

Just learned you all vote 9:0 to go with the Bay Delta Water Quality Control Plan that will give the fish a fighting chance!

I couldn't be happier.

You have restored a bit of my faith in government bodies.

Thank you!

::peter - Peter Broadwell, 2325 Cornell Street, Palo Alto

**Carnahan, David**

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**From:** Annette Ross <port2103@att.net>  
**Sent:** Tuesday, August 21, 2018 7:30 AM  
**To:** Council, City  
**Subject:** Road Sharing

I am writing to urge you to use your influence with residents and the SVBC and Stanford to encourage bicyclists to honor the rules of the road. This may be as simple as educating the cycling community about what a cyclist's obligations are. I leave my car at home when I can, availing myself of ride-sharing, use of the Embarcadero and Tech shuttles, cycling, and walking. When I am on the Oregon bike/pedestrian overpass or in the Cal Ave tunnel I marvel at how many cyclists ignore the WALK YOUR BIKE and DISMOUNT ZONE signs. And I am convinced that cyclists think STOP signs apply only to cars, trucks, and motorcycles. One intersection that is ripe for an accident is California/Columbia. I have seen many cyclists leaving the new Stanford housing development zoom right past the STOP sign as though it wasn't there. I presume that residents of Stanford housing can read, so can only conclude that they choose to ignore the sign.

It's clear that the transit behavior you want to drive (pardon the pun) is that people *not* drive. The last few times I have gone out on my bike I have found myself thinking that I should have driven because it is safer. Promoting bicycling has got to include promoting bicycle safety and enforcing the rules. A few tickets here and there might do the trick.

Please do what you can.

Thank you.

Annette Portello Ross

**Carnahan, David**

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**From:** Janine Bisharat <janine@karunaadvisors.com>  
**Sent:** Thursday, August 16, 2018 3:19 PM  
**To:** Council, City  
**Cc:** Beacom, Becky; Selora Albin; Fred Bisharat  
**Subject:** Running through our stop sign

Dear Council Members:

I am a CPA and work at home a few days a week. I have lived at 621 Hawthorne Avenue for 25 years now and the cars running through our stop sign on Byron and Hawthorne has increased to about 3 cars out of 10 that I watch each day. I have meetings here and my employees are shocked to watch how many cars blow through our stop sign driving on Hawthorne crossing Byron to get to Middlefield. I have copied my neighbors because they are also aware of this.

I have called the police and talked with them about coming out but I know that they are too busy to enforce on that side. They are on our street in the morning ticketing the illegal right turn from middlefield onto our street between 7 – 10 a.m.

I hope you can please figure out what to do about this as it is only a matter of time when one of our seniors from the neighborhood doesn't make it fast enough to beat the speeding cars. Next stop is the Palo Alto Weekly.

Thanks  
Janine

**Janine Bisharat, Principal**

The logo consists of the word "Karuna" in a stylized, lowercase font where the letters are interconnected, followed by a series of small, light gray dots.

1550 El Camino Real, Suite 250  
Menlo Park, CA 94025  
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**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Saturday, August 18, 2018 3:14 PM  
**To:** rabrica@cityofepa.org; cromero@cityofepa.org; drutherford@cityofepa.org; cmartinez@cityofepa.org; allison@padailypost.com; emibach@padailypost.com; apardini@cityofepa.org; mbuell@cityofepa.org; paloaltofreepress@gmail.com; wilpf.peninsula.paloalto@gmail.com; jalcaraz@cityofepa.org; stevendlee@alumni.duke.edu; myraw@smcba.org; Jonsen, Robert; dcbertini@menlopark.org; Keene, James; ibain@redwoodcity.org; council@redwoodcity.org; gkirby@redwoodcity.org; mdiaz@redwoodcity.org; Council, City; Binder, Andrew; molly.o'neal@pdo.sccgov.org; jrosen@da.sccgov.org; chuckjagoda1@gmail.com; essenceoftruth@gmail.com; Stump, Molly; acisneros@capublicrecordslaw.com; Kilpatrick, Brad; Lee, Craig; michael.gennaco@oirgroup.com; stephanie@dslextreme.com; Van Der Zwaag, Minka; bwalsh@scscourt.org; sdremann@paweekly.com; dryan@scscourt.org; rpichon@scscourt.org; sscott@scscourt.org; swagstaffe@co.sanmateo.ca.us; Minor, Beth; Bains, Paul; fields.randal@gmail.com; jgreen@dailynewsgroup.com; Holman, Karen; nkclippen@scscourt.org; roberta.ahlquist@sjsu.edu; judyblueeyes1@gmail.com; Perron, Zachary  
**Cc:** Carnahan, David; Tony Dixon; tom.dubois@gmail.com  
**Subject:** Shock Tactics: Inside the Taser, the weapon that transformed policing

August 19, 2018

Dear East Palo Alto City Council members et al:

Over the next few weeks I will be sending you a number of articles on the extraordinary danger Tasers pose to our communities . The first article I am sending you is the award winning- 7 part series- published by Reuters. The series was 18 months in the preparation stage and the seven articles stretch from August 2017- February 2018. Some of the separate articles are interactive and will allow you to pinpoint Taser related deaths-now at 1005 deaths and climbing -in different states, cities, etc...I consider this series to be extraordinarily well researched and documented . But I will leave it up to each of you- to decide for yourself the quality of the series.

Best regards,

Aram B. James  
State-bar # 80215  
415-370-5056

P.S. I will send out the 7th part of the series in a separate e-mail

<https://www.reuters.com/investigates/section/usa-taser/>

Sent from my iPhone

**Carnahan, David**

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**From:** Beth Bondel <bondel585@gmail.com>  
**Sent:** Monday, August 20, 2018 3:44 PM  
**To:** Council, City  
**Subject:** Small business difficulties

Dear Mayor Kniss and Council Members:

I am writing to let you know how difficult it is to be a small business owner in Palo Alto. I am a psychologist and have had my office in 550 Hamilton for 31 years. When it came time to renew my lease this spring, the management company would only offer me a 4 month lease, not extendable, at double the rate I am currently paying. Every lease that is expiring in the building is only being extended for one year. Each time a lease ends, the walls of the space are removed and the interior becomes one large room suitable for high tech workers. What this means is that a building that had many individual offices occupied by accountants, lawyers and mental health professionals is being converted to hi tech use. The occupancy of the building is increased and there is no place for small business owners to go in Palo Alto because entities like Amazon and Palentir can pay so much more rent. What is puzzling to me as well is that the building directory does not reflect the changes in tenancy. Names of tenants who have left long ago remain on the directory.

What could not be accomplished from the outside is taking place from within. The owners of 550 were not allowed to tear down the building and rebuild because of neighborhood objection. Nevertheless, the tenancy is being transformed and the occupancy substantially increased. In the same way the City is considering how to help renters who are being evicted, I would ask that the question of how to support the small business owner in Palo Alto become a matter the Council addresses.

Sincerely,

Beth Rosenthal, PhD

**Carnahan, David**

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**From:** Julianne Frizzell <julianneasla@sonic.net>  
**Sent:** Tuesday, August 21, 2018 12:11 PM  
**To:** Council, City  
**Subject:** State BAy Delta Plan

*For the members of the CPA City Council,*

*I send my heartfelt thanks for the eloquent and thoughtful comments that many of you made in support of the State Water Resources Control Board Bay Delta Plan. I hope that our CPA unanimous vote for the resolution in support of the Plan will stimulate other communities to have the courage to follow suit.*

*Regards to all*

*Julianne Frizzell*

*Julianne Adams Frizzell / ASLA*

*julianneasla@sonic.net*

*650-325-0905*

**Carnahan, David**

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**From:** Paul Collacchi <pjcoll@comcast.net>  
**Sent:** Tuesday, August 21, 2018 4:46 PM  
**To:** Council, City  
**Subject:** Support Bay Delta Resolution

Mayor Kniss and Council Members,

Thank you for your unanimous support for the undiluted Bay-Delta Plan as proposed by the State Water Board. The sincerity of your voice and action dispels the empty rhetoric of "voluntary settlement" to support a fairer and saner distribution of water in California. The Resolution is a breath of fresh air, and it is heartfelt.

Thank you.

Paul Collacchi  
Redwood City, CA



**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Saturday, August 18, 2018 9:02 PM  
**To:** gkirby@redwoodcity.org; mdiaz@redwoodcity.org; council@redwoodcity.org; paloaltofreepress@gmail.com; ibain@redwoodcity.org; Jonsen, Robert; dcbertini@menlopark.org; stevendlee@alumni.duke.edu; Keene, James; myraw@smcba.org; Council, City; michael.gennaco@oirgroup.com; apardini@cityofepa.org; cromero@cityofepa.org; rabrica@cityofepa.org; wilpf.peninsula.paloalto@gmail.com  
**Subject:** Tasers 1042 dead and counting—see Reuters series interactive tracker for confirmation .....cites pay high cost for Taser deaths ..manufacturer's warnings —now at 4500 words —7-8 page —often ignored by police officers due to lack of training—payout from...  
**Attachments:** Aram James (DJ-1-12-18).pdf

Assistant Chief Gary Kerry:

As promised, I am continuing to send out relevant articles re the extraordinary risk of death and injuries caused by Tasers. I will share this piece, ***No excuse for Tasers in our jails*** with you and other members of the Redwood City government—et al: I request you and others read the piece, and the decide for yourselves whether its past time we ban Tasers. Other relevant Taser related articles will follow in the near future.

Best regards,

Aram James

Sent from my iPhone

FRIDAY, JANUARY 12, 2018

## PERSPECTIVE

## There's no excuse for Taser use in our jails

By Aram James  
and Richard Konda

**W**atchdogs across the country are organizing to oppose police practices that run contrary to community values and our constitutional rights. In Santa Clara County in the spring of 2017, Sheriff Laurie Smith, a longtime opponent of Tasers, in a surprising shift of policy, announced her plan to introduce Tasers into the Santa Clara County jails. Local civil rights organizations immediately began organizing to resist the sheriff's call for Tasers.

One of our first strategies was to ensure that members of the community were as fully informed as possible regarding the risks that Tasers pose to human life. We reviewed materials on Tasers and got ourselves current on the nuances of the issue. Next, we scheduled meetings over a seven-month period with key elected and non-elected officials who we felt could influence the sheriff's decision. This included members of the Santa Clara County Board of Supervisors who ultimately will vote to decide whether the sheriff will be allowed to purchase Tasers. We also met with the elected Santa Clara County district attorney, the Santa Clara County public defender and the county counsel. And most importantly, we met with the sheriff and her staff to open up a dialogue on this critical issue.

Here are some of the arguments and information we provided much of which came from a recent fivepart series by Reuters ("Shock Tactics: Inside the



New York Times News Service

Taser, the Weapon that Transformed Policing") and the Bar Association of San Francisco.

### Taser-Related Deaths and Litigation

Critically important to convincing our sheriff of the inappropriateness of bringing Tasers to the jails is Reuter's recent finding that the death toll associated with Tasers is substantially more than previously reported by mainstream civil rights organizations like Amnesty International. Using rigorous journalistic standards, Reuters documented 1,005 deaths related to Taser use by law enforcement.

In addition, Reuters completed a thorough examination of the monies paid out by cities across the country in Taser related litigation. Reuters identified and reviewed 442 wrongful death lawsuits in which Tasers were a factor that may have caused death. "In 120 of the 442 cases or 27%, the Taser was the only force alleged in the claim; in the remaining 322 cases, the stun guns were alleged to have been part of a broader array of police force. More than three-fifths of the 366 of the concluded lawsuits against governments, or

232, resulted in judgments or settlements for the plaintiffs: 220 settlements and 12 judgments. *Reuters was able to determine payouts in 193 cases, totaling \$172 million paid by cities and their insurers.* That dollar figure does not include three dozen cases in which settlements remained confidential or were unavailable." (Emphasis added.)

These findings regarding the cost of litigation should trouble any law enforcement agency, city or county contemplating the purchase of Tasers.

### Taser Warnings

Historically the manufacturer had very few warnings regarding the safety of its weapon. Increasingly and in order to shift liability to cities and police departments, Taser now has a 4,500-word, seven-page warning. The warning advises users not to deploy the Taser in the area of the face, eyes, neck, chest, heart and the genitals. And not to Taser a variety of populations including the frail, mentally ill, pregnant women and those with heart problems. *By warning police departments regarding the risk of death and serious injury when a Taser is improperly used, the manufacturer has effectively shifted liability from itself to police departments and municipalities.*

Reuters also explored in detail the progression of Taser warnings that includes a comprehensive interactive guide.

The progression of increasingly restrictive warnings issued by Taser has led some police agencies to either shelve Tasers all together or not to purchase them

at all after having reviewed the extensive warnings. Ed Davis, former Boston police chief from 2006-2013, in ultimately declining to purchase Tasers for his department said the following: The warnings "made the weapon impractical to use, and it gave a lot of us the impression that we weren't getting the full story. I didn't want to take the risk. The potential litigation costs absolutely were a factor."

The tragic death of Everette Howard, a young African-American student, is a case examined in the Reuter's series. One Taser blast by University of Cincinnati police officer Richard Haas, a certified Taser instructor, resulted in Everette Howard's death. "Haas fired his stun gun. One electrified dart hit below Howard's lower left chest, the other near his waist. The 18 year-old collapsed, unconscious, and was pronounced dead at the hospital." Haas subsequently said, "I did not in my wildest dreams expect this kid to die."

As part of his role as a certified Taser trainer, Haas acknowledged that he had studied the Taser safety warnings over a 10-year period and noted that they had become more complex over the years. Ironically, the Taser blast that killed Everette Howard was the first time Haas had deployed a Taser in the field. He ultimately concluded, "it seemed like it was getting harder and harder to use the Taser." The University of Cincinnati ultimately settled the Howard's family wrongful death lawsuit for \$2 million. Taser was not sued in the matter.

In another case explored by Reuters, Linwood Lambert was

tasered some 20 times by South Boston, Virginia, police officers. He died. There was substantial evidence that the three officers involved ignored the manufacturer's warning regarding the risk of repeatedly tasering victims. In addition, the officers ignored other warnings issued by the manufacturer. Under oath at a deposition, one of three officers involved, Corporal Tiffany Bratton, acknowledged that she was aware of the manufacturer's warnings. In a chilling statement, she said, "If I read and abided by every single warning ... I would not Taser anyone."

## Catch-22

More and more attention is being paid by commentators to the fact that the use of Tasers is a Catch-22. Failure by police departments to follow closely the ever growing restrictions on the use of Tasers issued by the manufacturer has resulted in unnecessary deaths and a huge increase in the costs of litigation borne by municipalities. On the other hand, where police departments are closely complying with the manufacturer's complex warnings, they are finding it increasingly impractical to use Tasers. The Oakland Police Department has over 700 police officers on their force, all are armed with Tasers. The Bar Association of San Francisco Criminal Justice Task Force, Committee on Tasers contacted the Oakland Police Department to determine how frequently Tasers were deployed.

"To help answer some of the questions, the BASF also reached out to the Oakland Police Department (OPD) to determine how often Tasers are used, and how often they are effective. It is well known that LAPD re-

ports 47% efficacy, but LAPD far exceeds the size of SFPD. The OPD which is closer in size to the SFPD, reported that in 2015 Tasers were deployed on just 37 occasions and 32 times in 2016. Oakland reported for each year, the efficacy was 50%." Other studies have confirmed that where warnings are complied with the use of Tasers drops dramatically. Similarly, numerous studies have confirmed that Tasers have an unacceptably high failure rate putting both the officers and intended victim at risk.

Moreover, Tasers are not effective. Michael Leonesio, a retired Oakland peace officer, provided answers to questions posed by the Bar Association of San Francisco. "Given the warnings issued by Taser International, does this diminish the weapon's efficacy and/or circumstances otherwise warranting Taser use[?] ... Answer: The latest manufacturer warnings and trainings, as well as the Courts and current case law decisions, have absolutely limited the circumstances when a TASER, can and/or, should be used. Combine this with the fact that the new generation weapons are generating only half the electrical output of the previous generations, and I question the current weapons' ability for consistent, reliable, subject incapacitation."

## Worth the Cost?

In June 2017, Taser expert Michael Leonesio, was called as an expert witness before the San Francisco Police Commission on the potential costs of outfitting all members of the SFPD with Tasers. "During his testimony, he estimated the first year in costs to San Francisco at \$8,000 to \$10,000 per officer which in-

cluded the purchase price, maintenance, training and oversight. Assuming a department size of 2,200 officers, the cost is between \$17.6 million and \$22 million." Clearly, the sheriff and the Santa Clara County Board of Supervisors need to consider the cost factors raised above before expending millions of tax payer dollars on a weapon that is increasingly seen as impractical to use.

## Final Argument

Tasers kill on the average of one person per week in the United States. According to the Reuters series, nine out of 10 who die are unarmed. Tasers are unsafe to use in jails because of the substantial risk of injury or death to both inmates and correction officers. The strongest single piece of evidence of this lack of safety is the 1,005 Taser related deaths reported in the Reuters fivepart series on Tasers. Equally powerful evidence of why Tasers should be banned is the ever growing list of restrictions/warnings issued by the manufacturer themselves regarding the serious risks of injury and death related to the use of Tasers.

The millions that would be spent in arming the correctional officers in the jails with Tasers would be better spent on hiring more and better trained correctional officers. Finally, given the recommendations of the Santa Clara County Blue Ribbon Commission on Improving Custody Operations, the purchase and use of Tasers in the jails runs counter to the community's loud and repeated calls for a more humane approach to incarceration.

## Call to Action

When your community is faced with a questionable police practice

be it the use of Tasers, inhumane jail conditions, unconstitutional surveillance tactics, racially discriminatory police enforcement; be confident that there is a way to organize your community to effectively challenge these issues. Meet early and often with the community and with your local elected officials. Provide them with the necessary information to fully educate them on the issues. Call on your local district attorney, who is the chief, law enforcement officer in every community, to support your efforts to challenge and end police practices that diminish public trust for local law enforcement. Remember police practices are not some obscure body of knowledge that we the community need sit back and passively accept. We can in fact make a difference.

**Aram James** is a retired Santa Clara County deputy public defender, a member of CJA and a co-founder of the Albert Cobarrubias Justice Project (ACJP), a grassroots legal advocacy organization located in San Jose.

**Richard Konda** is an attorney and executive director of the Asian Law Alliance and the Chairperson of the Coalition for Justice and Accountability (CJA). Konda and James have challenged the use of Tasers by law enforcement for more than a decade.



**Carnahan, David**

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**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Friday, August 17, 2018 11:31 PM  
**To:** gkirby@redwoodcity.org; paloaltofreepress@gmail.com; wilpf.peninsula.paloalto@gmail.com; council@redwoodcity.org; mdiaz@redwoodcity.org; Jonsen, Robert; stevendlee@alumni.duke.edu; HRC; Council, City; dcbertini@menlopark.org; ibain@redwoodcity.org; Kniss, Liz (internal); michael.gennaco@oirgroup.com; myraw@smcba.org; nklippen@scscourt.org; molly.o'neal@pdo.sccgov.org; jrosen@da.sccgov.org; stephanie@dslextreme.com; Keene, James; chuckjagoda1@gmail.com; Stump, Molly; Perron, Zachary; swagstaffe@smcgov.org; Kilpatrick, Brad; dprice@padailypost.com; Binder, Andrew; Van Der Zwaag, Minka; Minor, Beth; Carnahan, David; sscott@scscourt.org; rpichon@scscourt.org; dryan@scscourt.org; emibach@padailypost.com; allison@padailypost.com; jgreen@dailynewsgroup.com; bunnychiba@icloud.com; Lewis. james  
**Subject:** Tasers extraordinarily dangerous -the death toll continues to grow—1042 and climbing -almost all unarmed people of color and the poor .....

August 17, 2018

Dear Assistant Chief Garry Kirby:

In light of the recent, August 13, 2018, death of a RWC resident, Ramsey Saad, after being tasered by a yet to be named member of your department- I am requesting that you—and members of your staff- read the below linked to article: *No Excuse for Tasers in our Jails*. The article was co-written by Aram James & Richard Konda.

I will also share the piece with members of the RWC city council and your city manager. I am hopeful that once you have read the piece( and the Reuters 7 part series on the danger of Tasers) that you will strongly and consciously consider urging your department to shelve Tasers permanently.

Sincerely,

Aram James

State-bar # 80215

P.S. in the next few days I will send you and the city council other articles on the taser issue.

[http://ccin.menlopark.org/att-17785/Aram\\_James\\_\\_DJ-1-12-18\\_.pdf](http://ccin.menlopark.org/att-17785/Aram_James__DJ-1-12-18_.pdf)

Shared via the [Google app](#)

Sent from my iPhone

**Carnahan, David**

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**From:** Martin Gothberg <martin.gothberg@gmail.com>  
**Sent:** Tuesday, August 21, 2018 7:09 AM  
**To:** Council, City  
**Subject:** Thank You All

...for finding the courage to be the first city in the SFPUC/BAWSCA scheme to break from the herd and endorse the Bay Delta Plan! I am so impressed with you all. I live in Santa Clara but I volunteer on weekends in Palo Alto along the San Francisquito Creek. I do so because of Palo Alto's legendary concern for the environment writ large and the fact that my local creek is fenced off and lined with concrete.

Thank you all!

Martin Gothberg  
2159 King Ct.  
Santa Clara, CA 95051

**Carnahan, David**

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**From:** Sue Purdy Pelosi <sueppr@gmail.com>  
**Sent:** Monday, August 20, 2018 11:24 PM  
**To:** Council, City  
**Subject:** Thank you for a great decision on water rights!

Sue Purdy ⊕ Pelosi

*Be kind whenever possible. It is always possible.*  
*Dalai Lama*

<https://www.linkedin.com/in/suepurdypelosi/>

**Carnahan, David**

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**From:** Hank Edson <hank.edson@gmail.com>  
**Sent:** Tuesday, August 21, 2018 1:59 AM  
**To:** Council, City  
**Subject:** Thank you for endorsing the Bay Delta Water Quality Control Plan

Dear City Council,

Thank you for listening to feedback from your constituency asking for due process and an opportunity to be heard on the Bay Delta Water Quality Control Plan, and thank you for then listening to what people had to say in favor of it and in opposition to the alternative plan that would only pursue the same ineffectual course taken since 1995 during which fish populations have greatly fallen.

I believe the people of Palo Alto are committed to supporting a longterm vision that uses the sophistication of our community to design and implement ecologically sustainable plans at every level of civic planning. Tonight you've earned the praise of this community!

Sincerely,

Hank Edson

**Carnahan, David**

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**From:** Gerald Hunt <gwhunt97@comcast.net>  
**Sent:** Tuesday, August 21, 2018 12:07 PM  
**To:** Council, City  
**Subject:** Thank You for supporting the Bay Delta Plan

**Importance:** High

**Carnahan, David**

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**From:** Virginia Tincher <vatincher@gmail.com>  
**Sent:** Tuesday, August 21, 2018 7:11 AM  
**To:** Council, City  
**Subject:** Thank You for Your Support of the Bay Delta Water Quality Plan

Dear Palo Alto City Council,

Thank you for the opportunity to have a public discussion about the updates to the Bay Delta Water Quality Plan. Thank you for your unanimous support of the California State Water Resources Control Board's proposed changes to the December 13, 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

Given the politicization of the plan it was impressive how you focused on the facts and the opportunity to partially restore the ecosystem knowing we can also have a reliable water supply. It is my hope that other cities will follow your lead.

I was also impressed by how many council members mentioned Palo Alto's focus on using recycled water. That will go a long way toward reducing use of potable water.

Regards,  
Virginia Tincher  
879 Garland Drive  
Palo Alto

**Carnahan, David**

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**From:** Annette Isaacson <annetteisaacson@comcast.net>  
**Sent:** Tuesday, August 21, 2018 2:11 PM  
**To:** Council, City  
**Subject:** Thank you for your thoughtful responses

Dear City Council Members,

I was at last night's City Council Meeting, and I was so impressed with how thoroughly you had prepared for the tasks before you. Your questions and statements were so thoughtful and well informed. Thank you for listening to all sides of the Bay Delta Plan and then for voting to send a letter to the State Water Control Board giving them your support on the plan to protect the delta.

"This Is What Democracy Looks Like."

Sincerely,

Annette Isaacson

2550 Webster St

Palo Alto, CA 94301

**Carnahan, David**

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**From:** Cheryl Lilienstein <clilienstein@me.com>  
**Sent:** Tuesday, August 21, 2018 9:41 AM  
**To:** Council, City  
**Subject:** Thank you

Dear City Council,

Please accept my gratitude for standing up for the wildlife, the rivers, and the beauty of California. Your vote to support the Bay Delta Plan was the right one, and it's particularly heartening to see a 9-0 vote on this issue. It's so important to us all.

Sincerely,

Cheryl Lilienstein

**Carnahan, David**

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**From:** terryt1011@aol.com  
**Sent:** Tuesday, August 21, 2018 10:13 AM  
**To:** Council, City  
**Subject:** thanks for supporting a healthy Central Valley river system

Councilmembers-  
thank you for doing the right thing last night. you usually do.

