

DOCUMENTS IN THIS PACKET INCLUDE:

LETTERS FROM CITIZENS TO THE  
MAYOR OR CITY COUNCIL

RESPONSES FROM STAFF TO LETTERS FROM CITIZENS

ITEMS FROM MAYOR AND COUNCIL MEMBERS

ITEMS FROM OTHER COMMITTEES AND AGENCIES

ITEMS FROM CITY, COUNTY, STATE, AND REGIONAL AGENCIES



**Prepared for: 2/5/2018**

**Document dates: 1/17/2018 – 1/24/2018**

**Set 1**

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

**Carnahan, David**

**From:** Margaret Heath <maggi650@gmail.com>  
**Sent:** Friday, January 19, 2018 8:49 PM  
**To:** Council, City; CTRAboard@googlegroups.com; Keller, Arthur; Summa, Doria; Fred Balin  
**Subject:** Fwd: Stanford GUP

Below is a copy of an email I have sent to Mr. Rader regarding Stanford's proposed GUP:

Date: Fri, Jan 19, 2018 at 8:37 PM  
Subject: Stanford GUP  
To: [david.rader@pln.sccgov.org](mailto:david.rader@pln.sccgov.org)

Dear Mr. Rader,

I believe Stanford's GUP report regarding the impact of their proposed expansion on Palo Alto's streets is based on inaccurate assumptions which minimize what the true impact will be. Stanford must be asked to redo their study to include a more accurate projection of the impact their proposed expansion will have on Palo Alto's streets, which are already functioning at near capacity during the extended commute hours.

Specifically, the number of employees they claim will commute by train instead of automobile is overestimated.

A) Stanford's study claims there will be longer trains which their employees will be able to use, resulting in less impact on Palo Alto streets. However, the platforms are not long enough for these longer trains.

Unless, that is, Stanford is planning to pay to extend all the platforms to accommodate the longer trains they claim will accommodate their additional employees.

B) Stanford's study claims there will be more frequent trains as well as longer trains to accommodate their additional employees. However, more frequent and longer trains will effectively close the grade crossings during the extended commute hours at Churchill, E. Meadow, and Charleston. This will result in either long vehicle back-ups at those grade crossings, or push additional cars to the already at capacity El Camino intersections with Embarcadero, Page Mill/Oregon, and San Antonio, or both.

Unless, that is, Stanford is planning to pay for grade separation at Churchill, E. Meadow, and Charleston.

C) In addition, Stanford must extend the scope of their study to reflect the projected impact on ALL the train stations from San Francisco to San Jose. Including the impact on the parking capacity at the stations.

Stanford's proposed expansion will place great pressure on the area's already critical housing shortage. Their current proposal is inadequate given the amount of additional non-residential expansion proposed. Mitigation for permission for Stanford to build non-residential development should be tied to:

D) A proportional amount of residential construction, within Stanford's boundary, tied to the rate of non-residential construction. Housing that will be available to all Stanford employees, not just faculty and senior administration. Including below market and low income housing.

E) A significant area of the Stanford Research Park reassigned for dense housing. With a timeline for building said housing tied to the rate of Stanford's expansion.

Finally, as part of the required mitigation for the impact that will result from significant construction, Stanford should be:

F) Required to permanently set aside the "Dish" as open space.

G) Required to permanently set aside the pasture land that is visible to the south of Page Mill Road, between Highway 280 and Foothill Expressway, as a buffer for the footpath that was built as mitigation for the last GUP.

Thank you for your consideration in this matter,

Yours faithfully,

Margaret Heath  
2140 Cornell Street  
Palo Alto, CA 94306

**Carnahan, David**

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**From:** ksabes@aol.com  
**Sent:** Sunday, January 21, 2018 3:39 PM  
**To:** Council, City  
**Subject:** Stanford Development

I am totally opposed to the development at Stanford. We already can't handle the traffic. How can you consider adding more and more cars, buildings, and other forms of transportation and housing in our wonderful city. This would be the final straw that breaks the camels back!!!!

Kay Sabin  
1990 Webster St.

**Carnahan, David**

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**From:** Margaret Feuer <portulaca24@gmail.com>  
**Sent:** Sunday, January 21, 2018 4:29 PM  
**To:** Council, City  
**Subject:** Stanford Expansion

Dear Mayor Kniss and Members of the City Council,

I live on University Avenue between Chaucer and Lincoln and can assure you that Stanford's policy of "no new net trips" is not working. Adding 2.275 million square feet of academic and academic support space and 3,150 new beds/units will further exacerbate the currently intolerable traffic on University Avenue and the surrounding streets of Crescent Park.

The afternoon commute period begins at 2:30pm and ends at 7 or 7:30. During this time, it is virtually impossible to exit or enter my driveway. It takes 15 to 20 minutes to go 1/4 of a mile from my house to 101. To go from Middlefield Road to 101 takes ½ hour to 45 minutes.

Stanford should be obliged to count the "cut-off" traffic in its totals. Commuters using Hamilton, Center, Lincoln, Crescent and Southwood use Waze and Google maps to circumvent University Avenue.

It is the responsibility of the City Council to represent and protect its citizens. Telling Stanford that their DEIR is flawed is easy; telling Stanford that they need to lessen their square footage will be harder but its necessary.

Sincerely,  
Margaret R. Feuer  
1310 University Avenue

## Carnahan, David

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**From:** Jason Matlof <jmatlof@gmail.com>  
**Sent:** Monday, January 22, 2018 1:17 PM  
**To:** cindy.chavez@bos.sccgov.org; mike.wasserman@bos.sccgov.org; supervisor.simitian@bos.sccgov.org; supervisor.cortese@bos.sccgov.org; supervisor.yeager@bos.sccgov.org; david.rader@pln.sccgov.org; Council, City; Planning Commission  
**Cc:** Jason's Gmail  
**Subject:** Fwd: Opposition to the Stanford 2018 GUP from Palo Alto Resident

Dear County Supervisors and Staff,

As a 22-year tax-paying Santa Clara County and City of Palo Alto resident (as well as lifelong Northern Californian), I'm deeply disturbed by the implications of the Stanford 2018 GUP proposal.