Terry A. Trumbull

**Carnahan, David**

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**From:** Debbie Mytels <dmytels@batnet.com>  
**Sent:** Tuesday, August 21, 2018 9:29 AM  
**To:** Council, City  
**Subject:** Thanks for supports By Delta Water Plan

Dear Palo Alto Council Members,

Thanks for your support of the Bay Delta Water Quality Control Plan. We who are concerned about protecting the health of the aquatic life in the Delta ecosystem — as well as benefitting ourselves by enjoying the wonderful water of the Tuolumne/Hetch Hetchy system — appreciate your wisdom in recognizing the importance of the hard-won compromises in the Bay Delta Plan.

Thanks for your vote which will hopefully sway other jurisdictions to support this important plan.

— Debbie Mytels

Debbie Mytels  
2824 Louis Road. Palo Alto, CA 94303  
(650) 856-7580  
[dmytels@batnet.com](mailto:dmytels@batnet.com)  
"Remembering the Future in our Actions Every Day"

**Carnahan, David**

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**From:** Pat Kinney <pkinney@ix.netcom.com>  
**Sent:** Tuesday, August 21, 2018 8:24 AM  
**To:** Council, City  
**Subject:** Thanks for your vote last night.

Thank you so much for endorsing the Bay Area Water Quality Control Plan.

I very much appreciate your willingness to listen to the facts of the matter and vote your conscience, Patricia Kinney  
Wildwood Lane

**Carnahan, David**

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**From:** Jeff Hoel <jeff\_hoel@yahoo.com>  
**Sent:** Thursday, August 16, 2018 1:04 PM  
**To:** UAC  
**Cc:** Hoel, Jeff (external); Council, City; CAC-TACC  
**Subject:** PART 1 -- TRANSCRIPT & COMMENTS -- 08-01-18 UAC meeting, Item IX.1 --  
transformers in UUD 15 (Greenacres I)

Commissioners,

Here's a transcript of Item IX.1 of your 08-15-18 meeting, the item that discussed refurbishing the electric distribution system in Underground Utility District #15 (Greenacres I). The main issue was whether the transformers should be moved from underground to above ground.

I have added my comments (paragraphs beginning with "###"). The transcript is in two parts, because of limitations of the system I'm working on.

I don't know what advice UAC should give Council on this issue. I'm glad Greenacres I residents caused the issue to be brought to UAC so that it can be considered as a citywide issue.

Jeff

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Jeff Hoel  
731 Colorado Avenue  
Palo Alto, CA 94303

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#####

08-01-18 staff report:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/66025>

08-01-18 UAC meeting video:  
[http://midpenmedia.org/utilities-advisory-commission-31-2-2-2-2-2-2-2-2/](http://midpenmedia.org/utilities-advisory-commission-31-2-2-2-2-2-2-2/)

0:14:16:

Chair Danaher: With that, we'll turn to agenda item number 1.

0:14:23:

\*\*: (unamplified) Can I have speaker card for number one?

0:14:25:

Chair Danaher: Yeah, I have a bunch here.

0:14:26:

\*\*: (unamplified) OK.

0:14:29:

Chair Danaher: All right. I'll just set the stage. Then we'll have the community comments. And staff will present.

**### It's more traditional to let staff set the stage with a presentation and then have public comment.**

And then we'll have the discussion. Just to set the framework, beginning -- what -- about 50 -- 45 years ago, the City started undergrounding power lines for different neighborhoods. And so far, about 25 percent of the City has been undergrounded. Right now. And those installations are aging. And the City's been starting to replace the transformers in chronological order of when they were installed.

**### Ideally, the staff report -- and staff presentation -- would have documented what the order is and would have given the rationale. I had the impression that likelihood of failure in the short term was at least one significant factor. And I'd be interested in how staff estimated these likelihoods.**

So, one neighborhood's already been done. And the one that's the subject of discussion tonight is the second one. And others will be scheduled in chronological order. When they were initially put in, in the early years, the City -- the neighborhoods that participated paid 25 percent of the cost of the installation. In later years, the City did away with that requirement.

**### The staff report says that, in general, how much the residents of a Palo Alto neighborhood paid for undergrounding their neighborhood depended on whether the undergrounding was deemed to be a general public interest benefit, primarily a local benefit, or neither. It also says that for the primarily-local-benefit category, the split used to be 25/75, but at some point became 50/50 (and it doesn't say when or why). The 09-07-11 staff report**

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

says the City pays for undergrounding the electric distribution system that goes down the street, but the homeowner pays for undergrounding the service connection from the street to the home. And the homeowner is responsible for determining the price, by hiring the contractor to do the work, so the price for each homeowner could be different.

**### At some point -- maybe the next staff report -- it might be nice to document how undergrounding costs to customers have been determined over the years, since 1965.**

\* for general public interest benefit / primarily local benefit / neither;

\* for going down the street / service connection;

\* as a fixed percentage / contracted by homeowner.

But there was this cost-share element early on. The City is going at a very SLOW pace on undergrounding the rest of the City. Maybe one neighborhood every 3 to 5 years. I'm sure a lot of us would like that to go faster. But it's a very expensive process.

**### The 09-07-11 staff report (cited above) says, "Historically, approximately 2% of the annual electric revenue has been used for funding an undergrounding program in an underground district, which typically takes three years to complete." In the 10-04-95 verbatim UAC minutes, Larry Starr says, "... we spend approximately 3 percent of our gross sales every year" on undergrounding.**

**### Is there a current policy about how much the City should be spending on undergrounding? And on whether re-undergrounding costs should be included?**

Staff sent us pictures of transformers on Monday. Some of us were driving around this evening looking at neighborhoods that have them out there. So we're conscious of this. I'm also conscious of the benefit of not having the overhead lines, which I think is lovely when you don't have that. And I'm blessed to be in a neighborhood that doesn't have those. And I don't know when mine comes up for replacing transformers.

**### If it's chronological, UUD #23 is fourth on the list.**

So, those are sort of the framework for this. One thing that came up in discussion was -- since there's a big cost delta between undergrounding and overgrounding, whether that should be treated as a cost-share. And so, if people care to, when they make their comments, indicate if they feel their neighborhood or they would be willing to participate pro rata in the extra cost of undergrounding. I think that would be interesting data for the commission as we discuss this report.

0:16:44:

**City of Palo Alto | City Clerk's Office | 8/16/2018 1:41 PM**

With that in mind -- these were handed to me in different areas. I've just shuffled them. So, if there's any particular reason for anyone to come first, speak up. Otherwise, I'm going to start off with Nina Bell.

0:16:59:

Ed Shikada: If I might, Mr. Chair, members of the Commission, as Ms. Bell comes up to the microphone, if I could make a comment also.

0:17:04:

Chair Danaher: Please.

0:17:04:

Ed Shikada: I definitely, on behalf of staff, would like to acknowledge the level of anxiety and somewhat unanticipated stress that this has caused, really, to the neighborhood. And also, quite frankly, with staff. This is certainly not a project that staff has undertaken in order to create any anxiety among residents. And, in fact, is purely a project that was undertaken based upon staff's commitment to our mission to deliver safe, reliable, and cost-effective utility services. So, while recognizing that -- you know, undertaken for the best of intentions, that the communication hasn't gone all that well in some instances. And some of the interactions with some residents have gotten fairly contentious. We really wanted to emphasize the fact that staff is not in any way attempting to do this over the objections or in -- out of any expectations that, you know, this is something that is to be done over the -- outside of the will of the community. So, I just really wanted to share that perspective as we get started. Once community members are able to comment, we do have a pretty comprehensive presentation, that I think will provide some additional context and some options that could be helpful for the Commission's discussion.

0:18:32:

Chair Danaher: All right. Thank you very much.

0:18:35:

Nina Bell Is it on? There we go. Ah, Nina Bell. And I'm the person who sent you all those photographs with all the mock-ups. And I just want to make a correction. I think in my write-up about it, I said that I used 20-gallon cans. They were 32-gallon cans. I just felt like I want to get it correct. And hopefully you got all the photographs. Yes? Thank you. As I was walking in tonight, I was chatting with someone, and asked about the blue trees out front. And a word popped out from that person, who said it was a desecration. And it really started me thinking about the word "desecration." Because after 45 years of living in this neighborhood, with fully underground utilities, people who have bought in -- some people recently paid a million and one over the asking price -- to buy into our little neighborhood. And to have an expensive house that you've just built, with a four-foot cube placed in front of your living room window is a desecration. And I would like to quote the Comp Plan, that says the City strives to complement neighborhood character when installing streets or public space improvements. And to preserve neighborhoods. The character of a neighborhood. We have lived 45 years with a character in our neighborhood of all substructure. And I thank -- the cue into the word desecration. So -- Because it is a desecration to our neighborhood.

**### The word "desecration" connotes treating something sacred as if it were not sacred, and perhaps even causing it to become not sacred. I don't like religious arguments. Aesthetics, reliability, safety, and cost are all important.**

0:20:20:

You asked a question about are we -- would I personally be willing to pay in, to have -- And my response to that is, I want to see the budget. I want see the accounting. I want to understand where the figures came from. So if -- We have asked those questions before, of Mr. Shikada, and Greg McKernan. We have gotten zero answers to all our questions. So, answer that one, and then maybe be can honestly say, yes, you know, I'll pay on the line. We need some answers, please. So, thank you all for your time and your listening.

0:21:08:

Chair Danaher: (unamplified) Thank you \*\* By the way, I don't know what the numbers were communicated before \*\* presentation \*\* Jeff Hoel.

0:21:22:

Commissioner Trumbull: (unamplified) While Jeff's coming up, I just want to (amplified) reflect the Councilman Filseth is with us.

0:21:29:

Councilmember Filseth: Apologies for being late.

0:21:30:

Chair Danaher: (unamplified) That's all right.

0:21:33:

Jeff Hoel: So, I think I will touch on matters other than aesthetics versus safety, and so forth. When I read the staff report, I thought there were a lot of documents that were referred to that I couldn't find online. And if I had had time, I could have come to City Hall and asked for them and had them printed out at some time and -- But I didn't do that. One of those documents was Resolution 7580, which is the thing that Council voted on that says, heck yes, we want to put these transformers above ground. Council did that on April 22, 1996. So I tried to find the minutes of that meeting, and I couldn't do it. I could find the week earlier, but not this particular meeting. Also, I couldn't find the staff report. And I couldn't find out if UAC had heard this issue before Council considered it, and, if so, when that was, and what the staff report was, and what UAC said about it. So, all of that stuff might have been made more accessible by a more complete staff report for tonight.

### In response to my comment, staff sent me an email with a 90-page attachment, comprising:

- \* the 04-22-96 staff report to Council (6 pages)
- \* Resolution 7580 (2 pages)
- \* the 10-04-95 staff report to UAC (2 pages)
- \* a 08-07-95 memo from Mike Beanland to Larry Starr (4 pages)
- \* Exhibit 1 -- a PG&E document about screening padmount transformers (12 pages)
- \* Exhibit 2 -- a document about equipment siting (6 pages)
- \* RR #1 (1 page)
- \* RR #1-3 (1 page)
- \* the 01-04-95 UAC verbatim minutes (14 pages)
- \* the 11-02-95 ARB verbatim minutes (14 pages)
- \* the 11-08-95 PTC verbatim minutes (17 pages)
- \* a blank page
- \* an environmental checklist form (10 pages)

This was very helpful. Thanks very much. But it doesn't make the information accessible to the public.

Also, I have a question. Are -- Is staff proposing to re-use the existing conduit in doing this refurbishing? You know, what was the lifetime expectation for conduit in 1973, when they put the stuff in? What's the lifetime expectation for the conduit now? If the conduit's going to fail before everything else, maybe you should replace the conduit now, too. But that might involve digging stuff up. Which would be more expensive and make things uglier for a time. But if you dig stuff up, the City is working on a "dig-once" ordinance that says every time you dig stuff up, put in conduit for fiber. Which I would encourage you to do, if for no other reason -- I mean, suppose we never get to fiber-to-the-premises ...

0:23:41:

Chair Danaher: (unamplified) I'd have been disappointed if you (amplified) hadn't mentioned fiber. So, thank you.

0:23:43:

Jeff Hoel, Well, you're welcome. My pleasure. But SCADA for the transformers might be real interesting. Because the claim is that the reason they fail is because, over a period of time, they run hotter than they wish they could run. And so, it would be like -- it would be nice to be able to measure this over time. I think that's all I'll say tonight. Thanks.

0:24:09:

Chair Danaher: Thank you, Jeff. Alice Sklar.

0:24:28:

Alice Sklar: Can you hear me? My name is Alice Sklar. I live at 632 Fairmede in Greenacres. I'm also the President of the Greenacres Improvement Association. I'm here tonight to represent myself. And when I want to speak for the association, I'll let you know. The question about what to do about updating the utilities in Greenacres is of some urgency because, as has already been mentioned, the utilities are over 45 years old, therefore in danger of breaking down, causing damage, injuring citizens, as well as interrupting our service for unknown periods of time. We are therefore eager to conclude the conversation with the commission tonight, and leave with a decision. My personal preference is for the conclusion to be to allow the Utilities Department to restore our service, which has always been entirely underground. I'd like to add, I was one of the families that helped pay for the undergrounding the first time around.

The Utilities Department told Greenacres I that the department needed direction from you people, the Utilities Advisory Council [sic], since existing regulations did not allow them to place utilities entirely underground, as they had done many years ago. So, we've waited to hear what you will suggest. Meanwhile, Greenacres residents have been meeting, talking, and researching the issues, and coming to their own conclusions, which you will hear in no particular order. Please be aware that the Greenacres Association Board does not necessarily endorse the opinions that are expressed here tonight. What the GAA board wants from this evening is to have -- to leave, knowing what evidence there is that (quote) "having our utilities fully undergrounded is dangerous to us or the community." [unquote] We understand that there are self-imposed regulations by which the Utilities Department operates. But that is not what we are asking. We want to know the actual science involved in the question. We want to know about safety and not regulations. Regulations can be changed, but science can't. Please don't disappoint us.

In answer to your question about -- would I personally be willing to pay a cost-share, yes, I would. I'd like to be convinced that that number is \$3,600. But if that's what it was, I'd be happy to do that and move on. Thank you.

0:27:32:

Chair Danaher: Thank you very much. By the way, everybody's been very good about this. I am just -- That was my clock going off. There's generally a three-minute limit. We're not going to hold fast to it, as long as we keep moving along. But I'm keeping an eye on it, just in case. Eugene Lee.

0:27:54:

Eugene Lee: Chairman Danaher, members of the commission, my name is Eugene Lee, and I'm a resident of Greenacres. Actually, I was here with my wife a few months ago, as well, at the meeting, to express our opinions regarding the plan by -- that's proposed to install the padmounted equipment. You know, obviously, our community has shared a lot of our concerns with Utilities regarding this issue. And I'm not going to rehash them, since there's a three-minute limit. So, I figured what I'd probably do is just share a personal reason why. When I was a kid growing up in Pacifica, you know, my brother and I played outside, in the fog. And we used to have a pole-mounted transformer, right outside of our house. You know, on foggy days, we'd hear a lot of these little hissing noises, you know. It sounded really fun and friendly, and very, very exciting sometimes to little kids. We were just like 5 and 6. You know. Then, in 1980, my mother was diagnosed with cancer. Now, she underwent treatment for a number of years. And, obviously, it was a very painful process. That was also the time when the science started the issues about EMF and what effects it could have on human health. So, at that time, being young, we didn't get involved in that kind of issues. But my father -- my parents, nonetheless -- You know, at that point, 1985 -- five years after my mother was diagnosed with cancer -- decided to move to a home. And when we moved, we made sure the home did not have anything overground. Everything was undergrounded. This was in San Francisco. We found a place. So, we lived happily afterwards. And when I got married in 2000, my wife and I settled in Palo Alto. And one of the key criteria that we selected -- why we selected our home in Greenacres -- was because everything, including the transformers, were underground. And so, for the last almost 18 years, we've lived happily in nirvana -- in Greenacres. And then, one day this spring, we received a letter saying, you know, basically, there's going to be a discussion -- I think a few days afterwards, just in March -- that, you know, we'll discuss the installation plan, you know, in August. This year. For boxes. And, as you know it, there's a box right in front of my house.

### Later (1:33:18), we learn that staff's map of the proposed design (see page 6 of Nina Bell's message)  
<https://www.cityofpaloalto.org/civicax/filebank/documents/65979>  
was not intended to show exactly where the transformers would be located.

### In the verbatim minutes of the 10-04-95 UAC meeting, Larry Starr says, "... all the sites are negotiated. We do not go out there and say, you get one and you get one. There is quite a bit of flexibility as to where they go, so we try to negotiate with the neighbors and see who has an area that would not be too objectionable." Commissioner Chandler asks, "Do you pay for an easement?" Starr replies, "That is correct."

And, actually, one other thing I forgot to mention is that my in-laws own the home next to me. So, actually, it's right in between our homes. And so, you know, the funny thing is that I've been Palo Alto for over 18 years. I've always wondered -- I never knew this chamber existed until this year. And I've always wondered what it would take to get me here. Well, the answer is, there's going to be a box, that's probably about four and a half feet wide, and very tall, and something that creates -- cause childhood fears. It's going to be installed within 20 feet of one of our bedrooms. If the plan is proposed. So, members of the commission, this is the reason I am here today. To share with you my personal story. And to urge you to ask the commission -- ask the public utilities -- to please reconsider their current proposal. Thank you.

0:30:50:

Chair Danaher: Mister Lee, thanks very much. Xiaoqian Shi. OK.

0:31:10:

Xiaoqian Shi: Hello, commissioners. My name is Xiaoqian Shi. And I live in the Greenacres area, as well. I want to say that I feel the same -- share a sentiment -- Nina's sentiment -- although I live in the area for 10 of the years that she enjoys for 40 years. And I feel like this plan that has been proposed is to modify my house without an agreement from me. And also, it was not -- I was not given the compelling reason why it was done so. So it is -- if the proposal was adopted, I would feel very violated.

As to the cost of the cost-sharing of the undergrounding of the -- keeping the transformer underground, I feel, over the years, the City should have budgeted for maintaining the equipment underground, since it's already underground to begin with. I think the analogy is almost like, you build a subway station, and you have to plan a budget to maintain a subway station, instead of maintaining a bus station. And certainly not replace a subway train, at the end of 40 years, with some above-ground buses. And I just want to share my sentiment with the commission -- commissioners. And thank you for your attention.

0:32:27:

Chair Danaher: Mr. Shi, thank you. Garbo Lee.

0:32:48:

Garbo Lee: Good evening. My name is Garbo Lee. We're -- My husband and I -- Winston Lee -- we're slated to have one of these lovely boxes right in front of our home. Which is actually less than 20 feet from our bedroom. So, -- but, anyway -- so, I wanted to let you know, we paid top dollar to move into that neighborhood. Our previous home had one of those telephone pole things, like Eugene's home had. And when we found our next home, in Greenacres, we were so thrilled. Just like you said, you felt blessed ...

0:33:17:

Chair Danaher: Yeah.

0:33:17:

Garbo Lee: ... to have an underground utilities, we felt the same way. And we would like to maintain the current quality of neighborhood that we have. And the current, you know, utilities plan that we have. Because, honestly, we got like a notice the day before that, you know, there was going to be this padmount construction coming up. And then, fortunately, our neighbors notice it. Like, oh, they're supposed to do this on Monday. What? Today is Friday. That's like two days from now. And so, we were quite surprised to find this letter. But, anyway, so, we're very grateful to our neighbors to have pointed it out. And since then, the core people, that are supposed to have all these 8 boxes -- or however many there are -- and the switch boxes -- we have all come together. And we have met in my home -- in our home. Twice now,

at least. And we've talked on other occasions. We've maintained communication about this. And we really would prefer to stay blessed, as you have said. We really like it a lot.

And I think we -- you asked if we'd paid -- how we felt about paying. Well, I know -- I understand, Ms. Sklar said she paid \$500. But in -- There was another. We had a meeting with Mr. Shikada -- I can't remember when it was, but there was another party there. They said, we've already paid the \$500. Why are we paying again? You know, we've paid for utilities. When we purchased the house, we -- When you buy a house in Palo Alto -- We spent years searching for the house. And when you spend years searching for the house, not only are you spending that time searching for the house, you're also spending top dollar to even get a house. Which we did. OK? I mean, I think everybody who buys a house in Palo Alto does that. And when we paid for that, I think we're paying for whatever the previous owner -- they paid for that, and that was part of our purchase price. So, when we -- when you're asking us, like, do we want to pay another \$3,500? And we pay a lot of taxes to be in Palo Alto. We're wondering, where is the money? We pay you a ton of taxes. We've been -- I've been living in Palo Alto -- I don't know -- like 20-something years. We've paid our taxes. Why do we need to pay to replace light substructures. I don't understand that. So, if you're going to ask, me, personally, my family, we would prefer not to pay. And we would prefer to maintain our current quality. And, as you say, to stay blessed. And enjoy the neighborhood, just like you have. So, thank you.

**### In Palo Alto, utility costs are paid for by ratepayers, not taxpayers.**

0:35:39:

Chair Danaher: Thank you. Michael Maurier.

0:35:46:

Michael Maurier: (unamplified) My card came in last. I'm happy to have others speak ...

0:35:50:

Chair Danaher: All right. Then we'll put you at the bottom of the pile. So, Frankie Farhat

0:35:55:

Frankie Farhat (unamplified) I think there are some other owners who have had boxes at their house that would like to \*\* first. \*\*

0:36:04:

Chair Danaher: Well, I have cards from Yu Fang, Stuart Kreitman, Frankie Farhat, and Michael Maurier. And I think there's one other in here. Lin Lu. Yeah. And which one are you? OK. Great. Yu Fang. OK. Great.

0:36:23:

Yu Fang: Thank you very much, Mr. Chairman. And the committee [sic] members. So, my name's Yu Fang. My family live on Los Palos. In Greenacre neighborhood. So, I just want to share a few thoughts from me and my family on this issue. And we really would like the committee [sic] to support us, to maintain the underground utility that we have. So, about ten years ago, my family move into this neighborhood. Right? So, as you all know, the reason that we move into that neighborhood is because, you know, it's so beautiful. It's so quiet and tranquil. And we feel really safe for the kids to live in that neighborhood. Right? And about five years ago, our family we remodel our house. Right? As part of the architecture review phase, the City has gone through the very extensive review of the plan. And one of the very important criteria is that we have to maintain, basically, the characteristic of the neighborhood, when we're remodelling. Right? And we're very happy to comply with that. So, therefore, we're, honestly, very shocked when we heard that the City -- the utility -- wants to dramatically change it. Right? By moving this utilities only above ground. Right? So therefore, that's something that we felt very disappointed about. And we hope that that decision can be reversed. Right?

Secondly, this underground utility was installed 45 years ago. And over that period of time, it has operated without any major incidents. Right?

**### Perhaps there were no major incidents in Greenacres I (UUD #15), but there were incidents elsewhere in the City.**

So, we are -- And, also, we are in this new age where you have subways everywhere. Right? So, we're wondering why suddenly there's a reason that we have to move everything above ground. The technology has evolved so much that something that we can do 45 years ago, why we cannot do it today? Right?

### What staff would probably say is that, in hindsight, the City didn't have the technology to implement an all-underground electric distribution system that was safe enough, reliable enough, and cost-effective enough.

So, we've felt that there's no strong reason to move it. Or change it. Right? There should be a way to preserve what it is. If we can do it 45 years ago.

So, lastly, just about the procedural side. As some of the neighborhood mentioned earlier, that, you know, about two days ago, we got informed that the utility wants to make this change. And they're going to start the work. Which is absolutely a shock to all of us. Right? So, in the last couple months, we have some dialog with the utilities. And we were promised that this is not something that will be forced upon us. There is going to be discussion. There is going to be dialog. However, when we see the report, we didn't find any representation of what we are thinking, in that report. And what our opinions are, in that report. And we also have not received any real data to back up the recommendation from that report. Right? So, therefore, because of that, I think, you know, we are all very united to -- on this issue. And we really hope that the committee will support us on this. Thanks very much.

0:39:23:

Chair Danaher: All right, Mr. Fang. Thank you very much. Let's see. Lin Liu. Is it OK now? Oops.

0:39:38:

Lin Liu: Thank you. My name is Lin Liu. I moved to Palo Alto a few years ago. Moving to Palo Alto is definitely a dream come true for me, my family, my children. We love the City, love the neighborhood, love the street view. Basically everything. So, when we heard about the project, we were very concerned. So we wrote a lot of letters. We met -- tried to meet -- in person with the City, to express our concerns. We ask questions. We would like to see some data analysis. I was in those meetings, and we were promised that the City won't force it on us. But from the proposal as it is, that's what -- the City is just doing that. So I'm very surprised, and very disappointed. So -- And, also, none of the questions have been answered. We haven't seen any research, any data -- You know, just --We have their safety concern, just to name one. You know, it's -- We all have children. We are next door to Terman Middle School. The marching band march in our street all the time, you know. It's just a lot of things. Just --

In terms of the costs, I literally paid millions to buy the house and rebuild the house. I don't think it's fair for me to pay before the questions we ask got answered. Then I cannot answer that question. I don't know what I'm paying for. I think the City should have budget to cover this, you know. Again, you know, I would like those questions we asked to be answered before we answer that question. Better understand what we are paying for. Why we need to pay for that. Thank you.

0:41:23:

Chair Danaher: All right. Ms. Liu, thank you very much. Stuart Kreitman. OK. Great.

0:41:39:

Stuart Kreitman: Give me a second. Good evening, commission. My name is Stuart Kreitman. Resident of Greenacres since 1991. I'm trying to be neutral and objective about this issue. As an engineer, I defer to the experts in the matter -- the power engineers. But I would like to be able to correlate the documents I'm reading for accuracy. And we received a letter from Ed Shikada about a week ago. And there's a cons- -- Backtrack a little bit. There is a recurring theme here that the neighborhood -- the neighbors are not getting their questions answered, or not getting a clear understanding of issues of safety, or capacity. You know what the technical aspects of this decision are. They're also not getting a firm understanding of the costs involved. Whether it's their obligation to pay. That -- those sorts of things. So, I read Ed Shikada's letter pretty carefully. And I read the documents -- the -- I forgot what "RR" -- I was abbreviating myself. But I read the resolution 7580 and the RRs from 1 to 20. And there -- I would like to assure that future conversations about this are done with the i's dotted and the t's crossed. One small example of a potential disagreement or inaccuracy that I'll give you is a reference to a special facilities fee in Ed's report, on page 5. In RR20.J.1, I read, "Special Facilities are facilities requested ..." blah, blah, blah "... by an Applicant ..."

**### RR20:**

<https://www.cityofpaloalto.org/civicax/filebank/documents/8208>

Just to be brief, "Special Facilities" do not refer to transformers or infrastructure that is shared by people. "Special Facilities" refers to utility point of entry, at a person's house. So, it doesn't seem like raising that is -- that dot connects to the cost of transformers. Basically, in a conversation longer than three minutes, we could discuss how accurate the information given to us is. And I would like to just hone it so that the things that are said verbally correlate precisely to the things that are written. That's it. Thanks.

0:44:45:

Chair Danaher: All right. Mr. Kreitman, thank you. Frankie Farhat.

0:44:57:

Frankie Farhat: Hello. To members of the commission. My name is Frankie Farhat, and I'm a resident of Greenacres I. Although no transformer is supposed to be installed in front of my house, I'm very concerned by this project, as some of you already know. And I'd like to propose maybe a solution, to reduce the friction between the City and the Utility Department and our neighborhood. Nina mentioned that we fully embrace the Comp Plan. I don't think I need to state it, but, basically, you are trying to provide us with functionality, capacity, and at the same time, you're also considering the beauty of our environment, and the character of the neighborhood. And this is all great. And we also appreciate the proactiveness that the Utility Department is showing by considering our neighborhood. However, I would like everybody -- I think you understand by now, but our neighborhood is very different from most neighborhoods in Palo Alto. Most neighborhoods have poles, they have wires, they have cables that go through trees. They have all kinds of issues. And, certainly, those kinds of improvements that you're trying to bring to the City would be great improvements, from a functional standpoint, as well as an aesthetic standpoint. We at Greenacres I are totally different. We don't have poles, we don't have lines between the trees. We are happy. And the -- we have the capacity that we need. So far. We don't have any reliability problems. I mean, it's almost paradise for us. So, any change that would be implemented on us -- especially those that have been presented to us in documents -- would be negative. It would be a drawback, compared to where we are. And so, what I would like to say is that let's not rush things. Don't -- Thank you very much for putting Greenacres I at the top of your list in your heart. But -- You know, we are very honored of being there. But I'd like to take a step back. We would prefer to see our upgrades implemented in some other neighborhoods before us. Neighborhoods that would be able to benefit from the functional improvement and the aesthetics improvement. In the meantime, let's wait. Put us back a little bit on the list. Give us some time to maybe get together so that we can find funding, one way or another, to keep everything underground. Or maybe find us some time to look into some points that seem very important to me. Points that were brought up by Stuart Kreitman and by Joel Hoel, if I'm not mistaken. I have not -- mispronouncing his name.

**### Jeff Hoel.**

And get answers to many of the questions that have been raised today. So, thank you for putting us at the top of your list. But let's take a step back. Let's find something that may work better for everybody. Thank you very much.

0:47:52:

Chair Danaher: All right. Thank you, Ms. Farhat. All right. Michael Maurier.

0:48:04:

Michael Maurier: Good evening, folks. I'm having a terrible time hearing, because I'm partly deaf. So, if you'd speak up a bit. I'm Mike Maurier. I live at 646 Fairmede. The 27- or 30-page letter that you got

**### The letter is available here (pages 2-31).**

<https://www.cityofpaloalto.org/civicax/filebank/documents/65979>

was largely my fault, and I apologize for it. I hope you did read it. But I apologize if you did -- waded all the way through it.

0:48:22:

Chair Danaher: It's in our packet \*\*

0:48:22:

Michael Maurier: This is an odd one. Our little neighborhood is known as Fort Apache, in my own mind. If we don't have something going on Arastradero, we have something in the creek. If it isn't the creek, it's Terman. If it isn't Terman, it's the hotel. You know, the Apache circle us rather regularly, and we've been through several little outings. Some ended well, some ended poorly. This one was a surprise, however. I don't think I've seen one that was as suddenly and abruptly presented as this one -- let's put it that way. And it was a deep shock. In all the years I've been in various aspects of government and consulting service, I've never seen anything communicated like this. Or, frankly, as poorly. This -- That is a double shock. To date, pretty much, all of that served to encourage the waiverers, had they any questions or doubt over trying to be fair or rational about the possibility of there being anything wrong with a problem they didn't see. Because that has pretty well consolidated in the -- I wouldn't say unanimous. I got in trouble for saying that once. Not unanimous. There's always a few. But really overwhelming opposition to this. Mostly because we didn't get information, or questions answered in anything approximating a timely manner. At any stage of the proceedings. In fact, it got worse, to the point that my confidence, at least, in what I was hearing in the information simply dwindled to zero. And I think that has been shared by everybody.

0:50:09:

Were I -- There were several questions that didn't get answered, and one of which was, why us? We -- We don't have a problem. How come we're first on the list? Everything's already underground. And I thought that was the general trend, from what I've been reading, in the City. To underground or otherwise beautify, or whatever. Ultimately, what I came up with is my rationale, in the absence of any other input was, maybe it's just convenience -- easier to drive it up in a truck, rather than lift the grate and blow the leaves out. You know, they're opening gratings, and they got leaves in there. And have a look, and shut up, and go off. Unfortunately, that didn't really take any of our considerations into account. That might have been convenience. We really didn't hear any other rationale for the whole business, at any stage of the proceedings. And pretty soon, we gave up trying, and went to the UAC. It seems to me that this whole proposal, which came out of left field, and still hasn't been rationalized in any manner, shape, or form to anybody's satisfaction that I've heard, basically flies in the face of the Comprehensive Plan impetus to preserve the neighborhood character. Our neighborhood character depends practically -- wholly -- our little ranch houses -- depend on undergrounded utilities. That's it. That's all we've got. Otherwise, we've just have a bunch of little ranch houses on the south side of Arastradero. When that goes, urban blight and ranch houses. So this kind of struck at the nature of our identity. And the intent of the Comprehensive Plan to preserve the character and integrity of the neighborhood, I thought. What we didn't get at any stage of the proceedings, in the way this has all gone down, is any indication of any flexibility, unless we fought very hard and complained vigorously. We're hoping you'll show more flexibility with respect to this particular neighborhood. We don't know why we're on the list.

0:52:05:

Were it I, I would look for one of three outcomes, as a way we can all back off from this.

\* Take us off the list. Until we have a problem, just take us off the list. I don't get the sensation from the Utilities Department that's probably going to be something they'd be very thrilled with.

\* The second option might be, take us off the list until you can find a way to pay for it. The question of paying for it came up this evening. And my answer would be, we have received no cost justification for the numbers we have seen. There has been no breakdown, no discussion. We just -- We're presented with a number, out of the air. Under duress, when it became apparent that maybe -- We were initially told, we can't replace these things underground. It has to be above ground. That's it. One size fits all. We're outta here. Then it developed, well, maybe if we paid for it, maybe we could do that. But it was going to cost us. 3,500 bucks a house was the number we heard \*\* about. But from where? Never heard anything. So, we -- I'd be very reluctant to pay for it. I'm capable of paying for it. Might be willing to pay for it, if I see any justification.

\* The third option, then, might be, take us off the list until we can figure out a way to pay for it. I've heard nobody, other than the -- a few possible suggestions from budgeting people, saying, if we have to pay something, AGAIN -- which goes against the grain of those who paid initially, and already purchased this -- and those of us who paid for it in the cost of the homes we purchased -- if we have to pay for it again, how could we do it creatively and avoid a cash flow hit of a \$3,500 lump sum? That feels to me a lot like an attempt to divide. Not everybody in our neighborhood, despite the myth ...

0:53:55:

Chair Danaher: You're well over the three minutes. So, keep on, but wrap it up soon, if you ...

0:53:59:

Michael Maurier: Yeah. Not everybody is going to be able to pay \$3,500 as a lump sum. Over time, stretched out over a considerable distance, if we arrive at a figure that anybody believes, I think a number of people in the neighborhood would pay it. But as things stand, would you pay? For a pig in a poke? We have no idea what we're paying for.

So, that would be the issue of paying. I hope that the third way out of this morass is to take us off until we have had a series of discussions and negotiations -- with credible parties, one would hope -- and we can find a way out of it. And I hope you will be flexible enough to embrace one of those three options: \* Take us off the list, \* Take us off the list until you can find a way to pay for it, or \* Take us off the list until we get some answers. And we have had none. Thank you.

0:54:49:

Chair Danaher: All right. Thank you, Mr. Maurier. And we had one last one that came in from Debbie Chausow.

0:55:02:

Debbie Chausow: I'm not good at speaking. My name's Debbie Chausow. And I lived -- can you hear me?

0:55:05:

Chair Danaher: Yes. Yes.. You can pull the mike down a little bit.

0:55:08:

Debbie Chausow: Oh, here it is. Um, I've lived -- We bought into Greenacres I in 1986, I think. Have raised our kids there. So, I'll try and get this all in quickly. Give some time back to Michael, who -- I appreciate what everybody said. But Michael, you were really -- I can't find you -- I think he spoke to a lot of things impressively. OK? My background: I'm an epidemiologist. I have worked at the Electric Power Research Institute. I don't know generation, storage, or even modern technology, so I do want to say that. However, I worked in health effects. OK? So, what we are is a living, historical cohort. As if a study were conducted. We have 45 years that show no neighbor health effects. When we first met with Mr. Shikada -- thank you for your time -- at Alice Sklar's house, we asked, has any employee been hurt? And you guys said no. We've also had incredible service, thanks to the utilities. And we've had unbelievable equipment durability. OK? So, I'll stop with that point. We have -- A neighbor and I walked down Donald, which -- it's Greenacres II -- and they have padmounts. And I saw a very big warning label -- sign -- on the front of it that says, danger -- I don't know -- get off, keep off. And it has a stick figure being electrocuted, falling off a stair. OK? And then there's something else, keep out, a separate sign. So ...

0:57:07:

Chair Danaher: I drove down Donald this evening. I missed that one. Yeah.

0:57:10:

Debbie Chausow: OK. It's 4177 Donald. OK? If you want to write that down. OK. So, in terms of safety, you want a comparison. So, we've got 45 years of safety. And, as far as I can tell -- and I did ask the utilities staff -- there's no data on the safety of padmount transformers. OK? I couldn't find any. Maybe I didn't search the right journals. OK? But I found no information. OK? Next, we just got the conclusion from Cal Fire, in terms of, I think, the 11-12 fires in the North Bay. And they found PG&E extremely -- highly, whatever -- financially liable and potentially criminally liable for violations, and for vegetation growth. And I guess it was the pole and wire type of electric power delivery. OK? So, it got me thinking. I mean, we're all at risk of fire. I think fire has replaced earthquakes as the number one fear, in natural disasters. Or unnatural. It just makes sense that the safest type of location of a transformer is underground. OK? I'm not -- I don't believe, in these kind of fires, that a padmount would be any safer than a pole and elevated transformer. OK? I'm sorry.

**### This article identifies the cause of five fires involving PG&E equipment.**

Trees touching power lines mostly. I don't see how that could happen in Greenacres I with underground power lines, even if transformers were above-ground.

0:58:59:

All right. You're well over the three-minutes.

0:59:00:

Debbie Chausow: Oh. I'll stop.

0:59:00:

Chair Danaher: So, bring things -- you can finish up. But, ...

0:59:02:

Debbie Chausow: OK. We pretty recently learned that there are 17 other districts, or neighborhoods, that apparently have underground utilities, and are slated for padmount. So, my question to the staff is, are they apprised of the padmounts? I mean, do -- You know, it was way too late for us to even try and communicate with them. We don't know who they are. But we were told that what happens for us will happen for them. And I -- you know, it's too late to -- we can't communicate with them. And that's my only question. Other than that -- Ed -- and Greg's here. And we've appreciated you guys. You've had grace, in terms of all the questions we've put at you. And we don't -- as far as paying - I'd be willing, once I see a cost analysis. OK.

1:00:03:

Chair Danaher: OK. Great. Ms. Chaseau, thank you very much. All right. We've heard from everybody in Fort Apache, I think. So, delighted. I really appreciate all that. And also, although people feel emotional about this, everybody's been so courteous. I really appreciate that as well. Ed, why don't we let your group present. And then we'll have time for discussion.

1:00:28:

Ed Shikada: Great. Well, let's get to it, and lead off with Debbie Lloyd, our acting assistant director for engineering. Would be followed by Greg McKernan, our senior engineer involved.

1:00:42:

Debbie Lloyd: Good evening, Chair and commissioners. Vice Mayor. OK, so I'm going to start off our presentation here. And Greg and I are just going to kind of tag team. Because when we start talking about the engineering stuff, I'll let him take over. So, I'll take it from here.

So, the outline of what we're going to talk to you -- I'll show you this evening. We'll do some history of the underground districts, and -- including Greenacres. Just walk through some of the current status of undergrounding in the City. And, again, in Greenacres. We'll talk about our current design practices and standards, and explain some of the reasoning behind those standards. There is, you know, an alternative, that we can think of here, that would take a policy change. And, also, we've got just some basic numbers on cost comparison. We've heard a lot about wanting the breakdown. But, at this point, we don't have designs. So, we were just trying to get rough estimates. And, of course, those estimates will depend on, you know, what the construction costs are when we finally get there.

1:02:00:

So, something about the history. Chair Danaher gave some kind of background at the start here.

### The presentation slide shows a map of the City's underground districts, also available here (page 4).

<https://www.cityofpaloalto.org/civicax/filebank/documents/50531>

But the project actually started in 1965. So it has been going on for quite some time. We currently have 43 underground districts completed. Since '65. the latest one is actually #46. We've kind of skipped some order in the last few projects. So they don't always -- things don't always go kind of timely -- that they go in chronological order of their numbering. We are currently waiting for a few customers to finish their connections for District #47. And we've just started construction on District #46. The undergrounding also includes all the electric, fiber, cable, and telephone systems. And to do this, we coordinate jointly with AT&T and Comcast. So, that coordination with outside utilities is kind of like some of the reasons that we might have delays. They also participate in the cost for that.

### Not always. This 01-13-16 staff report says,

<https://www.cityofpaloalto.org/civicax/filebank/documents/50531>

"The underground tariff under which AT&T operates, California Public Utilities Commission (CPUC) Rule 32 (A)1, does not require AT&T to pay for telephone substructure work in most residential neighborhoods." Also, "In the past, AT&T funded its substructures in a small number of residential areas even though AT&T was not strictly required to under the tariff. However, AT&T has indicated in discussions with Staff that it will strictly follow the tariff in all future undergrounding projects."

And it is still funded jointly between the utilities and property owners. So, property owners do pay for their own underground connection costs. And then, depending on how the district is formed, they may share the cost of the -- undergrounding the system also. Still.

1:03:32:

Commissioner Forssell: Sorry to interrupt, but can you give us some sense of the cost associated in -- with -- when a district is undergrounded today? What it costs the residents for each of the items?

1:03:44:

Debbie Lloyd: Um, I'm trying to think. #47, I think they were around \$4,000.

1:03:47:

Greg McKernan: (unamplified) Between \$3,000 and \$5,000.

1:03:48:

Debbie Lloyd: Between \$3,000 and \$5,000 for the customer's service connection.

### In this 04-16-12 FAQ, the City says,

<https://www.cityofpaloalto.org/gov/depts/utl/projects/faq/electric.asp>

"... the homeowner can spend from \$3,000 to \$8,000, or more in some cases, to make their home ready for underground service. The actual cost a homeowner incurs is due to a variety of factors such as the distance from the City's electrical service box in the sidewalk or street to the homeowner's meter panel, whether the trenching work is under a paved walkway or driveway versus in the lawn, the variations in price provided in written bids from licensed electricians or contractors, and which installer is selected by the homeowner."

1:03:56:

Commissioner Forssell: And then possibly additional for the ...

1:04:00:

Debbie Lloyd: Oh. Yeah. Actually, I don't know. Do you know the budget for the -- #47? It was in the area -- It would depend on -- I mean, it would be a -- Well, take it back. So, for #47, there was no other cost associated to the customers, to the residents.

1:04:19:

Commissioner Forssell: But that's on the order of \$4,000 per resident, all in -- to take the wires that were previously up on poles, dig out ...

1:04:27:

Debbie Lloyd: No, no, no.

1:04:27:

Commissioner Forssell: ... putting everything underground. No?

1:04:28:

Debbie Lloyd: No. That \$3,000 to \$5,000 is just for their service connection. From the utility system to their property.

1:04:39:

Commissioner Forssell: And they don't share -- Sorry. And they don't share in the cost of digging up the street and putting the poles underground? The wires that were previously on poles underground?

1:04:48:

Debbie Lloyd: Not for #47.

1:04:50:

Commissioner Forssell: OK.

1:04:50:

Debbie Lloyd: If we had another district like Greenacres, where it was deemed to be not of wide public benefit but local benefit, then there would be some cost sharing for the actual undergrounding of the system.

So, we are -- we touched on that. So with Greenacres. So, this was one of those districts that was petitioned by the residents back in January 1972. And at that time -- So we can see what's happened with the costs. It was around \$300 for their service connection. And their share, which was 25 percent of the cost, was \$310 per lot. So that was the -- the 25 percent of the, you know, of full cost of -- the actual utility undergrounding portion -- 25 percent assigned to the residents. And at that time, our crews did the construction. And, as everyone has pointed out, they still have that original equipment there. And it has been working for the past 45 years.

**### According to this inflation calculator, \$610 in 1973 is equivalent to \$3,677.35 in 2018.**

<http://www.in2013dollars.com/1973-dollars-in-2018?amount=100>

1:06:16:

So, where are we on the status of undergrounding? So, I hear a lot of numbers around, that the City is 20 percent undergrounded, or 25 percent, or 50. Um, it really depends on, you know, what you're looking at. So, if you look at the - - If you look at our distribution lines -- so, our primary distribution lines -- we're actually just over 60 percent of the City's primary distribution lines is undergrounded. And that is mostly -- the majority of that is in commercial areas -- commercial districts of the City. Approximately 2,500 residences are in districts or areas that are undergrounded. And so, they went from the conversion from the overhead to the underground system. And, going -- moving forward, all new developments - - so, all new housing subdevelopments or subdevelopments will be built with the underground utilities. That leaves about 14,000 homes -- residences -- in Palo Alto that are still -- that remain to be undergrounded. So they're still served by the overhead lines. And they have the poles and the wires in their neighborhoods. So, I think -- I hope that kind of helps with -- is it 50 percent or 25 percent? It's a much smaller percentage if you just look at it about residences that are served by an underground system.

1:07:54:

Commissioner Johnston: (unamplified) Could I ask a question? (amplified) When you do new construction -- and you say it's underground -- the deal is, you put underground with new construction -- are the transformers padmounted in that situation, or are the transformers also underground?

1:08:10:

Debbie Lloyd: They're padmounted. Unless -- unless it's, you know, just infeasible. Which -- I don't think for residential areas we've -- Have we ever had an issue where we needed to -- Yeah. So, in some of the really built-up commercial areas, there might just be no physical space to have a padmount.

1:08:35:

Commissioner Ballantine: In the commercial areas, though, you have like a fully solid concrete vault, generally, right? When you go underground?

1:08:45:

Greg McKernan: Chairperson, when we do our underground design for our distribution system, there's the conductors, which carry the power to the transformers. The transformers are padmounted. Yet we still have vaults, that allow us to splice the cable, and make the -- pull the cable, and splice it. So that's what we use.

1:09:03:

Commissioner Ballantine: Yeah. I think I -- Just sort of thinking of it from the point of view of the -- of the large number of people here tonight, and eleven that spoke to us. If I'm trying to imagine why -- why I ought to take on board that in a densely-situated commercial instance, you might put a transformer underground, and yet, in all the other residential instances, and most of the commercial ones, you put them above ground. What I've encountered in modern commercial construction is, it is a VERY significant concrete vault, where you do elect to install a transformer. One that could be significantly larger than anything we've seen in any picture here tonight. And so, I'm wondering if - When you've put transformers underground in commercial buildings, whether that's where you've elected to do it, and how that's ended up being permitted. Or whether, yeah, you've snuck some transformers into smaller vaults on an exception basis.

1:10:07:

Dean Batchelor: So, I think the thing is that -- your point is well taken -- is that if it goes to an existing like -- say like out to the Research Park. All right? So, we're going to take that for instance. There's property out there that we're going to put a padmounted transformer -- a large one -- in place. And then we'll underground it going into wherever the demarc is to the building. Now, we take the downtown area, where we don't have that space, then, at that point, there's nothing we can do except put it in a large vault that's going to be undergrounded, in the street, then, at that point. They're fully concreted, at that point.

1:10:38:

Commissioner Ballantine: Right. And I think it might be helpful for everyone to understand how big those vaults can be. In terms of a -- Because we've talked a lot about where has the world come to in 2018. Those vaults, in my mind, are much bigger than they used to be, to help address a number of safety concerns around access.

1:10:59:

Dean Batchelor: Yeah. Those vaults are sometimes 6 by 4. Six feet by four feet. We also have larger ones out there. We've got switches AND transformers. That could be probably anywhere -- 8 to 10 feet?

1:11:10:

Greg McKernan: (unamplified) 10 \*\*.

1:11:10:

10 by 13? So, yeah, you're talking -- as -- you know, a large room, then, at that point, in the downtown areas.

1:11:24:

Debbie Lloyd: So, going back to the Greenacres area. So, that was installed -- Or, our equipment there was installed in 1972-'73. So that is 45-year-old infrastructure. Our expected life for the infrastructure that is in the ground there is 35 to

40 years for the cable and 15 years for the transformers. So we are, you know, quite a way past the expected life in this community. We understand that they have not had issues and outages yet. But that's not -- I mean, we run our system -- we manage our system -- we design it -- to replace before failure. So, we don't wait for things to start failing before we replace them. We do it based on expected life, experiences with similar equipment in similar areas, to give, you know, priority when we see we have old equipment -- assets -- out in the system. Generally, what engineering experience is the -- Sorry, did you have a question?

1:12:41:

Commissioner Ballantine: Well, I -- I think -- I don't know if it's better to sort of interrupt as we go, or whether I ...

1:12:48:

Chair Ballantine: (unamplified) That would be fine.

1:12:48:

Commissioner Ballantine: But I think, again, I just ticked off points where I think some of the questions I can relate significantly to, that I'd be asking as well. Like, well, my transformer's made it 45 years. What's the problem? Let's go for 60.

1:13:03:

Debbie Lloyd: Um hum.

1:13:04:

Commissioner Ballantine: And so, maybe some things that might be available are -- What's the average lifetime of an underground transformer, compared to the average lifetime of a padmounted or a pole-mounted transformer?

For what it's worth, the transformer in my back yard, up on a pole, very clearly got very hot once. As -- you know, things that have gotten hot that are metal -- we all know what they look like. Transformer failures aren't any fun. Now, I'll wait -- I have a few thoughts to share about that a little later. But, related to that, it might also be important to think about: are transformer lifetimes and failures proportional to the load, or how hard we make them work? I'm pretty sure that it is. And I think that a problem we all have to think about is, as we add EVs in our neighborhoods -- because we all are, here and there -- we're increasing the loads on all those transformers. And so, it could be that our statistics on transformer lifetime today will not represent our statistics on lifetime on transformers in a fairly short amount of time.

1:14:21:

Debbie Lloyd: Correct. And, absolutely, on the loading as well, which probably explains why this equipment has lasted as long as it has in this neighborhood. It hasn't been fully-loaded, or highly-loaded at all.

**### In principle, the City has billing data about how heavily loaded each transformer was, averaged over each month. Does the City use this data? After the City implements smart meters, it will, in principle, have data about how heavily loaded each transformer is, averaged over each sampling interval, which could be every 15 minutes, or even more frequently. Should the City be planning to use this data?**

And so, going back -- yeah -- so -- I mean, we can't say when it's going to fail. I mean, that's the thing we're talking about -- probabilities -- here. And all we know is that the longer past you go -- the longer you are past the expected life, the -- you know, the probability of failure increases. And experience -- engineering experience -- is when you start to get equipment failure, it's not going to be like a one occurrence. There will start to be many occurrences. So, it -- you know, it's -- That's just what we try to prevent from happening.

1:15:17:

Commissioner Ballantine: But do you have a -- I think we've talked before about -- The ones mounted above ground last -- I think we had it in an old report, maybe six months ago, where you had some nice numbers on -- A pole-mounted transformer, typically -- you know, an average lifetime will be 50 years. An underground transformer, an average lifetime would be 15 years. And I forgot the exact numbers.

### There was a 04-12-18 staff report about transformers, but I don't think it talked about transformer lifetimes.

<https://www.cityofpaloalto.org/civicax/filebank/documents/64445>

The 08-01-18 staff report says, "The expected longevity for subsurface equipment is approximately 15 years for transformers, and 35-40 years for high-voltage cable."

<https://www.cityofpaloalto.org/civicax/filebank/documents/66025>

(This staff report used to be 6 pages, but it has recently acquired the staff presentation (most of it), so now it's 14 pages.)

### In the verbatim minutes of the 11-02-95 ARB meeting, Larry Starr says, "The connectors and actual equipment itself that we have been placing in vaults in the underground system have not lasted the 30 years that they should have. We are getting a little more than 20 years out of some of them, ..." Here, he doesn't say what the expected life of above-ground transformers should be.

But I remember we had those in one of our reports. I think that would be a very useful set of data. Because I think that if it is the case -- The Greenacres transformers have lasted longer because the load in that neighborhood happens to be a little on the light side, relative to the capability of those transformers. If they were up on poles, and they were the same size, they would last even longer. And maybe what happened, if we go back and look at the engineering drawings, is -- maybe the ones we put underground were really big. And then, it just so happened that those vaults never flooded out. And so they've never failed. But I think that -- I think that might be a nice set of data. Maybe that's a -- like, might take a little time to kind of pull it forward. But I remember we had some nice numbers maybe six months ago.

1:16:35:

Debbie Lloyd: Yeah. And I do believe that was in the presentation that we did for the community. Do we have that table? I think we have that table.you're referring to, that does the comparison of underground, padmounted, and pole-mounted.

1:16:49:

Commissioner Ballantine: Right.

1:16:51:

Debbie Lloyd: So, yeah, we could definitely share that again.

Just to pull this back up to the system, again. This actually is not the first underground district that we have rebuilt. We've rebuilt many of them over the years. We actually started this back in 1995, with the Old Adobe / Old Trace area.

### In UUD #7.

So we have been replacing underground districts. And I think the most comparable to District #15 would be Districts #6 and #7, which were also residen- -- primarily residential, and went from the all-underground equipment to the padmounted. So, when -- you know, it's -- we have been doing this. This may feel like it's something quite new. But we've been doing it since '95.

1:17:50:

Commissioner Johnston: But could I just ask, how many of the underground utilities districts have you rebuilt at this point?

1:18:00:

Debbie Lloyd: So, I think it's the two that are just primarily residential. We've done a lot more of the commercial rebuilds. I would say we've actually been collecting this data together, but I would say we've got at least a dozen.

1:18:17:

Commissioner Johnston: OK. But you say there are two that are primarily residential. #6 and #7.

1:18:23:

Debbie Lloyd: Yes.

1:18:24:

Commissioner Johnston: Just where are those, generally?

1:18:25:

Debbie Lloyd: #6 and -- Actually, you can go back to -- yeah -- Oh, sorry, I was coming up to it. Yeah. [displays slide of the underground districts] Can we spot -- So, #6 is close to District #15. You can see it just in the lower ... Oh. #7's not on this map.

1:18:59:

Commissioner Johnston: I'm sorry. Where -- I didn't see #6.

1:19:01:

Debbie Lloyd: So, #6 is ...

1:19:03:

Commissioner Johnston: OK, I see ...

1:19:04:

Debbie Lloyd: So, right in the bottom, right-hand corner, there's #16.

1:19:07:

Commissioner Johnston: OK.

1:19:07:

Debbie Lloyd: And then - is that #6 or #4? #6. I cannot -- #7's not on this map.

1:19:13:

Commissioner Johnston: So, it ...

1:19:13:

Debbie Lloyd: It's a little bit further south.

1:19:16:

Commissioner Johnston: And did I understand you correctly to say that in all of the rebuilds, you put the transformers -- they're padmounted? They're -- none of them were replaced with ...

1:19:29:

Debbie Lloyd: In some of the COMMERCIAL districts, where it was not possible -- there was no space available for padmounted, we may have replaced them with -- Yeah.

1:19:40:

Commissioner Johnston: But everything else had been padmounted.

1:19:42:

Debbie Lloyd: Yes.

1:19:44:

Commissioner Forssell: But just to belabor the point a little bit longer. In District #6, which is -- um --

1:19:51:

Ed Shikada: That's Douglas, where you visited earlier tonight. Or, those of you who did.

1:19:55:

Commissioner Forssell: OK. And ...

1:19:56:

\*\*: Donald.

1:19:58:

Ed Shikada: Donald. Sorry. Donald.

1:19:58:

Commissioner Forssell: ... they went from having subsurface-mounted transformers to padmounted transformers. And when did that happen?

1:20:06:

Ed Shikada: Several years ago.

1:20:08:

Commissioner Forssell: Several years ago?

1:20:09:

Debbie Lloyd: Ah. Sorry District #6 was -- Well, I've got 2003, but they're saying 2001.

1:20:16:

Commissioner Forssell: Oh. So, quite some time ago.

1:20:17:

Debbie Lloyd: Yes.

1:20:18:

Commissioner Forssell: OK. And when that happened, there -- was there similar controversy, or -- Does anybody here ...

1:29:29:

Ed Shikada: I don't think any of us were around at the time.

1:20:32:

Commissioner Forssell: OK. And was the number of pads required similar.

1:20:38:

Ed Shikada: I'm sure it must have been.

1:20:40:

Commissioner Forssell: Right. Because for Greenacres, it was like 8 pads for approximately 140 houses, if I have that right.

1:20:45:

Debbie Lloyd: I don't have the numbers for -- But it looks -- I mean, just looking in the area, it looks like a similar size area.

1:20:52:

Commissioner Forssell: OK. And the technology hasn't changed enough that the configuration would be significantly different between now and 2001 or 2003 -- whenever it was?

1:21:01:

Ed Shikada: Correct.

1:21:03:

Chair Danaher: (unamplified) So, the pad it sits on \*\* tonight seems smaller than you described. What are the dimensions? \*\* I don't want to \*\* The question I want to get \*\* What are the dimension of the smaller \*\*?

1:21:19:

Debbie Lloyd: We can ...

1:21:20:

[multiple speakers]

1:21:22:

Ed Shikada: We'll get into it, certainly.

1:21:23:

Debbie Lloyd: We can get into it. Um. Remind me if we don't cover that exactly. Um. So, let's see. I -- sorry -- jumped over here. So, this was just to give you -- So, as we've said, there have been rebuilds going on, including a couple in residential areas. Coming up, we've identified thirteen districts for rebuilds.

**### A presentation slide identifies them as UUDs #15, #16, #20, #23, #24, #26, #28, #29, #30, #31, #32, #33, and #34. (But this presentation slide was not among those that were recently added to the 08-01-18 staff report.)**

Now, obviously, you know, in a few years time, there will be more coming up. But these are, basically, the districts -- the remaining districts that will reach end-of-life of the equipment by 2024. That represents about 1,700 properties, many of which are residential, but some commercial and multi-residential buildings as well. And about 270 transformers that will be replaced. We've identified seven districts in our current five-year CIP. And that's about 860 properties, again, primarily residential, and 120 subsurface transformers. And we currently have five that are in design, which includes District #15. So, we've got #15, #16, #20, #23, and #30. #30's kind of like jumping ahead a little bit, because in this area we're also doing a 4- to 12-volt conversion.

**### No doubt, a 4- to 12-kilovolt conversion.**

So it makes sense to put that work together. So, those five that we have in design -- we're looking around 785 properties, and about 100 subsurface transformers to be replaced. With that, I will turn it over to Greg.

1:23:20:

Greg McKernan: Thank you. So, when we put together a design, our design for a new or rebuild of underground districts, we look at a couple key features. Number one is safety. Employee safety is one of the one things we look at very importantly, for our operations group. Safety comes into play when we have working clearances on subsurface -- or below-ground -- equipment. Some of the boxes are 4 by 6 [feet]. We have high-voltage cable in there. And to operate those, our crews use hot sticks that are insulated to remove elbows, connections that are energized, sometimes. We need a lot of clearance. We usually need -- Those sticks are about eight feet long. And so, in order to get that clearance, depending on how we get the load break elbows in there, the switching units, it doesn't give us a lot of clearance for our crews. In addition, the padmounts, they have clearance in front, because we can operate from a safe distance. The reliability of this system is that when we have subsurface equipment, if it's in vaults that are not ventilated.

**### The vaults for the City's undergrounderd transformers are open to the air, but there's no fan.**

Whereas, when we have padmounts, they're passively cooled by just being in open air.

1:24:32:

There's also the purchase and maintenance of the equipment. Subsurface transformers approximately cost 20 percent more. But it's due to the fact that there's only about two manufacturers that supply subsurface transformers to the utility right now. As opposed to the padmount equipment. Which is -- we have more manufacturers -- approximately four.

**### This 11-30-15 staff report (to City Council) names four manufacturers of transformers that are prequalified by the City. There's a table on page 2 that says what kinds of transformers each manufacturer makes.**

<https://www.cityofpaloalto.org/civicax/filebank/documents/49927>

Two manufacturers, ABB Inc. and Howard Industries, make underground residential transformers. Two manufacturers, ABB Inc. and HD Supply Portland, make padmount transformers. In other words, this staff report doesn't seem to support the narrative that there are more suppliers for padmounted transformers than for underground transformers.

The capacity of the system, for the transformers, is -- it allows us to -- When we have padmounted equipment, we're allowed to look at the nameplate rating of the transformer and run it a little bit warmer, because we know it's going to have cooling. But when we have subsurface transformers, we generally give them about 80 percent rating, because the hotter we run them, the shorter the lifespan. The other issue --- The other thing we look at is industry standard. We look to PG&E, Southern California Edison, San Diego Gas & Electric, Los Angeles Department of Power & Water -- four of the largest utilities in California, not only in size but in customer service. All four of these agencies do not use subsurface transformers. They're swapping over to padmounted equipment.

**### If they're swapping over now, it must mean that they've been using subsurface transformers up to now.**

**### Private-sector monopoly electric utility companies don't necessarily have to prioritize the values of the communities they serve. What other municipal electric utilities are we watching?**

1:25:43:

In this picture, we can illustrate the difference between subsurface equipment and padmounted equipment. On the picture on the left, we have a transformer and switching units. We -- You can see from the transformer, in the box, is that it's actually in water, and it's about 2 feet deep. So, when our crews go out to either make a service connection, swap out the transformer, or make switching, they have to work in that environment. Whereas, when we work on the padmount equipment, we have -- even though there's still shrubs encroaching, we still have a clear distance behind us to operate and get access to the equipment.

1:26:21:

Commissioner Forssell: Sorry, can I ask a question?

1:26:22:

Greg McKernan: Of course.

1:26:22:

Commissioner Forssell: Because these two photos side-by-side bring it to mind. Will the location of the padmounts be where previously there were subsurface vaults? Or are the padmounts in different places than the subsurface vaults were?

1:26:37:

Greg McKernan: We have the flexibility to adjust those transformers. Not a great range. But they don't have to be directly behind where the existing subsurface vaults are. We have some flexibility in where we can place them.

1:26:50:

Commissioner Forssell: You can move them a few inches, a few feet, a couple houses down?

1:26:52:

Greg McKernan: About 100 feet. What happens is, the farther we move the transformer, then we have to look at the loading on the transformer. Because we have to supply a certain voltage to each customer. The farther we move the transformer, the lower voltage. And so that's one of the key -- another key factor when we look at moving transformers for our design.

1:27:13:

Commissioner Forssell: So, the existing design that would have -- that has certain properties -- as the places that -- there's -- theoretically, there's some flexibility there, that the pads could be mounted someplace else.

1:27:24:

Greg McKernan: We have some flexibility.

1:27:27:

Commissioner Ballantine: But you're not necessarily putting the surface-mount transformers exactly where the vaults are today.

1:27:34:

Greg McKernan: No. Most of the service vaults in Underground District #15 are inside sidewalks. So we would not put the padmount transformers there.

1:27:44:

Debbie Lloyd: And, just to add on, you know, the difference between these two, as well, in terms of our safety requirements. Obviously, on the left, in the vault there, we have confined space requirements. For safety.

1:27:57:

Commissioner Ballantine. Yeah. It might be interesting just to note that OSHA has requirements for clearance around electrical gear. And I'm not certain that an underground vault situation like the one in the picture on the left meets today's OSHA requirements. In any way, shape, or form. Because I think it's something like two feet of clearance around switch gear. Isn't it? That might be another ...

1:28:28:

Greg McKernan: I think the term is "working space," And so, if you can't operate the equipment, or you have to step on energized parts to get to it, we would look at that as not functional.

1:28:37:

Commissioner Ballantine: Yeah.

1:28:42:

Greg McKernan: So, in addition, there's higher maintenance costs for subsurface equipment. In the top picture, with the blue, that's one of our switched -- our elbows that we use for switching. There's corrosion on it. A lot of these vaults accumulate water and heat, which adds to the corrosion. So, that's something that we would have to replace -- that accelerates our overall cost. The picture on the bottom right has standing water. When we do inspections, we need to pump that water out. But a lot of the times, when the vaults accumulate water, it's not just water. It's debris, oils, other chemicals, that we then need to dispose of in a special way. We can't just drain it. We have to oil-separate it. And that's a process and cost that the utility incurs.

1:29:29:

Councilmember Filseth: (unamplified) \*\* \*\* (amplified) I'm sorry. Just real briefly. You don't have to go back to the previous slide, but earlier this year, we had a lot of discussion on cell towers, and undergrounding versus pole-mounting of cell phone equipment. And there was some discussion that if you put it underground, they would actually put pumps in there. Is that something that we do, too?

1:29:49:

Greg McKernan: We do not put pumps in our subsurface vaults.

1:29:51:

Councilmember Filseth: OK. For the water. OK.

1:29:55:

Ed Shikada: (unamplified) We use portables, right? We would use portables -- (amplified) We would use portables to evacuate the water when necessary to work in this space. We wouldn't have a stationary pump in the vault.

1:30:07:

Greg McKernan: Correct. And in the picture ... -- Yes?

1:30:10:

Commissioner Forssell: Sorry. I had just another question, perhaps naive.

1:30:14:

Greg McKernan: No.

1:30:14:

Commissioner Forssell: But the electrical equipment doesn't suffer from being submerged in water / oil when it's not being inspected? That strikes me as a surprise.

1:30:25:

Greg McKernan: The water and the oils can corrode the tank on the transformer. So, that's something that we're also concerned about. Yes.

1:30:34:

Commissioner Forssell: That said, it hasn't happened for the last 45 years. In Greenacres.

1:30:38:

\*\*: That's correct.

1:30:39:

Greg McKernan: Well, the elbow in the top right -- the green -- the blue one -- that's Greenacres. And the picture on the left is Greenacres -- is the equipment. And the picture on the right -- I think that's a different vault. But ...

1:30:53:

Commissioner Ballantine: What if we ask the question this way? In Palo Alto, has a submerged transformer failed? And was it pretty catastrophic? Yeah. I think that's like -- If water gets into that can, it's all over for that transformer. And it's going to be a significant failure. And a significant power outage. And if there were people nearby -- like, working on it -- that would be a significant safety hazard. Is that right?

1:31:28:

Greg McKernan: Correct. And when we look at it, we're just talking about Underground District #15 for the residential-size transformers.

### At some point, that size (i.e., that capacity) should be identified. In a 10-04-95 staff report to UAC, staff seemed to be saying that a typical transformer for residential was about 50 kVA. In the verbatim minutes of UAC's 10-04-95 meeting, Assistant Director of Utilities Larry Starr said such a transformer would "probably serve 25 homes." But that was before the era of electric vehicles. What does staff say now?

But we have much larger transformers that feed commercial customers in downtown. So, when we talk about the broad scope of things, that is -- that's all.

1:31:45:

Commissioner Ballantine: That little guy right there -- how many kVA is that?

1:31:47:

Greg McKernan: I think that one there on the left is 50 [kVA]. I think there's a "50" on the top of it. So, it's a 50 kVA.

1:31:53:

Commissioner Ballantine: OK.

1:31:54:

Chair Danaher: So, I'm surprised they can't make vaults that are waterproof. Or -- Has that not been the standard?

1:32:01:

Greg McKernan: Well, if it's waterproof, then it's vent-proof, and we can't get any cooling. And so, if we run -- so, it'll heat the transformer and the conductors, which will cause failures. So, even if we can prevent the water, we still have to deal with the heat.

1:32:13:

Chair Danaher: All right. Thanks for answering a uneducated question.

1:32:17:

Greg McKernan: No, no. There's no uneducated questions.

1:32:18:

### In the verbatim minutes of the 11-02-95 ARB meeting, Larry Starr says, "They had a program a few years ago of trying to seal the vaults, but nothing ever lasts. You can keep the water out for a few years, but the seal eventually fails." I assume this was an attempt to waterproof the sides and bottom of the vault. In principle, it shouldn't be impossible to have vaults that are this kind of waterproof. Are the vaults in UUD #15 this kind of waterproof?

### In the verbatim minutes of the 10-04-95 UAC meeting, Edward Mrizek says, "The closer you get to the bay, the more brackish the water is." Maybe this is why they wanted to waterproof the sides and bottom of the vault.

### In the verbatim minutes of the 11-02-95 ARB meeting, Larry Starr says, "We have been tracking where the outages have been, and this shows where they have been. They are literally all over the city, and especially on San Antonio Way." It would be nice to be able to view this data. I don't know exactly where San Antonio Way is (because Google Maps doesn't know), but UUD #18 (1977) is on San Antonio Road. (UUD #36 (1996) is also on San Antonio Road, but Starr is probably not talking about it.) Starr also says, "... there has been a rash of outages in the San Antonio area." Note that UUD #18 is closer to the Bay than UUD #15.

### In the verbatim minutes of the 11-08-95 PTC meeting, Larry Starr says, "I can show you a graph in the slides where we have had 10 or 12 outages a month. So it is really not acceptable." Right.

### The 4Q14 Utilities Quarterly Update (page 47) shows that SAIDI (the System Average Interruption Duration Index) was 15.78 minutes in FY 2014. In other words, the average customer experienced 15.78 minutes of outage.

<https://www.cityofpaloalto.org/civicax/filebank/documents/44272>

There were only 20 outages in that fiscal year (much better than 1995), and only 2 were underground-related. Incidentally, this way of presenting the data doesn't allow you to tell what portion of SAIDI is due to above-ground wires vs. underground wires, or what is due to underground vs. padmounted transformers. It would be nice to report a SAIDI for the all-above-ground, all-underground, and underground-with-padmounted-transformers cases separately, as well as a SAIDI for the entire network.

### The 4Q15 Utilities Quarterly Update (page 47) shows that SAIDI was 46.85 minutes in FY 2015.

<https://www.cityofpaloalto.org/civicax/filebank/documents/49576>

There were 19 total outages; 6 were underground-related.

### The 4Q16 Utilities Quarterly Update (page 60) shows that SAIDI was 39.48 minutes in FY 2016.

<https://www.cityofpaloalto.org/civicax/filebank/documents/54470>

There were only 26 outages in that fiscal year; 7 were underground-related.

### According to this 05-02-18 budget-related report, last year, SAIDI was 63.73 minutes in FY 2017.

<https://www.cityofpaloalto.org/civicax/filebank/documents/64785>

Further details weren't available. The 4Q17 Utilities Quarterly Update contained no SAIDI information.

<https://www.cityofpaloalto.org/civicax/filebank/documents/62831>

UAC should advise Council to direct staff to publish SAIDI information.

### This 04-09-15 document from Fort Collins, CO, "2014 Fort Collins L&P Equipment Failure Review," shows (page 24) a graph of their SAIDI information each year from 1984 to 2014.

[https://www.fcgov.com/utilities/img/site\\_specific/uploads/Reliability\\_and\\_Outages\\_04.09.2015.pdf](https://www.fcgov.com/utilities/img/site_specific/uploads/Reliability_and_Outages_04.09.2015.pdf)

It also shows (page 4) a "Typical Submersible Transformer installation." The photos seem to show that the underground transformer's vault is not open to the air. How is this possible?

### Incidentally, this source says, "Typically, the total losses for a 75 kVA transformer are about 1,000 W at 35% loading or 1.3%. The actual losses when the transformer is fully loaded can be more than 3,000 W for linear loads and 7,000 W for nonlinear loads."

<https://www.schneider-electric.us/en/work/insights/transformer-efficiency-minimizing-transformer-losses.jsp>

What does staff say the losses for the City's transformers are? For example, for 50 kVA? Are the loads in Palo Alto nonlinear? This is the heat that must be dealt with.

Councilmember Filseth: You're saying it's water cooled.

1:32:20:

[laughter]

1:32:23:

Greg McKernan: We hope not, but ...

CONTINUED IN PART 2

**Carnahan, David**

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**From:** Jeff Hoel <jeff\_hoel@yahoo.com>  
**Sent:** Thursday, August 16, 2018 1:05 PM  
**To:** UAC  
**Cc:** Hoel, Jeff (external); Council, City; CAC-TACC  
**Subject:** PART 2 -- TRANSCRIPT & COMMENTS -- 08-01-18 UAC meeting, Item IX.1 --  
transformers in UUD 15 (Greenacres I)

Commissioners,

This is Part 2 of my message.

Thanks.

Jeff

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Jeff Hoel  
731 Colorado Avenue  
Palo Alto, CA 94303

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#####
#

08-01-18 UAC meeting video:  
[http://midpenmedia.org/utilities-advisory-commission-31-2-2-2-2-2-2-2-2-2/](http://midpenmedia.org/utilities-advisory-commission-31-2-2-2-2-2-2-2-2/)

1:32:33:

Greg McKernan: So, we'd also like to talk about some of the -- some of the other options that we have available to us. So, the placement and visual screening of the transformer. The utility -- like you asked about -- relocating the transformers. How much flexibility do we have in that. We have some leverage in that. And in addition to that, we also have the ability to screen some of the transformers by placing initial plantings to try and hide it, so that people don't see it from their front yard as they're driving by -- to help protect it. In addition, ...

1:33:09:

Chair Danaher: (unamplified) \*\* Does aesthetics take into account where you were proposing the things in the past \*\*

1:33:18:

Greg McKernan: For our initial design, we never got to the point where -- We were just showing that we were placing them where the subsurface are currently. But that is -- after discussions with the community, that is something that we're con- -- we want to do, is -- we want to find locations for these transformers that will help screen them, make them less noticeable. And so, when we look at some of the vaults, when we talk about Underground District #15, we have all the secondary connections, all the transformers, all the switching in one box. And what we would need to do for our new current design standards is break them up individually. So that if someone is making a service connection, they're not in a situation where they are exposed to high voltage. And if they're changing a transformer, they're not exposed to other switching issues. Some of the cables are very thick because of the insulation, which doesn't allow much bending. So, the more confined the space, the less ability we have to work with it. So, we need to break it up into different parts.

1:34:20:

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In addition, when we talk about placing padmount transformers, there's ways we can use larger transformers to daisy-chain the transformers, to minimize the outages. So it acts kind of like a switch and a transformer. So that if there's any issue, we can switch the transformers, isolate an outage, to keep the maximum amount of customers in power as possible, while we're fixing the issue. So if there's -- say there's a cable failure, we can treat that cable failure while keeping our customers in power. So that's why we had some of the larger transformers proposed for the site. But we also have some smaller ones. Like -- Even though the ones on Donald Drive are smaller, they're about 15 inches less wide. Which is still a significant size difference.

1:35:11:

Commissioner Johnston: Can I -- Can I have a question about it. There's a map that Ed sent around to us today.

### He holds up a map of UUD #6. Can it be part of the next staff report? It's similar to a map of UUD #15, which is available on PDF page 3 of Nina Bell's email message to UAC.

<https://www.cityofpaloalto.org/civicax/filebank/documents/65979>

And it has a whole bunch of black squares on it. And I'm interested in what the black squares are. But there's also -- and I went out and drove around -- there are also some boxes with triangles in them. And those are above ground now.

1:35:34:

Greg McKernan: Correct.

1:35:34:

Commissioner Johnston: And so, what are the black squares.

1:35:37:

Greg McKernan: OK. So, there's going to be -- the black squares are either boxes -- they're going to be physical boxes in the ground that will have service connections to the residents. So, they'll be what we call just connections. So, the conductors from the meter and the panel of the residents will meet in the street there, but will also carry conductors back to the transformer. So, that's sort of -- Yes?

1:36:00:

Commissioner Johnston: (unamplified) So, are these -- black squares -- are these underground, or are they above?

1:36:06:

Greg McKernan: Those are underground. Our conductor -- our wire -- is all underground.

1:36:10:

Commissioner Johnston: (unamplified) OK. So, the black boxes are all underground. And the boxes with the triangles on it would be the padmounted.

1:36:19:

Greg McKernan: Correct. The boxes are -- the lid is flush with the sidewalk. So we can open the box and get access to the connections. So, the black boxes are the flush-mounted boxes in the street. So, you might notice one in front of your house, in one corner or the other.

1:36:36:

Chair Danaher: (unamplified) So, that district, you \*\*.

1:36:40:

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Greg McKernan: Well, we would do the same with Underground District #15 as we would do with all our underground districts. Because we have to make a final service connection. And we make that final service connection in the street, usually in one corner of the lot. And the other portion runs to the customer's meter and electric service panel.

1:36:57:

Commissioner Johnston: (amplified) Again, maybe I didn't understand this map. But where would the new padmounted ...

1:37:07:

Greg McKernan: OK. So, that was Underground District #6. And that's the one ...

1:37:10:

Commissioner Johnston: Oh.

1:37:10:

Greg McKernan: ... where we put the padmounted equipment in. This is not ...

1:37:12:

Commissioner Johnston: OK. This is not ...

1:37:13:

Greg McKernan: That is not the Greenacres ...

1:37:15:

Debbie Lloyd: Sorry. That was put out today, because a few commissioners had asked to be able to get addresses and go and see what these padmounts look like. But, no, it's not this district.

1:37:29:

Commissioner Johnston: OK.

1:37:31:

Commissioner Forssell: But, still, AC's question -- you know -- For this map, which is District #6, which is of interest for people trying to understand the situation, what on those maps showed padmounted switch and transformer boxes? It's not the black boxes on the map. So, what is it on the map?

1:37:50:

Commissioner Johnston: (unamplified) It's the boxes with the triangles. \*\*

1:37:55:

Greg McKernan: Yes, it's the box that's a square with a triangle in it.

1:37:59:

Commissioner Forssell: So, there are five of them in District #6 -- at least that show up on this map.

1:38:03:

Greg McKernan: Yeah. Right. In fact, there's a little bit more, because it's not including Willmar -- one of the streets below.

1:38:10:

Commissioner Forssell: Great. Thanks.

1:38:11:

Commissioner Segal: But -- So, I did go drive. So, thanks for that map. And I just want to make sure I understand what you just said about the size of those boxes and what's being proposed, or what flexibility you have. I thought you said these were a little bit smaller. Did I misunderstand?

1:38:27:

Greg McKernan: No, that's correct. Some of the transformers that we've proposed allow us to eliminate some of the switching units. Because we can use the transformer for dual functions. Because of that has a switching element, it's a little bit wider. By about 15 inches. Compared to the ones on Donald.

**### The box at 4177 Donald is 36.5 inches wide x 34.5 inches deep x 34.5 inches high. So I guess adding the switch would make the box 51.5 inches wide x 34.5 inches deep x 34.5 inches high. Right?**

Or the ones that you probably saw today.

1:38:48:

Commissioner Segal: And what gets removed then?

1:38:51:

Greg McKernan: I'm sorry. I didn't hear you.

1:38:52:

Commissioner Segal: What's removed? So, if those are bigger, where's the trade-off?

1:38:58:

Greg McKernan: Well, then we would, in some situations, need an additional piece of equipment to do that switching.

1:39:06:

Commissioner Forssell: So, another theoretical design possibility is more boxes that are smaller. Do I have that right? You could ...

1:39:19:

Debbie Lloyd: Yes. So -- kind of, we'll get to it in the end -- I think we have like another four ...

1:39:26:

Chair Danaher: (unamplified) Why don't we let you continue \*\* presentation \*\*

1:39:28:

Debbie Lloyd: OK. [laughs]

1:39:29:

Commissioner Ballantine: Let me just ask one more question about smaller. Inside that can, is it the classic, you know, one big winding next to another big winding? Or is it some weird configuration?

1:59:43:

Greg McKernan: Um. Well, I think there's a photo of one open. And it will show that there's two bushings for the -- It's like a pole-top transformer. Have you seen one?

1:39:52:

Commissioner Ballantine: What's it look like inside a pole-top transformer?

1:39:55:

Greg McKernan: Oh, it's got -- it's -- yeah -- it's one winding ...

1:39:57:

Commissioner Ballantine: One winding, right. One big winding.

1:39:59:

Greg McKernan: Well, there's one winding, with a primary and then a secondary. So, it's just one winding.

1:40:03:

Commissioner Ballantine: So, I saw once someone wind a transformer in a hexagon pattern. It costs more. But it was about half the size. As a three-phase transformer.

1:40:16:

Greg McKernan: OK.

1:40:18:

Commissioner Ballantine: Which -- Can -- You're using three-phase transformers, right? Or you're doing only a single phase?

1:40:23:

Greg McKernan: Only -- For the residential areas, we would use the single phase. If we did a three winding transformer, ...

1:40:31:

Commissioner Ballantine: Yeah.

1:40:31:

Greg McKernan: ... then we would look at -- It would be a voltage conversion. Because it's -- It wouldn't be the same.

1:40:34:

Commissioner Ballantine: But that might be some to consider -- is a three- -- You can -- I'll find for you guys the name of the company that makes hexagon-shaped transformers. It's escaping me right now, but it's got "hexagon" in it.

1:40:45:

Greg McKernan: OK.

1:40:46:

[laughter]

1:40:47:

Commissioner Ballantine: Yeah. And they really are about half the size of the classic three-phase transformer, which just has the three big windings.

1:40:55:

Greg McKernan: OK.

1:40:55:

Commissioner Ballantine: And then -- And then you'd have to do -- Well, I don't know why you'd necessarily have to do voltage conversion, because I think you might be able to go straight to residential with that. And then -- what -- branch it out.

1:41:07:

Greg McKernan: When we do -- use three-phase for commercial, ...

1:41:10:

Commissioner Ballantine: Uh huh.

1:41:10:

Greg McKernan: ... it's -- When we wind the core, it's different than how we wind the core for residential areas.

**### I assume that the City doesn't actually wind the cores of transformers. It just buys transformers.**

So, when the power to your home -- If it's ...

1:41:19:

Commissioner Ballantine: Right. I got -- I'm with you.

1:41:20:

Greg McKernan: OK. Right. So, generally speaking, ...

1:41:21:

Chair Danaher: (unamplified) \*\* I've got a (amplified) chairman thing. You're getting way over the heads of ...

1:41:25:

Greg McKernan: I know.

1:41:25:

Chair Danaher: ... most people in the room. So, let's take this part of the technical thing off-line.

1:41:31:

Greg McKernan: Sure. Absolutely.

1:41:31:

Chair Danaher: There may be an angle there to explore.

1:41:32:

Commissioner Ballantine: It's got "hexagon" in the name.

1:41:35:

Greg McKernan: We can discuss it further, later, if you're interested.

1:41:39:

Debbie Lloyd: OK. So, [we've] kind of talked about some other options here. Again, what was -- There was just a preliminary design. We had not got as far as looking at placement and size and options for screening. But I did ask to get some examples of the screening. And so, the \*\*\* told me to go look at this one on Pena Court.

**### The underground districts map (page 4 here) shows that Pena Court is just OUTSIDE of UUD #5.**

<https://www.cityofpaloalto.org/civicax/filebank/documents/50531>

**How many residences with undergrounded utilities are not in any underground district?**

So I Google-Mapped it, and I was looking around. And then I marched down, and I said, I asked for one where there was a padmounted. So, where is it? This is my game called "can you spot the transformer?"

1:42:32:

Chair Danaher: Behind the hedge.

1:42:35:

Debbie Lloyd: Yeah. It's right behind that mailbox. And, again, this -- you know, there's design options to use these smaller cabinets.

1:43:02:

Greg McKernan: And just as a comparison, the transformer on the left is a 50 kVA transformer. The transformer on the right is a 75 kVA transformer. They are very similar in size. So, when we look at designing capacity for the system, if we're going to go through and rebuild a district, we look at, well, what's the future load expected? And how can we prepare for that? And if the transformers are the same size, why can't we put in one that's a little bit more loaded -- or, larger in size , more capacity for the residential. So, if there's the expected growth, we do expect with electrification -- with the electrification -- then the capacity is already available for the residents.

**### A larger transformer will have more core losses (incurred regardless of load). On the other hand, a larger transformer should last longer, for a given load.**

1:43:45:

Debbie Lloyd: So, as we have mentioned already, too, there -- an alternative here would maintain the underground structures. That does require a policy change. Our current standards -- for all the reasons that we've mentioned in this presentation, for the safety and reliability and cost -- that is our standard. So, it would require a change in policy to allow for the underground placement of equipment in these rebuild districts. How -- you know, this raises questions. One, how is it paid for? Because it is more costly. Is it going to be collected from residents? Is it -- do we use the Special Facilities Fee structure? Is it collected from everybody? What if somebody doesn't want to participate in that? And, two, just, you know, to bear in mind that if we do this, going forward, there is the reliability issues, for longer, larger outages when they do occur. With any luck, they'll have another 45 years with no outages, but, as was mentioned, this is kind of like current loading. And as we look at electrification -- of vehicles, and maybe even conversion from gas, we expect to see more loading on the system. And it also will impact our ability to kind of get these projects out. It will take longer. Take more resources to do it. So, we'll be slowing down our rebuild and our undergrounding programs.

1:45:42:

Greg McKernan: So, just to give a cost comparison between the padmount and the subsurface designs, the difference in cost is about \$345,000. The difference is, when we do the padmount equipment, we can utilize the existing vaults that are

currently there to do our cable pulling and splicing. And the installation of a pad would allow us to have that separation between the transformer and the splicing and the switching of the cables. Whereas, if we were to maintain it all subsurface, it would require the installation of a new vault to house the transformer. So, that's an extensive project, because vaults are quite expensive. And the excavation and labor to install it is also expensive. We would keep the amount of transformers the same. But if we did the padmount, we could utilize some of the transformers that also act as a switch. So we could remove some of the switches, which would be less equipment that we'd have to maintain and operate. And -- Yeah, that's -- So, the main price difference between the two is the cost of the new vaults for the new transformers, because, looking at the pictures showing the switches, the transformers, and low-voltage connections, it's too much equipment to operate in one vault. So we'd separate it out, by adding a new vault.

1:47:03:

Chair Danaher: So, to be clear, the equipment costs in this are based quotes from the manufacturers?

1:47:08:

Greg McKernan: Correct.

1:47:09:

Chair Danaher: And then there's labor costs assessed for -- do you have an estimate of hours that you work with for building a vault and doing a pad?

1:47:19:

Greg McKernan: I think the estimate for installing the vault was around \$25,000, to get our crew to get out there, purchase the vault, excavate, install, add the additional conduit.

1:47:33:

Chair Danaher: OK.

1:47:36:

Commissioner Forssell: And then, the subsurface proposal -- or, you know, potential design -- it's OSHA-compliant? There are -- Are there still worker safety concerns with that version? Or does this design around those so that the clearances are brought up to modern standards, and so forth?

1:47:59:

Greg McKernan: We would design it in a way that it's safe for our employees. However, our subsurface transformers will always be a hazard because if there's a catastrophic failure, there's one way it goes. It's a confined space. Leaves limited time for our employees to exit, or get out of the equipment. Or the vault, the confined area. That's our main concern with the subsurface equipment, is in the rare event of a catastrophic failure. The transformers are filled with oil. So when they get hot, they get very hot, and they cause scalding and burning.

1:48:38:

Chair Danaher: So, help us understand that. Somebody would be in there, because there's a problem with the unit?

1:48:44:

Greg McKernan: It generally happens under switching, when we're pulling elbows, or making connection on the high-voltage side. There's an issue -- a fault with the equipment, or, for whatever reason, something -- the equipment doesn't act properly, it will arc, energize, and, in rare instances, cause a transformer to explode.

1:49:09:

Commissioner Johnston: You say that's a rare instance. Have there been instances of that in Palo Alto?

1:49:14:

Greg McKernan: Um. Not that I'm aware of. Not here.

1:49:22:

Chair Danaher: Palo Alto is a small data set, I guess. If we asked PG&E, they would have instances?

1:49:27:

Greg McKernan: There's been instances in PG&E, Southern California Edison. It's happened. It's why -- It's one of the huge reasons why the industry has moved away from them -- is for employee safety.

1:49:42:

Commissioner Ballantine: And in those utilities, have there been fatalities?

1:49:49:

Dean Batchelor: I can speak to -- there has been in PG&E. And then, more recently, just to think about how violent these can be, is that, there was an incident, maybe about 5-6 years ago where there some outages that were happening down on Mission Street, in San Francisco, where these vaults are underneath a sewer main lid -- think how heavy that is. I mean, these things are -- When these things went, they actually were blown up in the air, hundreds of feet. And landing on cars. And, fortunate enough, there were no injuries to pedestrians. It wasn't that time of the -- time when pedestrians were out. But -- how violent these things -- as they blow -- it's pretty dangerous.

### This 08-31-16 video says that in San Francisco, a manhole cover weighing 250 pounds flew 25 feet in the air.

<http://www.ktvu.com/news/explosion-heard-in-downtown-san-francisco>

This 08-20-05 article describes another San Francisco incident, where a manhole cover was tossed 30 feet.

<https://www.sfgate.com/news/article/EXPLOSION-ROCKS-DOWNTOWN-SAN-FRANCISCO-BLAST-2615599.php>

This 11-01-17 article says that in vault fire explosions, manhole covers can travel several hundred feet.

<https://www.fireengineering.com/articles/print/volume-170/issue-11/features/a-collaborative-approach-to-electrical-vault-fires.html>

### This 08-18-15 article contains a video that shows an explosion where a manhole cover was blown 200 feet high.

<https://www.nbcnews.com/business/energy/flying-manhole-covers-n411921>

The article says some cities have better track records than others. It seems to say that explosions happen when the insulation from overheated wires vaporizes and the volatile gases accumulate in a confined space until something makes them explode.

### This 2014 analysis, "Analytics for Power Grid Distribution Reliability in New York City" (33 pages),

[http://web.mit.edu/seyyda/www/Papers/Interfaces\\_AwardPaper.pdf](http://web.mit.edu/seyyda/www/Papers/Interfaces_AwardPaper.pdf)

recommends manhole covers with slots so that the volatile gases don't accumulate.

### Does Palo Alto have a problem with overheating the wires? Palo Alto's underground transformer vaults are open to the air. But its vaults for switches and connection boxes are not. Right?

1:50:30:

Commissioner Ballantine: I've seen a 500-pound transformer that had a -- it was about this big. So it's -- That happened to be about 200 kVA. So, four times bigger than the one in the can. It had -- That was a three-phase transformer. So, slightly different design. But it suffered a phase-to-ground fault -- short. And, by the time that casualty was over, and you went and looked at it, phase A was gone. The copper had turned to vapor. Phase B was mostly gone. Most of the copper had gone to vapor. And phase C was mostly still there. And so, you know, I think one of the things that -- we're used to things being underground, and think of them as benign. Cable? It's more or less benign, unless somehow it gets cut, because it doesn't store up energy. But the transformer -- those windings -- those are inductors. And they're going to store up magnetic field energy.

### This magnetic field energy is significant. However, it goes to zero 120 times per second.

And that -- you know, one of the things that I think was an important question we might want to come back to. Because, obviously, the opposite -- you know, putting them above ground -- now you don't have to worry about them getting wet.

### Occasionally, parts of Palo Alto flood, and that could make an above-ground transformer get wet. Also, the box containing an above-ground transformer can have cracks through which a small amount of water might leak, but I don't suppose it's a problem.

When they get wet, the probability of having a, you know, phase-to-ground fault that's going to cause that transformer to explode, in a worst case, I think increases.

1:51:48:

But I think one of the pieces of data that -- I know we've found studies. Because in our brief time here this evening, I found one from Croatia. The probability doesn't make us feel any better. But in Croatia, you can have up to 10 microtesla of magnetic field strength from a transformer and it's deemed to be acceptable by the government. And a very thoughtful study of a transformer that doesn't look shielded to me -- meaning I don't think it was in any kind of enclosure, the way the ones that are proposed are -- by the time you got to two meters away, you were at 1 microtesla. But that might be also an interesting set of data. Certainly, when you think about -- we're going to put them 20 feet a bedroom. But, a transformer -- you know, it's a serious -- it looks very passive, but it's stored up a lot of magnetic field energy, in order to do what it does. And so, putting them in the safest possible place is really important.

1:52:56:

Chair Danaher: All right. We've had a lot of questions along the way. But why don't we continue with questions. And I want to be mindful that folks from the neighborhood wanted to, you know, make sure we had specific data on cost, specific data on safety, alternatives \*\* size -- Yeah.

1:53:15:

Ed Shikada: If I might add, Mr. Chair, members of the commission, just on that safety point, I think, in follow-up to the neighborhood, I would note that we did look for published reports and statistics, and we were not able to find it. You know, the information as presented is largely anecdotal. And, perhaps not surprisingly, the agencies have not published much information on this. And, unfortunately, we were not able to provide more objective information.

1:53:52:

Commissioner Ballantine: Well, I'll try to summarize a few thoughts. For myself. I think, first of all, as an engineer, the thing -- one of the things I find to be most frustrating is finding that what used to be a solid solution for me or team members has become less of solution as time goes along, because there's new information. Even today, I saw that there's video on the Internet of some poor person who was trying to charge their cell phone on an airplane, and got to enjoy having the airplane be evacuated when that little set-up of wiring caught on fire. I don't think, five years ago, we gave much thought to charging up cell phones on airplanes. And now, all of a sudden, we have to. I think we probably all think about our neighborhoods the same way. Even though, of course, for you, yours is special. I think we all have values, where we say, safety's number one. And aesthetics is right there, because these are our homes. And value, and property value, is there as well, because these are also our investments. And maybe those move around a little bit. But I bet safety always rises to the top for us. For me, you know, I think about engineering problems most of the day. And I probably wouldn't choose to pay to have a transformer underground next to my house, because I know how much water comes down Newell Street when it rains. And I would be very worried that what would happen next would be, the transformer would flood, the transformer would fail or explode. And if it failed, one of the things that I think is -- is certainly a growing concern for me -- is that more and more of us rely, for our own health and safety, on reliable power. And it could be that my neighbor two doors down is an emphysema patient, relying on their oxygen equipment in their house. And that's the moment when the power goes out. And they happen to be asleep. It fails, and they pass away in the night. That's me.

1:56:06:

I can certainly imagine some schemes where those transformers might become smaller. And I'll happily follow up on weird packages for how to wire up a transformer into a hexagon, where they become a little bit more compact, and perhaps less of a concern. I certainly think there are federal standards for magnetic field strength from things that emit electromagnetic radiation. I think that's one of the things we're very fortunate to have in our country. And certainly in the

state of California. It will probably take a little bit of digging to find it. It's probably also going to take a little bit of digging to get the two or three suppliers of transformers to cough up the data on what the magnetic field strength is coming off their transformers. My personal gut feel is that the strength of the fields coming off those transformers, which I do think are shielded, is probably signif- -- quite a bit lower than what we do to ourselves in other places in our houses. But that's not data. And I think the data ought to be fairly easy to get to

1:57:13:

And then, lastly, I do think it's sobering to think about what these -- what these casualties are like when they do happen. You know, again, here I am, saying, yeah, I'll put the transformer in my front yard. But that doesn't help you. When you have a person being electrocuted, It's often a very, very severe injury or a fatality. And so, you know, it's sobering. None of these things are fun to think about. You know, like, well, then, why would I want to have it in my yard? Yet this is the reality we have, and we're trying to figure out how to bring electricity to our homes. We're trying to figure out how to do it in the safest possible way. So, those are my quick thoughts.

1:58:07:

Chair Danaher: AC.

1:58:10:

Commissioner Johnston: So, I think that -- the discussion, for me, has been quite illuminating. I've learned a lot during this discussion. I'm im- -- I think I've -- am persuaded that the reasons that the City chose to make the padmounted transformers the standard make sense. But it sounds to me like there is more work that could be done, working with the community, to see if there are design alternatives. You know, Arnie brought up one: using a different kind of transformer, that might be smaller. I have lived with a box -- a padmounted box in my front yard. Before. I hated it. But after a while, you actually just don't notice it anymore. It's one of those things -- that when I asked how much it was going to cost to move it -- because it wasn't even -- for historical reasons, it wasn't even on the lot line. So I wanted to just move it 10 feet, to put it on the lot line, which would make it less obtrusive. But it was going to cost so much money that it was not worth doing. But it's one of those things that is just a reality in a lot of places -- that these transformers are on padmounts. I think that if the -- if the City is -- or, if the utilities are planning to do this in a number additional districts, I think this is a question that is going to continue to come up. And so I think that answering some of the questions about safety that Arnie was touching on -- answering questions about design -- are things you're going to be faced with. I think it does make sense to pencil out, as you've started to do, what it would cost to do an underground. I think if you were going to do an underground -- offer that as a possible option -- I think it would be reasonable to ask the residents to shoulder the additional cost. Because you are being asked to deviate from the standard.

2:00:47:

Chair Danaher: Lisa, do you have any thoughts?

2:00:49:

Commissioner Forsell: Yeah. A few thoughts. I definitely appreciate what Commissioner Ballantine and Commissioner Johnston have already brought up. The thing I'm still struggling to fundamentally understand is the size. I think it was Nina who emailed us some mock-ups of -- based on the residents' understanding of the proposed size of the boxes. And thanks for correcting -- it was 32-gallon bins. And I assume that you'd space them apart, to -- And those strike me as significantly larger feeling than the photos that Commissioner Danaher just passed me of the boxes driving down Donald Drive. And it seems to me pretty crucial to be -- have like painstaking accuracy on this size of the boxes. Because it is -- you know, if it's -- if it's 20 feet from your bedroom window, then whether the box is 6 feet long or 4 feet long, or 2 feet high or 3 feet high or 4 high is, I think, really important. So, I don't know if it's possible to get that tonight. But it -- I just wanted to call out that it seems really pivotal to have, like I said, painstaking accuracy on the proposed size, and on design alternatives, if there are alternatives on that size.

2:02:18:

Ed Shikada: If it's helpful, perhaps I could provide a little bit of clarity on that.

2:02:21:

Commissioner Forssell: Sure.

2:02:22:

Ed Shikada: So, the photos from Donald Drive do reflect slightly smaller than, as Greg described, the maximum size that had been proposed -- on -- in the Greenacres neighborhood. The boxes on Donald are 34 inches tall by 44 inches wide and 33 inches deep.

**### I measured the box at 4177 Donald, and it is 34.5 inches high, 36.5 inches wide, and 34.5 inches deep.**

2:02:51:

Commissioner Forssell: 34" by 44" ...

2:02:52:

Ed Shikada: By 33".

2:02:53:

Commissioner Forssell: ... by 33".

2:02:53:

Ed Shikada: The boxes that have been proposed -- again, this is the maximum, that provide both the switch and the transformer, are 38 inches tall by 48 inches wide and 39 inches deep. So, roughly 4 inches taller, 4 inches wider, and 6 inches deeper.

**### This differs from Greg McKernan's description at 1:38:27. The next staff report should clarify.**

Now, that said, I would note -- and with all due respect to Nina -- the vantage point by which the photos that she provided largely reflect kind of a eye-level height of the cabinet. Which suggests that you have to be at 38 inches off the ground in order to get that vantage point.

2:03:38:

Chair Danaher: You're saying she's a realtor?

2:03:41:

Ed Shikada: No. There is a vantage point from which those photos were shot. And I think that that does give the impression of a box, again, that you're looking at at eye height. And so, unless you're 38 inches tall, you'd actually have to be crouching a bit to get that angle.

**### That is, the observer's eyes would have to be 38 inches above pad level to see what the photos show.**

2:04:08:

Commissioner Forssell: Thanks for providing that. I think that it remains as an exercise for somebody like me to try to figure out how to experience that in person. The other thing that I guess I wanted to point out was, it did say in the staff report -- I mean, we haven't talked a lot about Section B.3 and Regulation #3. I thought it was interesting that Jeff Hoel brought up in his comments, sort of trying to get into the mindset of City Council back in 1996, when this was changed. But the report does point out that at the time that City Council made that decision, there was not an expectation that the existing underground districts would need to be rebuilt.

2:05:05:

Ed Shikada: Correct.

2:05:05:

Commissioner Forssell: So I just think it's worth pointing out that it doesn't necessarily feel like -- when that resolution was made -- that this particular circumstance had been thought through. I think that's worth noting.

### In the verbatim minutes of the 10-04-95 UAC meeting, Larry Starr says, "It is not our plan to try and go back and convert everything. We think that may be too difficult. What we are asking for is that all new construction be padmounted." I assume that staff at that time knew that the transformers in underground districts would need to be replaced eventually, but they didn't intend to change the location of the transformers when they were replaced. But later, that policy was apparently changed. When was it changed? And can the public have access to the documents that discussed the reasons for the change?

And then, also, I just was curious about -- the -- because, again, size is really important, and the -- I forget. In some of the input that we got from residents, was sort of calling out the difference between easement and right-of-way. And I actually, myself, don't know what the difference is there. But I'm curious about if anybody on staff can speak to sort of like what is the mechanism by which the utility, or the City, sort of has the right to put stuff on residents' property. And are there any limits to that? Either in size or -- You know, I can imagine other things that sort of encroach on people's property, like sound. Or if it was a piece of equipment that the lights were on all the time. Or, you know, sort of disturbing people's sense of ownership of their lot. And I'm curious if anybody can speak to that.

2:06:16:

Ed Shikada: Sure. Greg, do you want to speak to the specifics of the right-of-way in Greenacres?

2:06:22:

Greg McKernan: So, right-of-way is public right-of-way. So, that is land -- property -- owned by the City. And an easement would be, the property owner -- private property owner -- would grant the utility access to place equipment on there. So, in this situation, we're proposing to put the utility equipment in public right-of-way. Not on private property.

2:06:45:

Commissioner Forssell: OK. That's a super-huge distinction. Because in the mock-ups, aren't the 32-gallon bins with the sheet over them like in the middle of somebody's lawn?

2:06:56:

Greg McKernan: Yes. That's .....

2:06:56:

Commissioner Forssell: Am I missing -- so the mock-ups are inaccurate, in that sense?

2:06:59:

Greg McKernan: We would place them behind sidewalk.

2:07:04:

Ed Shikada: There's a 5-foot section behind the sidewalk that is the right-of-way.

2:07:09:

Commissioner Forssell: It's not actually owned by the homeowner?

2:07:11:

Greg McKernan: Correct.

2:07:11:

Commissioner Forssell: But it's -- They feel like it's part of their yard. They maintain it. They probably irrigate it, etc.

2:07:17:

Greg McKernan: Correct.

2:07:18:

Commissioner Forssell: But, technically, the City owns that.

2:07:20:

Greg McKernan: Correct.

2:07:20:

Commissioner Johnston: Lisa, the difference between -- Some neighborhoods, there's the street, and then there's a strip of land, and then there's a sidewalk.

2:07:29:

Commissioner Forssell: Um hum.

2:07:29:

Commissioner Johnston: But in this area, there's no strip of land between the sidewalk and the street.

2:07:36:

Commissioner Forssell: Right.

2:07:37:

Commissioner Johnston: Right? And so, the right-of-way is on the property on the other side of the sidewalk.

2:07:39:

Commissioner Forssell: Is on the other side of the -- Ah, OK. All right. So, thanks for clarifying that. And how big is that strip? How big is that right-of-way?

2:07:47:

Greg McKernan: Five feet. Behind the sidewalk. Five feet.

2:07:51:

Commissioner Forssell: I see. OK. Thanks.

2:07:56:

Chair Danaher: (unamplified) And you.

2:07:58:

Commissioner Segal: Yes. I second a lot of what you've already heard. And I will say, it's disappointing that we're having a lot of these factual conversations today, after having had so much time with the neighbors. And some of these questions, I feel, should have already been known to everyone. And especially the size of the transformers and maybe a couple options, knowing that you have a group who is mostly concerned about aesth- -- not mostly, but very concerned about aesthetics, that they don't even know what they'll be looking at is disappointing. And I think we could have saved a lot of time tonight if some of that had been investigated and disclosed before.

2:08:44:

Ed Shikada: Ah. I do want to address that -- that it was very clear in our conversations with neighbors that there was no discussion -- or, no interest in discussion of, say, minimizing the size. It was, basically, looking for options that did not involve above-ground cabinets.

2:09:01:

### The audio didn't pick up the objections from the audience very well, but I remember that there were some.

2:09:03:

Commissioner Segal: I don't want to bring up ...

2:09:04:

Chair Danaher: (unamplified) We're not going to ...

2:09:05:

Commissioner Segal: I don't want to -- I'm just noting that there's a lot of discussion that's going on, that I would have hoped would have been resolved earlier. And then, I guess I'm also interested in different options, and sizes for the padmounted transformers. My gut tells me that safety still have to be number one. But I think we can accommodate some aesthetics, while still getting to those saf- -- or, I hope we can -- while still getting to those safety concerns.

2:09:36:

Commissioner Trumbull: I don't have much to add to what other commissioners have already said. Other than -- We had a meeting to work with the residents. And it's pretty obvious from the comments we had today, we have a lot more to go. I would hope that the staff shows a lot of flexibility to work with the residents to address their concerns in implementing this.

2:10:00:

Chair Danaher: All right. So, I -- Thoughts come in buckets. And it's hard to trade them off, sometimes. Well, one bucket is cost. Clearly it costs more. (Jeff, I'll speak up. Thank you for the signals.) But clearly it costs more. If that were the only consideration, I'm conscious of the 85 percent of the residents who have overhead wires. And we're going slowly on those. And if we were rebuilding things, and paying extra amounts, as a City, to keep it underground, I would think -- and when it comes to my district, I would feel the same way -- that that's something that would be shared by the residents, is the extra cost. And it can be done in some long-term payment -- I don't know, 10-year or whatever assessment -- That's how I would feel would be fair, given the other 85 percent of the residents in the City.

2:10:56:

But I don't think cost is the main issue. And, on aesthetics, these are not pretty boxes. I wouldn't want one in my yard. I may have one at some point. I did go through Donald. It's a lovely neighborhood. It's lovely without all the wires there. And the big streets. And there aren't that many boxes. It took me a while to find the first one. And I looked at that and, gee, I'd rather not have that next to my driveway if I were there. But it didn't greatly diminish the quality of the neighborhood, I thought. I think, if -- and we can talk about safety in a second -- if we end up having to do above-ground boxes, there has to be real attention to the value of aesthetics. Which would be size, placement, screening, decoration, anything that could be thought about. It can't be given short shrift at all. And -- Because these are beautiful homes, beautiful neighborhood, high property values.

2:11:56:

If it were just cost and aesthetics, I would say, put it underground. The -- Commissioner Ballantine's comments about safety kind of shook me. And I'm thinking about, if my nephew is an engineer, were working in one of those, with danger of electrocution, or worse, I wouldn't take that trivially. And it mattered to me to hear that all the major utilities in the state have treated above-ground as the standard now. And that some of them have had incidents. I think that's important, and

maybe worth looking into. Get a little more data on that. The small data set represented by Palo Alto doesn't have statistical significance. But the decisions by these major utilities -- I think is important. Were it not for the safety issue, I'd want to put them below-ground, accept the extra cost, find a way to spread that over time, and do it in an equitable fashion. Given the safety issue, and perhaps wanting to learn more, my inclination is for staff to work and see what are the best possible solutions on aesthetics. All the different parameters of that. And I was reassured that District #15 was a really lovely neighborhood.

**### I think Chair Danaher meant to name Underground District #6, the one that already has the padmounted transformers.**

It didn't -- you know -- those things aren't pretty, but it didn't destroy the neighborhood. So, I don't know, for me, I think safety may be the overriding thing. But maybe there's more to be heard on that. I also think, notwithstanding -- We could talk about policy. This may be a policy that was adopted 22 years ago. Jeff, thank you for digging that up. We can always count on you. I really appreciate that. If we have a lot of districts to be redone, and people have similar concerns about aesthetics, maybe that could go back to the Council again, with -- time to revisit. You know, after 22 years. Knowing that it's going to affect another 12,000 houses -- well, I forgot how many houses.

2:14:20:

Ed Shikada: (unamplified) 2,500.

2:14:20:

Chair Danaher: 2,500 -- ah, so far, have to re-built. As we -- And, in the future, others, as we roll that out. Just to reaffirm or change the policy. But I'm -- At the moment, I'm leaning towards safety being the key criteria. And, if that's the case, then working really hard to find the best aesthetic situation. As I said, I don't know what order mine is on there. But it looked like it might have been on your map for the redoing there. So I'm I'm thinking about if from that point of view as well.

The -- Ed, without having to come to a resolution tonight -- Because you have scheduled to allow us more time to study this, right? And think about it?

2:15:11:

Ed Shikada: Yes, certainly. You know, we can do some additional homework. Obviously -- as has been referenced -- any additional information we can glean on the safety issues might be helpful for the discussions. And -- again, to commissioners points -- I'm more than happy to have staff look more specifically -- and work with the neighborhoods -- at the smaller options, as well as location and aesthetic treatments that can be undertaken.

2:15:39:

Chair Danaher: And there's two parts to the safety thing, as well. What's the -- Worker safety, which is important. And then -- it came out somewhat around the edges in the comments -- is there a safety issue with having it above ground? The risk of explosion, or something like that? I understand that it's cooled, so that doesn't -- it doesn't have that problem. But maybe the vendors could provide data. Or maybe we could ask some of these other utilities what their experience has been. And -- You know, I'm keeping in mind ...

2:16:12:

Commissioner Ballantine: And the magnetic field strength, too.

2:16:12:

Chair Danaher: Magnetic field strength.

2:16:15:

Commissioner Ballantine: I did, by the way, now find the limit in New York. Which, again, doesn't help us. But New York's more permissive than Croatia.

2:16:23:

[laughter]

2:16:27:

Chair Danaher: So, fellow commissioners, if we left it without a resolution, but request to hear a little more on the safety, and perhaps a little more on the feedback from the other utilities, and on what might be done on aesthetics, is that the best we could do for tonight, I think? You know -- I mean, we've spent nearly two and a half hours on this subject, so we don't treat it as a light issue. And a lot of them were -- chance to talk about it further. Do I see assent on that? So, we'll leave this as unfinished business. And I apologize for the staff. I know you've done a lot of work. And -- But I also know that you care about how the residents feel, and want to make sure we get to a right decision.

### So, UAC didn't vote on this action item tonight, but it can vote on it later, when it comes back (presumably still as an action item).

Councilmember.

2:17:25:

Councilmember Filseth: I don't think I have much to add, other than, my thought process was pretty similar to Chair Danaher's -- so -- I listened to this. I really feel like I learned a lot tonight, which I appreciate. Both the neighbors and the staff. I mean, I think what you've got here is something of a constrained problem. And I think -- you know, I feel like I got a better understanding of where the sides of the polygon are -- all right? -- that we have to work within. The only thing I would say on the safety thing -- and I think, you know -- certainly it's useful to go get more data. But at some level -- I mean, at some level, we're going to -- we're -- all of us together, in some way, shape, or form -- going to make a qualitative decision on this, not a quantitative one. And, you know, certainly, to all indications, the likelihood of a catastrophic accident that we're talking about here -- pretty remote. Right? I mean -- And so, there's that. But then, on the other hand, if -- You know, if we were to proceed down here and actually somebody got hurt -- right? -- you know, then we'd all feel terrible. And I don't know how you weigh that, when there's probably not a quantitative answer to it. So, -- that's it.

2:18:42:

Chair Danaher: Yeah. Well said. All right. So, thank you, everybody, for coming and sharing your thoughts. There will be another chance to address this issue. And commission members who have not had a chance to go through that neighborhood, it's worth a few minutes, when you have an opportunity. All right. Great. And thank you, Debbie, very much. All right.

So we took a lot of our evening for that.

2:19:23:

Ed Shikada: Boy. Yes.

2:19:23:

Chair Danaher: But it's an important topic. And I think it needs to be ...

1:19:25:

Ed Shikada: Yes.

1:19:25:

Chair Danaher: ... dealt with carefully.

2:19:27:

END



**Carnahan, David**

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**From:** Michael Harbour <dr.mharbour@gmail.com>  
**Sent:** Sunday, August 19, 2018 8:15 PM  
**To:** Council, City  
**Subject:** Update for 429 University Ave Appeal  
**Attachments:** Appellants' Objections to 429 University.pdf

Dear Mayor Kniss and City Council Members:

I am writing to update you regarding the appeal we pursued regarding the development of 429 University Avenue at the intersection of Kipling Street. On February 6, 2017 the City Council approved Building Option 1 designed by Joseph Bellomo Architects on behalf of Elizabeth Wong. Included with that approval were specific Council mandated rules which the applicant must follow. These included **ARB approval of the western wall design, landscaping, and exterior building materials, colors, and craftsmanship**. Since that time the applicant fired the architect who had designed the Council approved Option 1. Joe Bellomo has publicly "disavowed" himself from the building and its design. The applicant did not return to the ARB within the one year time frame as required in the permit process. The Planning Department granted her a one year extension.

After 18 months since the original City Council ruling, the applicant appeared before the ARB on August 16, 2018. This was the first time that the ARB had seen Option 1. The ARB unanimously voted 3-0 against the submitted design plans and continued the meeting to a future undetermined date. At the conclusion of the ARB meeting, the applicant vowed to obtain her building permit "prior" to the design being approved. This is in direct violation of the City Council motion. (Please see the appellants' most recent opposition to the design comments attached in a PDF).

Our original appeal was filed based on violations of municipal code 18.18.100 which specifically addresses design, context and compatibility. It is unfair to the appellants and the citizens of Palo Alto to allow the applicant any special treatment to circumvent these requirements. Your City Council resolution was clear that she must abide by the ARB design approval process. She has already won the ability demolish Birge Clark buildings and construct a mammoth four story building with maximum FAR on this premier site adjacent to Victorian homes. If the applicant was to begin demolition or construction before all design items were resolved, it would give her a "vesting claim" to continue building the project without adhering to the council mandate. The responsibility of submitting the design plans to the ARB lies solely with the applicant. It is not our fault that she exceeded her one year limit, applied for an extension, and then submitted her first proposal to the ARB more than 18 months after the city's resolution. Given that she fired her architect and the ARB has not weighed in on Option 1, I urge you to uphold your resolution and make the applicant abide to the Palo Alto design standards as guarded by the ARB.

Best regards,

Michael Harbour, MD, MPH  
Lead Appellant for 429 University Ave  
Property owner: 421 and 423 Kipling Street  
Downtown North Resident: 480 Palo Alto Ave

**Palo Alto ARB Quasi-Judicial Hearing  
Appellants' Objections to 429 University Ave Design Proposal  
August 16, 2018**

**History:** This project was appealed by neighbors and community members. Project was NOT approved by the Palo Alto ARB and the HRB. However, the project was narrowly approved by the city council on February 6, 2017. The applicant has exceeded her 1-year time limit and was granted an extension by the planning depart.

**Today:** Quasi-Judicial Public Hearing as mandated by the City Council decision

New Architect: Peter Tat-Ping Ko

Landscape Architect: Greg Ing

**Reason for Quasi-Judicial Hearing:**

1. Evaluate Proposed West Elevation Wall Design
2. Evaluate Landscape Details
3. Evaluate Exterior Building Materials, Colors and Craftmanship

**Objection to West Elevation based on Municipal Code Violation 18.18.110**

1. West Elevation Wall Design is out of character and context with rest of the building design. It is not consistent nor compatible with that which was originally proposed to this ARB Board or City Council by Architect Joe Bellomo.
2. The side chevrons appear like some sort of tribal pattern and clearly stick out as an add on by a different person not related to the original project.
3. When looking eastward down University Ave, the design is not compatible with the iconic Varsity Theatre architecture, Birge Clark former Apple building and the Hotel President.



**It is Impossible to Evaluate the Expected Craftsmanship of the building or landscape because the applicant has not provided any background information, experience or completed past projects of either the new building architect, contractor, project manager or landscape architect.**

1. Joe Bellomo and associates have disavowed themselves from this design. In a phone conversation with Mr. Bellomo, he told Dr. Harbour that “the current design is NOT his” and he is “no longer affiliated with the building.” Therefore, the applicant is obligated to resubmit the entire plan to the ARB, Council and community in its entirety for evaluation. If these plans are not satisfactory, then the ARB must immediately notify the city council of such.
2. The applicant previously praised her choice of architect for this project as the recipient of multiple awards including the Birge Clark Award. She told all of us at a past ARB hearing that it would be an “iconic” building that would anchor the existing building at 102 University Ave at Alma St. He has a known track record. Now that architect is no longer affiliated and disavows this building, this must be taken into consideration for the approval.
3. The submitted Bellomo project is unique because of its construction materials and craftsmanship. The applicant and her designees must convince this Board and the appellant that they have the experience and capability to construct and manage such a project. What can they offer to convince us of this?
4. It appears that the applicant has committed a “Bait and Switch” tactic to cut costs which will result in unknown quality and craftsmanship. This is too important and historic parcel to be left to chance without additional scrutiny and confirmation of quality. We must remember that Birge Clark designed buildings are to be torn down to construct this new building.

**Carnahan, David**

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**From:** Gloria Pyszka <gpyszka@yahoo.com>  
**Sent:** Friday, August 17, 2018 12:28 PM  
**To:** Council, City  
**Subject:** What else? Liz Kniss's comment about traffic.

No, I will not let her comment go, even her last one.

Actually, driving down University is a good first start. But, be adventurous. Do you know where East Charleston is? (Or, Middlefield, San Antonio Road, Louis, Loma Verde etc). Not all busy streets, but I imagine they're out of your driving zone. First of all, they're all in the midtown area and southern Palo Alto, those outlying areas of Palo Alto. Charleston is where the huge Google buses, the speeding BMW's, Teslas, and Audis, etc. drive like crazy, over the tracks, to make the Carlson light, then the Nelson light, and then the Middlefield light.

C'mon over. I'll treat you to a glass of 2nd growth red and we'll sit out in our lawn chairs, watching and listening to the traffic. But, we won't be able to talk much b/c during a good deal of the day we won't be able to hear over the traffic.

Best, just sign me the LOL on East Charleston

Gloria Pyszka  
284 East Charleston

**Carnahan, David**

**From:** Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)>  
**Sent:** Sunday, August 19, 2018 3:27 PM  
**To:** [rabrica@cityofepa.org](mailto:rabrica@cityofepa.org); [cromero@cityofepa.org](mailto:cromero@cityofepa.org); [cmartinez@cityofepa.org](mailto:cmartinez@cityofepa.org); [mbuell@cityofepa.org](mailto:mbuell@cityofepa.org); [apardini@cityofepa.org](mailto:apardini@cityofepa.org); [jalcaraz@cityofepa.org](mailto:jalcaraz@cityofepa.org); [fields.randal@gmail.com](mailto:fields.randal@gmail.com); [paloaltotfreepress@gmail.com](mailto:paloaltotfreepress@gmail.com); [myraw@smcba.org](mailto:myraw@smcba.org); [emibach@padailypost.com](mailto:emibach@padailypost.com); [dcbertini@menlopark.org](mailto:dcbertini@menlopark.org); Jonsen, Robert; [mdiaz@redwoodcity.org](mailto:mdiaz@redwoodcity.org); [council@redwoodcity.org](mailto:council@redwoodcity.org); [stevendlee@alumni.duke.edu](mailto:stevendlee@alumni.duke.edu); [gkirby@redwoodcity.org](mailto:gkirby@redwoodcity.org); [ibain@redwoodcity.org](mailto:ibain@redwoodcity.org); [wilpf.peninsula.paloalto@gmail.com](mailto:wilpf.peninsula.paloalto@gmail.com); [price@padailypost.com](mailto:price@padailypost.com); Council, City; HRC; [jrosen@da.sccgov.org](mailto:jrosen@da.sccgov.org); Kniss, Liz (internal); [molly.o'neal@pdo.sccgov.org](mailto:molly.o'neal@pdo.sccgov.org); [michael.gennaco@oirgroup.com](mailto:michael.gennaco@oirgroup.com); [chuckjagoda1@gmail.com](mailto:chuckjagoda1@gmail.com); [stephanie@dsxextreme.com](mailto:stephanie@dsxextreme.com); [allison@padailypost.com](mailto:allison@padailypost.com); Binder, Andrew; Stump, Molly; [joe.simitian@bos.sccgov.org](mailto:joe.simitian@bos.sccgov.org); [cindy.chavez@bos.sccgov.org](mailto:cindy.chavez@bos.sccgov.org); [anna.griffin@rda.sccgov.org](mailto:anna.griffin@rda.sccgov.org); [mike.wasserman@bos.sccgov.org](mailto:mike.wasserman@bos.sccgov.org); [dprice@padailypost.com](mailto:dprice@padailypost.com); Doug Fort; [aflint@scscourt.org](mailto:aflint@scscourt.org); [bwalsh@scscourt.org](mailto:bwalsh@scscourt.org); [rpichon@scscourt.org](mailto:rpichon@scscourt.org); [Kevin.Nious@nbcuni.com](mailto:Kevin.Nious@nbcuni.com); [jpk@pobox.com](mailto:jpk@pobox.com); [jeffadachi@yahoo.com](mailto:jeffadachi@yahoo.com); [essenceoftruth@gmail.com](mailto:essenceoftruth@gmail.com); [citycouncil@menlopark.org](mailto:citycouncil@menlopark.org); [acisneros@capublicrecordslaw.com](mailto:acisneros@capublicrecordslaw.com); [rkonda@asianlawalliance.org](mailto:rkonda@asianlawalliance.org); [lgauthier@cityofepa.org](mailto:lgauthier@cityofepa.org); Lewis, James; [bunnychiba@icloud.com](mailto:bunnychiba@icloud.com); JIM MINKLER1 Van Der Zwaag, Minka; Constantino, Mary  
**Cc:**  
**Subject:** Why the City of East Palo Alto -should just say NO to Tasers  
**Attachments:** Aram James (DJ-1-12-18).pdf

August 19, 2019 ( Article # 2)

Dear East Palo Alto City Council:

In hopes that we can all become more fully informed on the extraordinary risks of injury and death, associated with Tasers, I am sending members of the city council, and other government officials, et al: a series of articles on both the moral and financial costs associated with the use of Tasers.

Yesterday (August 18), I sent each of you the awarding winning & comprehensive 7 part series on Tasers published by Reuters ( August 2017-February 2018). If I missed someone on today's list, re yesterday's piece- please let me know, and I will send it your way.

Today, I am sending, for your information, an article co-written by attorneys Richard Konda and Aram James, in January of 2018. The article is titled: ***No excuse for Tasers in our jails ( see pdf below).***

The arguments made against the use of Tasers in our jails, are equally applicable to the use of Tasers by law enforcement, on the streets of our cities.

I believe that the below article provides a well reasoned road map re why cities that have Tasers, should shelve them, and why cities like East Palo Alto- that have yet to purchase them, should decline to do so.

I look forward to any questions or feedback you have re the article. In a few days, I will be sending out another article on Tasers, for your contemplation. In the end, I'm hopeful we can all stand united against the use of Tasers by law enforcement, in our cities, and in our jails. Let the conversation begin.

Best regards,

Aram James  
State-bar # 80215  
415-370-5056

Sent from my iPhone

DEAR MAYOR KNIS: IT HAS COME  
TO MY ATTENTION THAT THE  
MEMBERSHIP FEE TO JOIN  
THE "MAYORS FOR PEACE"  
CAMPAIGN IS \$20.00/YR. IF THIS MEMBER-  
SHIP WAS DROPPED BY A PREVIOUS  
MAYOR FOR BUDGETARY REASONS,  
PLEASE BILL ME - IN PERPETUITY.  
IT IS UNCONSCIONABLE FOR A CITY WITH  
SISTER CITIES AROUND THE GLOBE, AND  
A REPUTATION FOR MORAL LEADERSHIP  
AND HUMANE VALUES TO NOT BE IN THE  
VANGUARD OF THIS MOVEMENT.  
SET AGAINST THE IDIOTY AND SELF-  
OBSTRUCTIVENESS OF THE CURRENT  
ADMINISTRATION IN WASH. D.C. TO  
CONSIDER THE FIRST USE OF NUCLEAR  
WEAPONS, OUR GRANDCHILDREN, YOURS

The Mayor and  
City Council of  
PALO ALTO  
94301  
220 HAMILTON AVE.  
AND MINE, WILL SEE  
THAT WE WERE ON THE  
RIGHT SIDE OF HISTORY

WALTER BLISS  
P.A. RESIDENT





# CUBBERLEY CO-DESIGN

## **Community Fellows** Volunteer Job Description

### Role Overview

Community Planning Fellows primarily act as the community's tour guide in the planning process. Our planning process is a "co-design" process, where the community is proactively engaged in planning and design decisions. In this co-design process, residents will work together to propose ideas, negotiate priorities, consider options, and give continuous feedback on master planning progress for the Cubberley site. The central venue for this co-design engagement will be at four public community meetings that will be structured around round-table discussions and activities. The fellow assists in guiding the community to a broad understanding of the general activities and goals of each meeting and helps recruit and spread the word to the community to participate at the meetings. Concordia will support fellows in understanding the project and process in order to recruit a broad representative group of community members to participate. Concordia will support fellows to have familiarity with the process so that they can explain it to their neighbors and other community members. Finally, the fellow collaborates with Concordia and the client to provide advice and feedback about the process to maximize community understanding, participation, and input. Fellows are not in a privileged position when it comes to decisions about project outcomes. At meetings, when project-related data is being collected from the community, fellows have equal voice as any other participant. Their role as fellows is to be a neutral party in helping others understand how to fully engage in the process. They help give the community the tools they need to make informed and educated decisions throughout the planning process.

## Duties of a Community Planning Fellow

### The Community Organizer

As organizers, the fellow's job is to recruit community members that have the capacity to participate over a period of months. Because the planning process is iterative, each meeting builds on the work done at previous meetings. Although each meeting will be designed to invite newcomers, continuity of participants will strengthen the process and help newcomers come onboard. Finding participants at the outset who are likely to participate throughout will return dividends to the process. As an organizer, the fellow reaches out to their own networks and to new networks to reach diverse groups throughout the community and inform them of the upcoming co-design process. This involves the ability to communicate with people of varying professions, ages, and cultural groups to help people communicate with one another, to convince people that it is worth giving their time to the effort, and most importantly, to lead in such a way that encourages others to lead themselves. The effort of this organizing will be greatest prior to the first meeting, but will repeat prior to each of the following meetings to remind those networks of the upcoming event and share the results from the previous meetings.

### The Educator

Throughout the process, fellows are educating community members about the co-design process and assisting them in understanding tasks at meetings. These responsibilities require skills including the ability to explain things clearly, active listening, and patience. Prior to meetings, this education is part and parcel to the outreach and organizing effort, and involves informing others about the goals of the project and how the process is unfolding in collaboration with the community, bringing people up to speed prior to the community meetings.

### Meeting Support Staff

The fellow is a support staff to the community to give them what they need to make the decisions for the planning process. Fellows will also help with meeting set-up and take-down, which may involve laying out meeting materials and refreshments and generally preparing the space to be organized and accommodating to the community. The fellow's dedication to the community is often best demonstrated through these activities.

### Table Hosts

Fellows may be required to act as "table hosts" to assist meeting participants in following the agenda and completing activities during the meetings. A table host is someone at the table who helps others understand the activities and ensures participation from everyone at the table. Distinct from a traditional facilitator, the table host can also participate in the activity and give their input like everyone else but is tasked in making sure all voices are heard and reflected in the input collected on the table sheet. As a table host, a fellow must be able to think on his or her feet and be a good listener. It is not the role of a table host to do any tasks for others or push an agenda. The table host encourages the table group to work through questions in collaboration with each other.

## Leadership Qualities of a Fellow

1. **Respect:** Must be able to appreciate a diversity of viewpoints and treat everyone with respect and compassion.
2. **Active Listening:** Being receptive to what others are saying and asking the right questions, rather than fulfilling expectations for answers.
3. **Verbal Facilitation:** Ability to speak confidently and with ease, in clear, simple language that everyone can understand. Ability to direct attention to the tasks at hand, providing focus and structure to the conversation while also nurturing creativity and easy flow of ideas.
4. **Team-Building:** Interpersonal skills and experience in putting together working groups over a sustained period of time. The ability to facilitate the development of a shared vision around a table and foster a sense of ‘we’ that feels inclusive and engaging to all.
5. **Mediation:** Ability to clarify points of view and shared or differing values in neutral terms. This doesn’t mean papering over disagreements, but engaging in them with a calm, constructive, and respectful way, so all views can be fully expressed and discussed in a spirit of learning and understanding.
6. **Openness:** Being open and flexible with ideas and able to help others be creative. Especially at the beginning of this process, there are no foolish or unrealistic ideas. The space around the table should welcome creativity, imagination, and encouragement.

## Expectations and Time Commitment

Community Fellows will be expected to participate in a 1.5 day training session in early September (tentatively planned between September 5th and September 8th) which will prepare the fellows for the project and also provide general coaching on community-based planning. After this training session, fellows will be expected to volunteer roughly 10-15 hours per meeting, which includes time spent conducting outreach in the month preceding the meeting, communication, an activity run-through the day prior to the meeting (can be in person or by video-conference), and day-of meeting preparation and participation.

## Next Steps

If you are interested in becoming a Community Fellow for the Cubberley Co-Design process or have any questions, please contact Bobbie Hill at [bhill@concordia.com](mailto:bhill@concordia.com) and 304.541.2653.



COUNCIL MEETING  
City School 8/16/18  
 Placed Before Meeting  
 Received at Meeting  
#5



# CUBBERLEY CO-DESIGN



concordia  
architecture | planning | community engagement

**Concordia:** *harmony and agreement among people and things.*

It's our one word mission statement.

We create authentic community-centered processes and spaces shaped by the people who will use them every day.



Where we've worked:



How we think:



NEXUS PLANNING FRAMEWORK

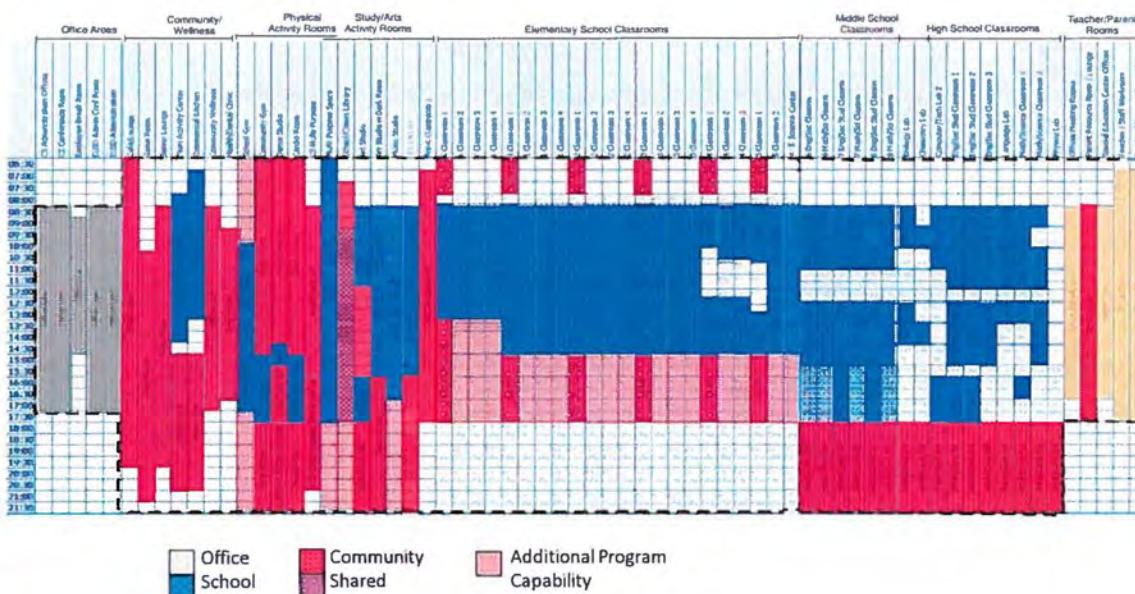


Co-Design, how we ~~design~~ design.

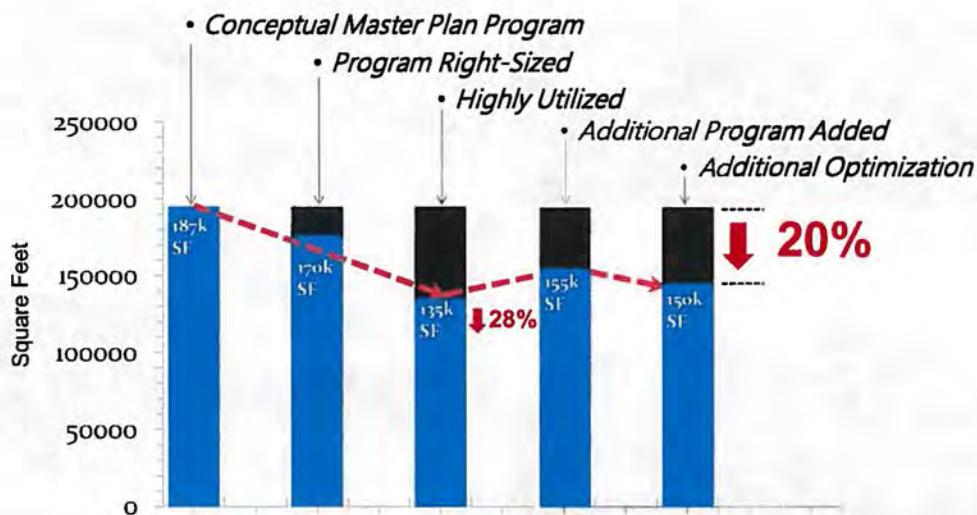
**EMERYVILLE CENTER OF COMMUNITY LIFE**  
EMERYVILLE, CA  
Global Award of Excellence, 2017-2018, Urban Land Institute

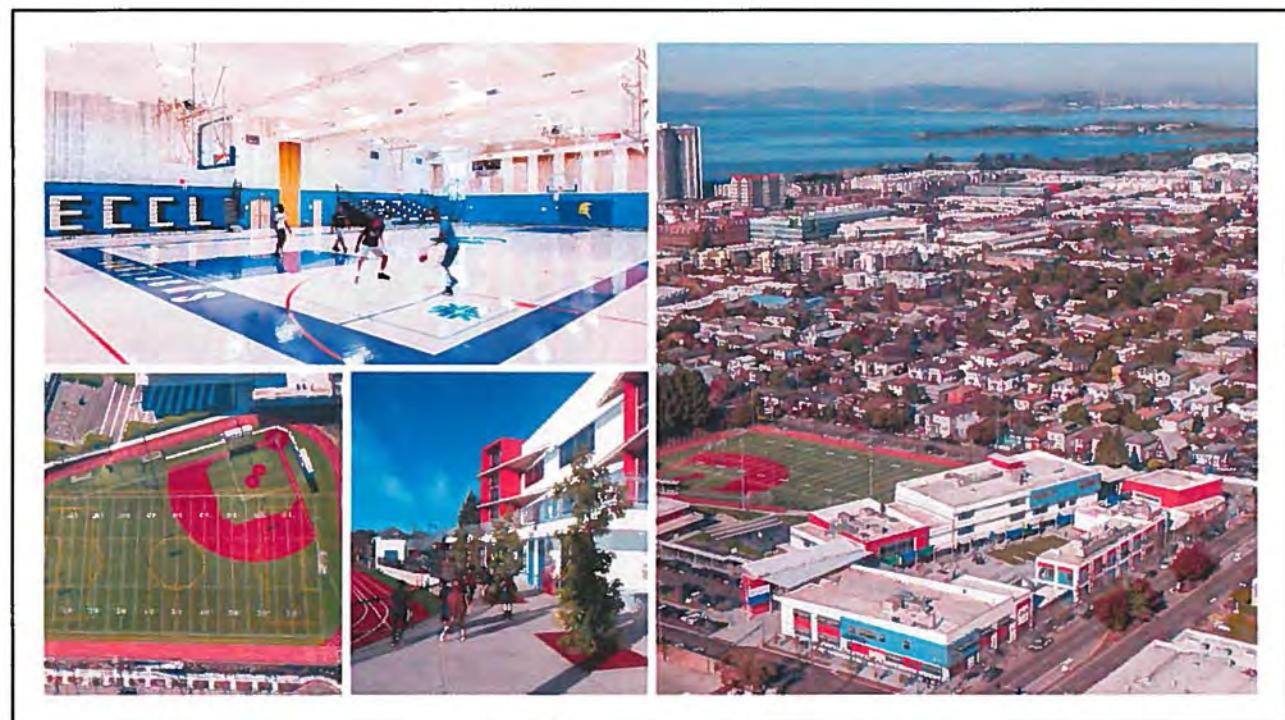
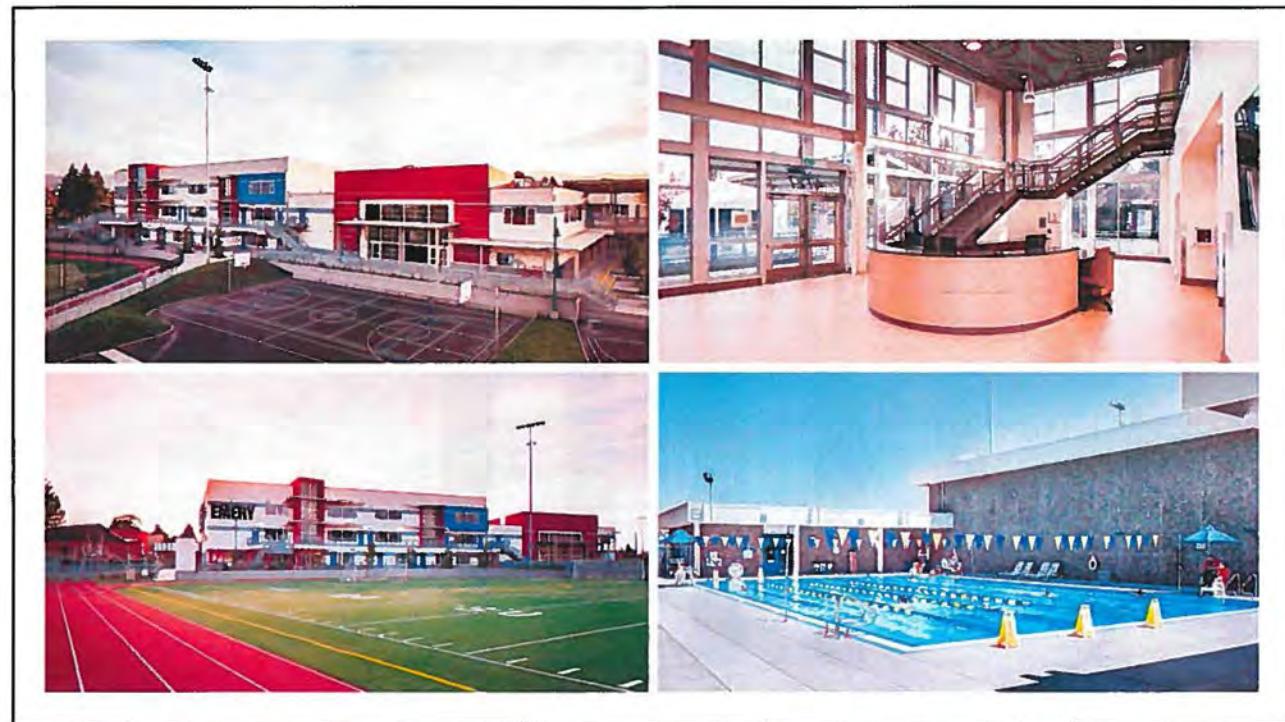


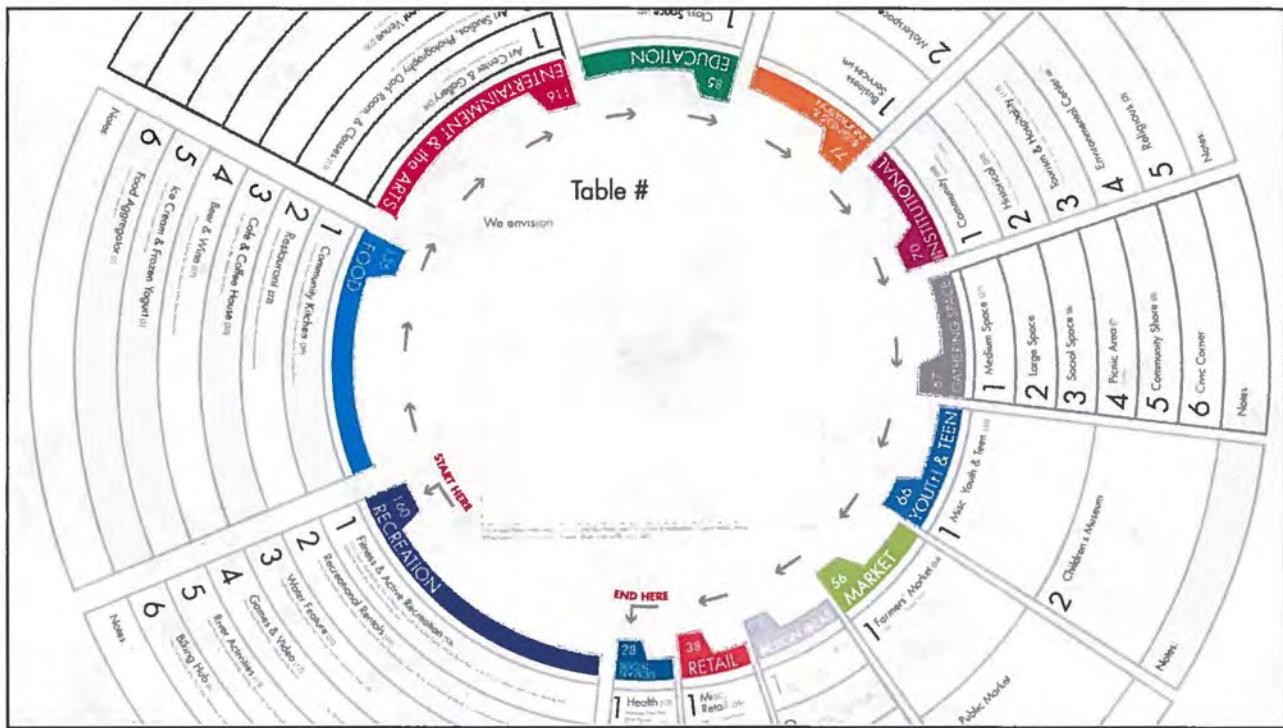
## PROGRAM OPTIMIZATION

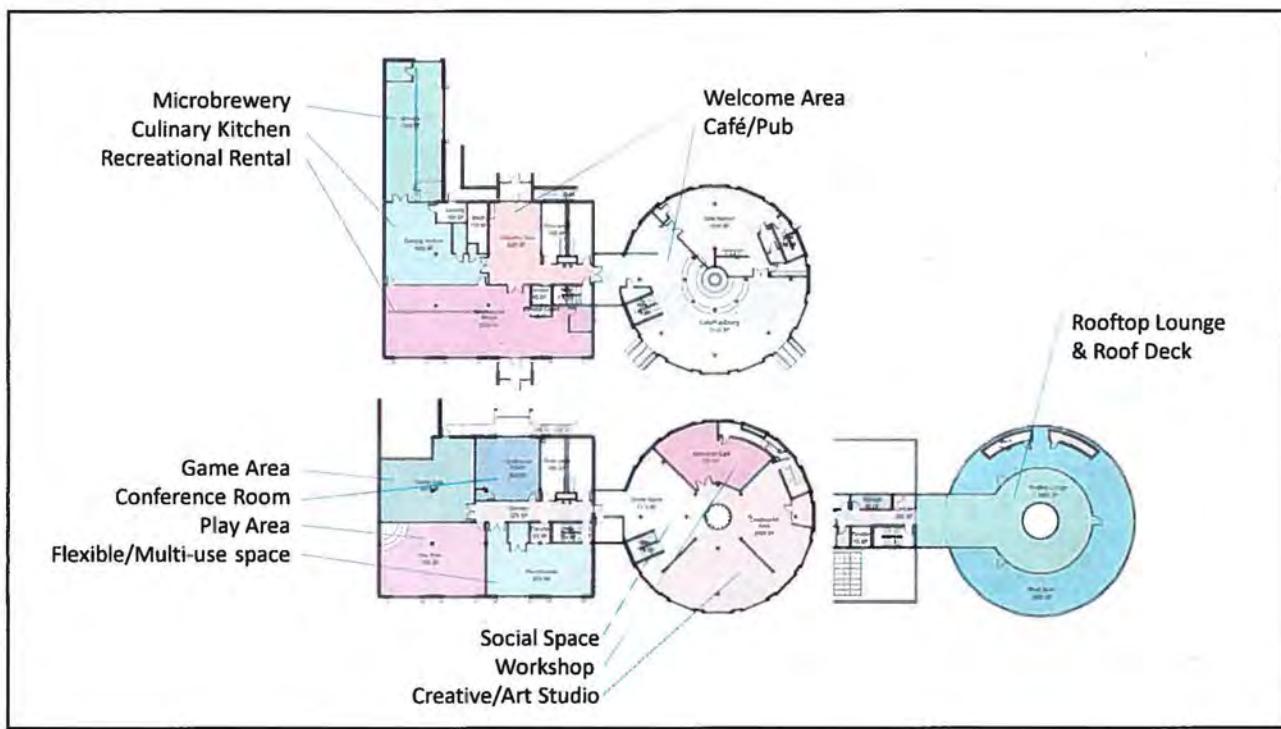
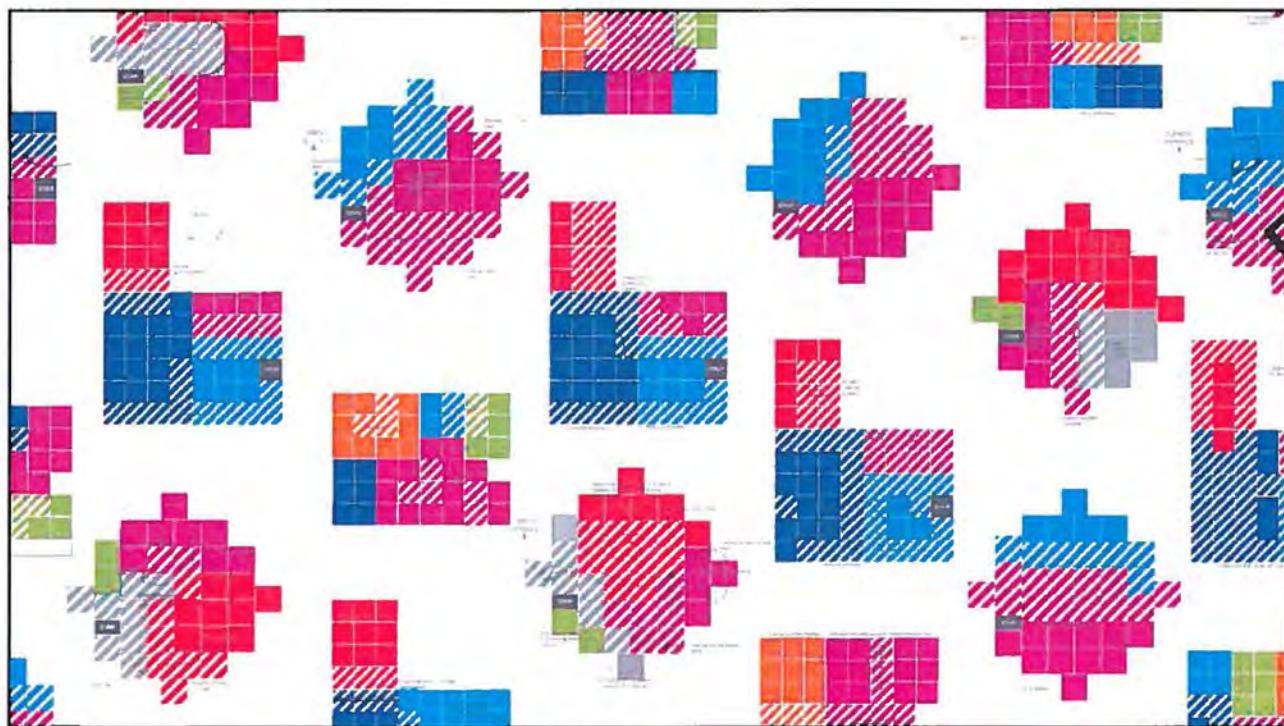


## INCREASED UTILIZATION = COST SAVINGS











# CUBBERLEY CO-DESIGN



**CITY OF  
PALO ALTO**



Palo Alto  
Unified School District



## PHASE 1

**PREP**  
Develop workplan and engagement process

**LEARN**  
Engage with stakeholders and evaluate existing community assets

**PROGRAM**  
Establish program mix and develop three program diagrams

## PHASE 2

**DESIGN**  
Develop conceptual designs

**DOCUMENT**  
Draft Master Plan Document

**COMMENT**  
Public review and comments

**FINISH MASTER PLAN**

ARCHITECTURAL DESIGN TO FOLLOW



**M1** Assets, Needs, and Programming Brainstorm  
(Late September)



**M2** Programming Vision



**M3** Design Scenario Development



**M4** Draft Master Plan Evaluation





## Existing Plans and Document Review

**City of Palo Alto**  
Bicycle + Pedestrian Transportation Plan  
Adopted July 2011

**CITY OF PALO ALTO  
COMPREHENSIVE PLAN  
2030**  
**PALO ALTO  
MASTER  
PLAN**  
NATURAL OPEN SPACE & RECREATION

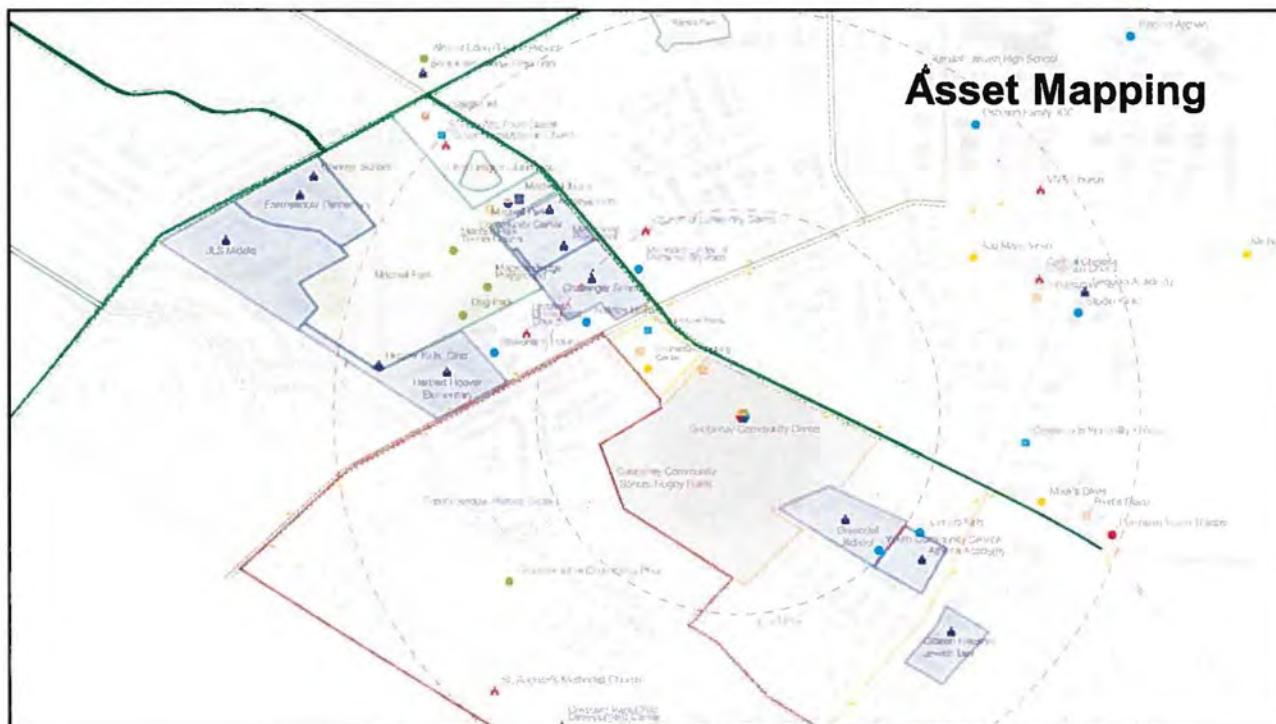
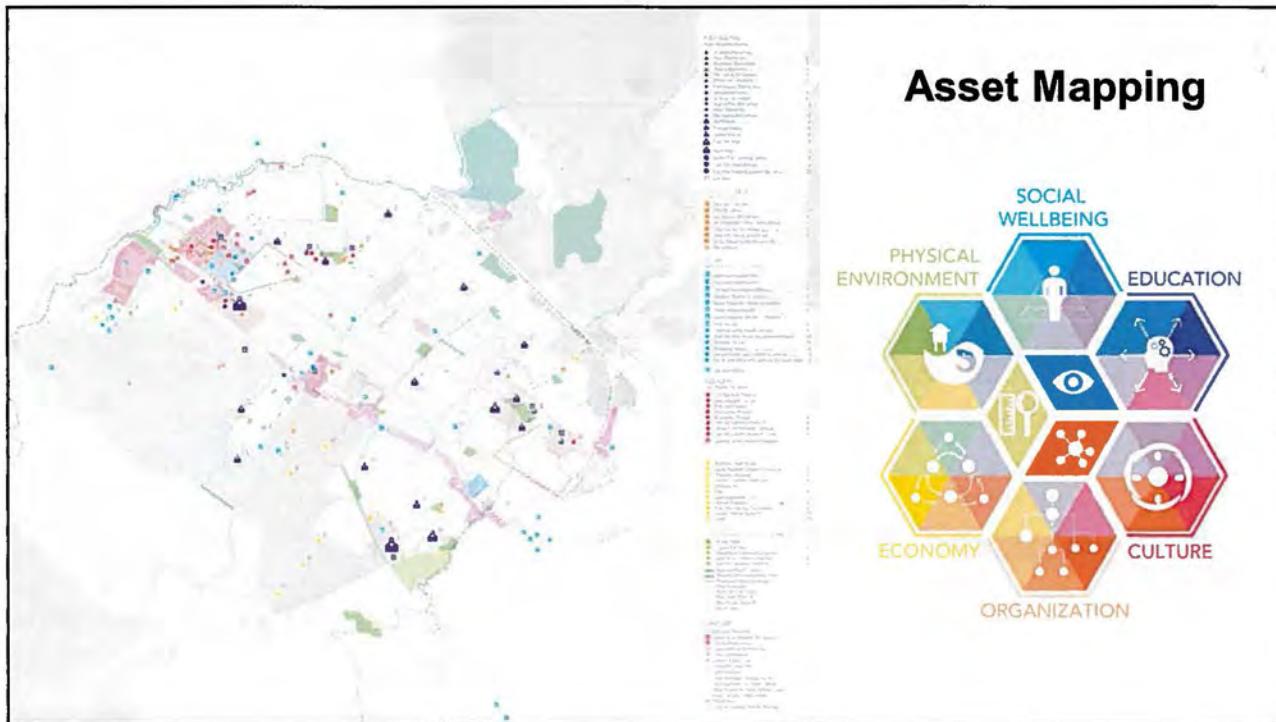
**Sustainability Implementation Plan  
Key Actions  
2018-2020**

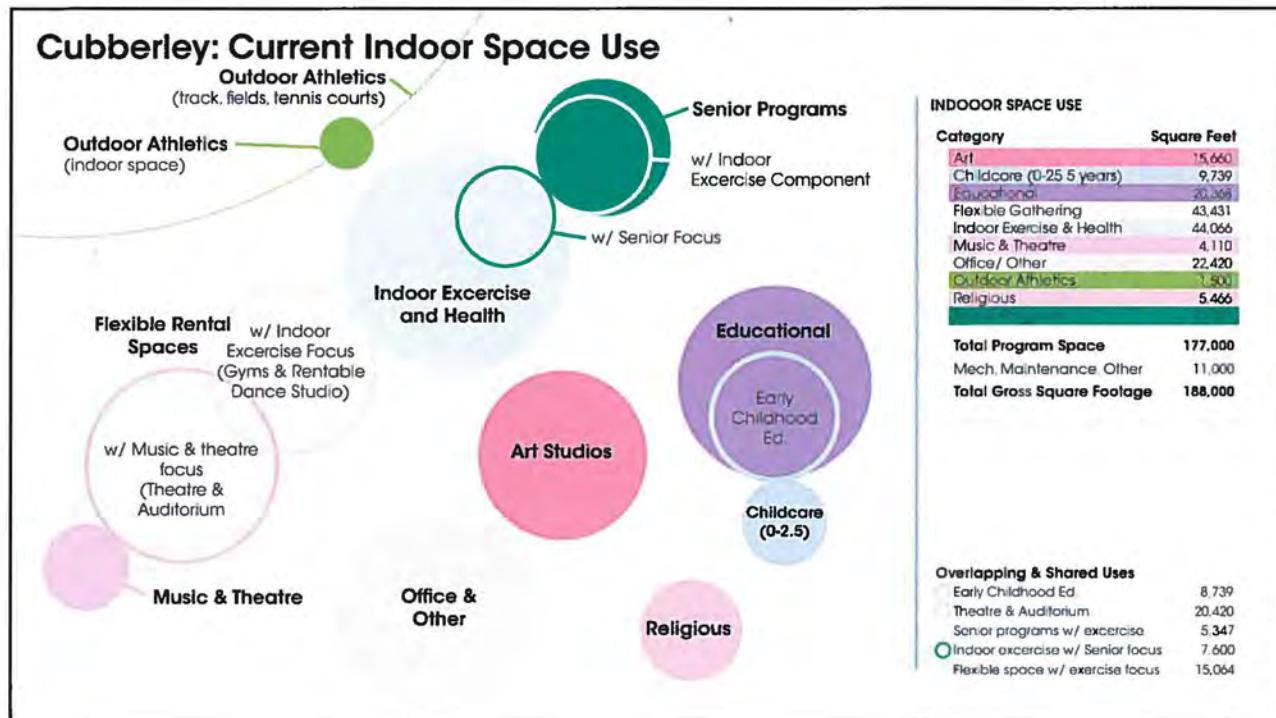
**CITY OF PALO ALTO  
PUBLIC ART MASTER PLAN**

**Advisory Committee Report**  
**Volume I  
Executive Summary  
CCAC Recommendations**

**Annual Enrollment  
Projection Report**  
**Strategic Decision Support for School Districts**

**PALO ALTO UNIFIED SCHOOL DISTRICT  
STRATEGIC PLAN  
Adopted May 29, 2013**



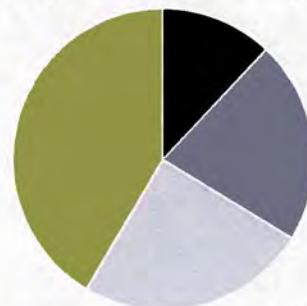


## Existing Site Conditions



**Green Space (Active & Passive):  
14.3 acres**

**Building Footprint  
4.1 acres**

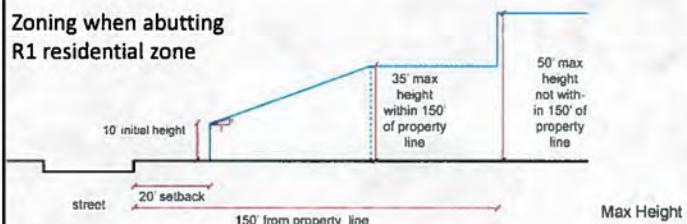


**Parking and  
Access Roads:  
7.5 acres**

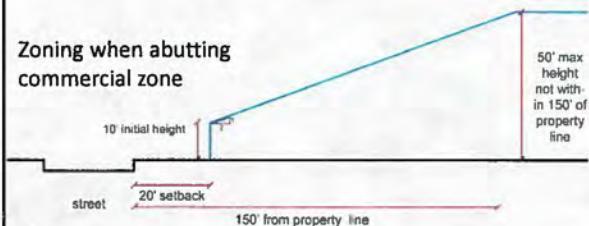
**Sidewalks and Pedestrian  
Paving: 8.6 acres**

## Zoning Limitations

**Zoning when abutting  
R1 residential zone**



**Zoning when abutting  
commercial zone**



NEXT STEPS:

- Fellows recruitment and training
- Prep for first Community Meeting
- First Community Meeting (Oct 4<sup>th</sup>)

Q.

Questions?



## Thank you for your time!

If you have any questions, please reach out.

Bobbie Hill

bhill@concordia.com

504.569.1818

Connor McManus

cmcmanus@concordia.com

337.654.5873

**COUNCIL MEETING**  
City School 8/16/18  
 Placed Before Meeting  
 Received at Meeting #5



# CUBBERLEY CO-DESIGN



## Project Information



## About the Cubberley Site

The Cubberley site is a 35-acre site near the southeastern border of Palo Alto and is the last, largest parcel of publicly-owned land in the City that has a near-term opportunity for redevelopment for community benefit. The Palo Alto Unified School District (PAUSD) owns 27 acres of the site, and the rest is owned by the City of Palo Alto.

The site was home to Cubberley High School from 1956 to 1979, when it closed due to declining school enrollment. In 1990, the site reopened as Cubberley Community Center. The City operates Cubberley through a lease agreement with PAUSD. The Center is home to over thirty permanent tenants and provides hourly rental space for special events. The programs at the site include early childhood education, artist studios, three dance studios, language classes, martial arts, sports, health services, and many other programs. These service-providers depend on Cubberley for its affordable rents and the benefits of having other community programs and rentable spaces nearby.



Existing Site Plan

## Why does it need a Master Plan?

Cubberley is a valuable asset to the community and to the School District. The buildings on the site are coming to an end of their functional life and it is time for new facilities to be planned so Cubberley can continue to serve the community in the long-term. The master planning process will study ways that the site can provide new and improved facilities for the programs at the Cubberley Community Center while also planning for future school use on the site.

## What are the goals of the Project?

The ultimate goal is to create a flexible and adaptable master plan for the Cubberley site that accommodates the short-term, medium-term, and long-term needs of the School District, the City, and the community at large. The master plan will illustrate future facilities on the site, demonstrating both form and function. It will include a phasing plan that will show the order of construction and demolition that will best accommodate program continuity. If successful, the School District and the City will adopt the plan and cooperate on plan implementation.

### Current Tenants:

Acme Education Center  
Art of Living  
Artist's Studios  
Avenidas  
BrainVyne  
California Law Revision  
California Pops Orchestra  
Cardiac Therapy/Heart for Life  
Children's Preschool Center  
Chinese for Christ  
City of Palo Alto - OES  
Cubberley Center Office  
Dance Connection  
Dance Magic  
Dance Vision  
Friends of the Palo Alto Library  
Genius Kids  
Good Neighbor Montessori  
Historic Society  
Hua Kuang Chinese Reading Room  
Palo Alto Historical Society  
Palo Alto Humane Society  
Palo Alto Chamber Orchestra  
Imagination School  
Ivy Goal Education  
Living Wisdom School  
Make X  
Melody's Music  
Minority Project  
Palo Alto Soccer  
Ranger Taekwondo  
REACH  
Silicon Valley Karate  
Stanford Soccer Club  
Zohar

## How did this project come about?

Community members came together to form the Cubberley Community Advisory Committee in 2012 to study the current conditions and the future opportunities at Cubberley. In working groups dedicated to School Needs, Community Needs, Facilities, and Finance, the committee engaged the City, the School District, and Cubberley tenants to analyze possible outcomes for the site. Their final report recommended that the best outcome would be for the City and the School District to come together to commission a master plan that accommodates the needs of the community center and a potential future school, with potential for shared-use facilities.

The City and School Board have done just that. After an 8-month long Request for Proposals process, the City and School District jointly selected and hired Concordia to lead the master planning process.

## What will the process look like?

Concordia will work with the community in a “Co-Design Process.” This will entail four, iterative community meetings where community-members will work together to identify needs, propose opportunities, discuss options, and generally guide the master-planning process towards win-win solutions. At each meeting, participants will engage in one to two activities designed to gather pertinent information and perspectives on key project decisions.

The first meeting, planned for October 4th at the Cubberley Pavilion, will focus on community assets, needs, goals, and ideation about the future program and potential joint uses. At the second meeting, participants will work to evaluate program options and hone in on the program vision for the site. The third meeting will focus on site design, and the look and feel of the buildings on site. At the fourth and final meeting, participants will evaluate and respond to the draft master plan. Following this meeting and concurrent plan review processes, Concordia will revise the plan and deliver the final master plan for the site.

See the following page for the process timeline.



Example community meetings activities

## Process Timeline

### PHASE 1

#### PREPARE AND LEARN

Concordia will develop the work-plan, including stakeholder and community engagement plan, review all relevant information and plans, conduct initial stakeholder outreach, and evaluate community assets and needs.

#### PROGRAM

Through the Co-design process, Concordia, the School District, the City, and the community will establish the vision and goals for the project, explore program options and joint use possibilities, create three program scenario diagrams, and then hone in on a preferred program scenario for the site.

### PHASE 2

#### DESIGN

Building on the program phase, the design phase will focus on conceptual design options to accommodate the program and fit contextually within the neighborhood, ultimately arriving at a preferred design option.

#### DOCUMENT

Concordia will draft the Cubberley Master Plan Report based on the chosen conceptual design.

#### COMMENT

The draft document will be reviewed by the community at Meeting 4 and by the City and PAUSD Commissions, and other relevant Boards and Councils.

#### FINISH

Concordia will integrate all comments into the Final Cubberley Master Plan. The plan will serve as the basis for architectural design.



My name is Monica Williams. I am here on behalf of the members of the Palo Alto Pickleball Club, based at Mitchell Park. I started playing with 10 people about 4 years ago. We founded our club 2 years ago with ~~about 55~~ members. Since last November, when you so graciously honored us with a proclamation supporting our activities, we have grown to over 350 members, 150 of whom are Palo Alto residents.

Unfortunately, since there are as yet no permanent Pickleball courts, we still have to put up and take down portable nets every time we play.

We've been working with the Parks and Recreation Commission for over two years now, to try to get dedicated pickleball courts. In response to their requests, we have provided significant amounts of data – membership figures, number of players and hours that they play, costs of converting one tennis court into 4 pickleball courts, etc. In addition, we have shared information about new pickleball courts being built throughout the Bay Area: the cities of Santa Cruz and Foster City have them. San Francisco has just built 6, and work is underway to build two permanent courts at Rengstorff Park in Mountain View.

The number of pickleball tournaments throughout the country is growing fast. In fact, the Indian Wells Tennis Garden near Palm Springs will be hosting the National Pickleball Championships this year and has signed a contract to host them for the next 5 years. Within 15 minutes of opening registration, the tournament was full with 2000 entrants.

Pickleball is no longer is geared only to seniors; we have 5.0 tennis players who've joined our membership and children as young as 10 years old. But as of yet, we have failed to make any headway with the Parks & Recreation Commission.

We know land in Palo Alto is scarce, and pickleball is noisy, but we are focusing on an ideal location away from residences – the 3 existing dilapidated tennis courts, next to the Magical Bridge Playground. Every weekday we have, on average, 40 people playing or learning to play pickleball. On Saturdays and Sundays the numbers double.  
[To convert only one of these to pickleball , and stripe 2 of the tennis courts for multi use at the same time as they are resurfaced would be at minimal cost and our club is willing to help with the funding.]

I just wanted to make you all aware that many Palo Alto residents are unhappy that, despite doing everything that has been asked of us in terms of gathering information, there appears to be no progress toward Permanent pickleball courts. I hope that I have better news to report after the next Commission meeting.

Thank you for your time.



Greetings City Council Members,

So I have been apprised of the complaint that Elizabeth Wong has with the under parked design for 620 Emerson St. to expand the Nobu Restaurant.

I don't think we should approve any more under parked structures, period. However, it seems there is some lack of integrity here, as Ms. Wong's building is under parked as well.

Since she wants a PASZ opinion, I can only speak for myself, but we are FOR all buildings being fully parked.

Suzanne Keehn  
PASZ Steering Committee  
4076 Orme St.  
94306

*I agree - Joe Kuech*

~~8/20/18~~ Placed Before Meeting Received at Meeting

**Statement from Tom Francis, Acting Chief Executive Officer, Before the Palo Alto City Council About the State Water Resources Control Board (State Board)'s "Draft Final Bay-Delta Plan Update," (Plan) Which Could Severely Reduce the Water Supply for Residents and Businesses in Alameda, San Mateo, and Santa Clara Counties**

August 20, 2018

BAWSCA is a state-authorized agency that represents the interests of the 26 water suppliers who purchase two-thirds of the water produced by the San Francisco Regional (Hetch Hetchy) Water System (System), which is operated by the San Francisco Public Utilities Commission (SFPUC). Palo Alto is one of those water suppliers. BAWSCA backs the staff recommended action being considered by the Palo Alto City Council tonight. The resolution crafted by staff supports a negotiated settlement process and aligns with the approach embraced by the California Department of Water Resources.

On July 6th, the State Board released its "Draft Final Bay-Delta Plan Update." If implemented, the Plan could seriously reduce water supply during the next drought; forcing severe water reductions for the 1.8 million residents, 40,000 businesses and community agencies in Alameda, San Mateo, and Santa Clara counties, including in Palo Alto.

BAWSCA understands the value of the Bay-Delta ecosystem and recognizes that the status quo is not sustainable. BAWSCA supports the objectives of the Plan, however we have major concerns with its details. BAWSCA's analysis indicates that if this proposal is implemented, water users could be required to reduce average per person water use to 41 gallons a day during a drought, from the recent pre-drought level of 79 gallons per day, and for some people, to 25 gallons per day or less.

This severe water cutback could threaten jobs as business activity might be reduced or prevented. Community development might be delayed, and new housing might not be built. A community without enough water for fully operational businesses, hospitals and public institutions is unsustainable.

Fortunately, there is a sound, reasonable alternative to the State Board's Plan. The SFPUC has proposed, and BAWSCA supports, a science-based alternative that will meet the environmental objectives without an unrealistically low water supply for current water users. The alternative plan can be a basis for voluntary settlement negotiations.

BAWSCA supports the objective of the State Board's Bay-Delta Plan, opposes details of the Board's proposed unilateral Plan for the Tuolumne River, and is encouraged to see that the State Board intends to delay action on its Plan. A delay will allow more time for the development of a voluntary, negotiated settlement agreement. Therefore, BAWSCA supports Palo Alto staff's recommended action before the Council tonight.

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August 15, 2018

TO: STATE, CITY AND LOCAL OFFICIALS

**NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ELECTRIC TRANSPORTATION PROJECTS IN SCHOOLS AND STATE PARKS (A.18-07-020)**

**Summary**

On July 30, 2018, Pacific Gas and Electric Company (PG&E) filed its Electric Transportation application for schools and state parks with the California Public Utilities Commission (CPUC). The application requests an increase in rates of \$7.4 million for the following electric vehicle pilot programs:

- **Schools:** Installation of electric vehicle charging stations in specific schools in Alameda, Fresno, and San Joaquin counties. Along with charging stations and related utility infrastructure, PG&E will host educational events and provide information to increase awareness and knowledge of clean transportation.
- **State Parks:** Installation of electric vehicle charging stations and related utility infrastructure at select California state parks for use by both state park fleet vehicles and park visitors.

**Background**

PG&E's application will support California's goal of increasing the number of electric vehicle charging stations and will help promote the adoption of electric vehicles across the state. Schools and parks are both highly visible locations where people come to learn and observe. Installing electric vehicle charging stations at these locations not only provides easy access to students, employees and the public, but also creates a platform to educate the public on how the use of electric vehicles can benefit California.

**How will PG&E's application affect me?**

Many customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. Based on rates currently in effect, the bill for a typical residential bundled non-CARE customer using 500 kWh per month would increase \$111.59 to \$111.61, or 0.02 percent.

Actual impacts will vary depending on energy usage.

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**How will PG&E's application affect customers who buy electricity from a third party?**

Direct Access and Community Choice Aggregation customers only receive electric transmission and distribution services from PG&E. On average, these customers will see an increase of 0.02 percent.

Departing Load customers do not receive electric generation, transmission or distribution services from PG&E. However, they are required to pay certain charges as required by law or CPUC decision. These customers will not be impacted by this application.

**How do I find out more about PG&E's proposals?**

If you have questions about PG&E's filing, please contact PG&E at 1-800-743-5000. For TTY, call 1-800-652-4712. Para más detalles llame al 1-800-660-6789 • 詳情請致電 1-800-893-9555. If you would like a copy of PG&E's filing and exhibits, please write to PG&E at the address below:

Pacific Gas and Electric Company  
Electric Transportation Schools and State Parks Application (A.18-07-020)  
P.O. Box 7442  
San Francisco, CA 94120

A copy of PG&E's filing and exhibits is also available for review at the CPUC's Central Files office by appointment only. For more information, contact [aljcentralfilesid@cpuc.ca.gov](mailto:aljcentralfilesid@cpuc.ca.gov) or 1-415-703-2045. PG&E's application (without exhibits) is available on the CPUC's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

**CPUC process**

This application will be assigned to an Administrative Law Judge (Judge) who will determine how to receive evidence and other related documents necessary for the CPUC to establish a record upon which to base its decision. Evidentiary

hearings may be held where parties will present their testimony and may be subject to cross-examination by other parties. These evidentiary hearings are open to the public, but only those who are formal parties in the case can participate.

After considering all proposals and evidence presented during the hearings, the assigned Judge will issue a proposed decision which may adopt PG&E's proposal, modify it or deny it. Any of the five CPUC Commissioners may sponsor an alternate decision. The proposed decision, and any alternate decisions, will be discussed and voted upon at a scheduled CPUC Voting Meeting.

The Office of Ratepayer Advocates (ORA) may review this application. ORA is the independent consumer advocate within the CPUC with a legislative mandate to represent investor-owned utility customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. ORA has a multidisciplinary staff with expertise in economics, finance, accounting and engineering. For more information about ORA, please call **1-415-703-1584**, email [ora@cpuc.ca.gov](mailto:ora@cpuc.ca.gov) or visit ORA's website at [www.ora.ca.gov](http://www.ora.ca.gov).

#### **Stay informed**

If you would like to follow this proceeding, or any other issue before the CPUC, you may use the CPUC's free subscription service. Sign up at: <http://subscribe.ccpuc.cpuc.ca.gov>. If you would like to learn how you can participate in the proceeding, have informal comments about the application or have questions about the CPUC processes, you may access the CPUC's Public Advisor Office (PAO) webpage at <http://consumers.cpuc.ca.gov/pao>.

You may also contact the PAO as follows:

**Email:** [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

**Mail:** CPUC

Public Advisor's Office

505 Van Ness Avenue

San Francisco, CA 94102

**Call:** **1-866-849-8390** (toll-free) or **1-415-703-2074**

**TTY:** **1-866-836-7825** (toll-free) or **1-415-703-5282**

If you are contacting the CPUC, please include the application number (Electric Transportation Schools and State Parks Application; A.18-07-020). All comments will be circulated to the Commissioners, the assigned Judge and appropriate CPUC staff and will become public record.