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

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

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

We need to stop giving Stanford *carte blanche* rights to development in our community without making them carry the fair share of the financial burden needed to fund Palo Alto's transportation infrastructure that their growth requires. I propose that the County require Stanford to fund the following specific projects to offset their impact **prior to the approval** of the Stanford 2018 GUP:

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

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

Regards

Jason Matlof  
118 Churchill Avenue  
Palo Alto, CA 94301

**Carnahan, David**

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**From:** Patricia Jones <pkjones1000@icloud.com>  
**Sent:** Monday, January 22, 2018 12:09 PM  
**To:** Council, City  
**Subject:** Stanford's GUP

In our opinion, it would be irresponsible to allow Stanford to implement its huge expansion without requiring it to participate SIGNIFICANTLY in mitigating the traffic impacts it will surely have on Palo Alto. Their plan concedes that Crescent Park will be impacted by additional traffic. However, Crescent Park is already inundated with traffic, and current levels are already unacceptable. We know, because that's where we live and what we experience on a daily basis.

Public safety is a major issue here, because emergency vehicles and other kinds of help will be unable to reach citizens in need during periods of total gridlock.

PLEASE DO NOT let Stanford off the hook in addressing the traffic issues that their planned expansion will create.

Thank you.

Patricia Jones and Larry Jones  
1407 Hamilton Avenue  
Palo Alto, CA 94301

Patricia Jones  
[www.pkjones.com](http://www.pkjones.com)  
[pkjones1000@icloud.com](mailto:pkjones1000@icloud.com)

**Carnahan, David**

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**From:** Paul B Goldstein <marmot@stanford.edu>  
**Sent:** Monday, January 22, 2018 11:00 AM  
**To:** Council, City  
**Subject:** Stanford University GUP

Honorable Council Members,

I support the comments in draft letter enclosed in your packet. I am particularly concerned with the following:

- 1) The increased traffic generated by the proposed build out. The “no net increase” concept needs to be applied to a larger window than the current methodology. The peak commute hour is lengthening. Traffic increase all day long is a problem that must be mitigated.
- 2) Open space protections need to be extended to the full period of the GUP.
- 3) The secondary effects of the Stanford build out need to be evaluated. Increased activity on campus will generate a host of businesses and services off-campus.

In addition, it is only fair that Stanford pay for its impacts to our community infrastructure and services, given that it is exempt from local taxes.

Sincerely,  
Paul Goldstein  
Emerson Street  
Palo Alto

**Carnahan, David**

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**From:** Susie Richardson <susiebmc@gmail.com>  
**Sent:** Monday, January 22, 2018 1:42 PM  
**To:** Council, City  
**Cc:** Kniss, Liz (external); Supervisor Joe Simitian; Holman, Karen (external); Greg Scharff; Adrian Fine  
**Subject:** Stanford General Plan

Dear Mayor, Vice Mayor and Council Members,

I want to encourage you to speak out on **strictly limiting any new development at Stanford to housing**. We all agree that we have much too much traffic and much too little housing. We talk about limiting commercial development within the City limits (an appropriate conversation) and search for ways to build more housing, but I think that we need to do more to quantify Stanford's roll in the problems and to address them.

I suspect that the back up on University Avenue and Oregon Expressway/Page Mill Road and Embarcadero are primarily a result of Stanford employees. I suspect the recent increase is attributable to the build out underway including the opening of the new Children's Hospital.

I think that Stanford has used new housing as a trading chip. Stanford needs housing in order to accommodate their faculty and students. This need is not dependent on more academic development. They need to be forced to acknowledge their self-interest in providing housing and encouraged to provide it.

Stanford is a world class institution of which we are all rightly proud, but and they have many ways to "grow" through redesign without expanding their physical footprint. We are all being choked by traffic now. I shutter to think what more jobs at Stanford will do to the current situation.

I suggest a moratorium on expanding Stanford's footprint (with the exception of new housing) until it can be proven that Stanford has been effective at substantially reducing car trips. That will both preserve what is left of our quality of life and encourage real innovation in traffic management.

And please remember that we will all be greatly impacted by Stanford's planned development in Menlo Park. I anticipate a true traffic nightmare is on the way.

Respectfully,  
Susie Richardson  
1322 Martin Ave  
Palo Alto 94301



CITY OF  
**PALO**  
**ALTO**

**CITY OF PALO ALTO  
MEMORANDUM**

**Item #14**

**COUNCIL MEETING**  
1/22/2018

Received Before Meeting  
 Received at Meeting

**TO:** HONORABLE CITY COUNCIL

**FROM:** CITY MANAGER

**DEPARTMENT:** UTILITIES

**AGENDA DATE:** January 22, 2018

**ID#:** 8517

**SUBJECT:** AGENDA ITEM NUMBER 14 – Upgrade Downtown

Staff found an error in the funding allocation table shown on page 9 of the City Council Staff Report for the Upgrade Downtown project. The error is with the funding allocations for PL-15004 (parking wayfinding) and PL-16001 (Downtown mobility & safety improvements). A portion of the available budget in parking wayfinding will be used for the Downtown mobility & safety improvement work. Shown below is the table currently included in the report and the updated table with the corrected funding allocations. This correction does not change the total contract amount.

**Current Table:**

The funding allocation is as follows:

Funding Source	Contract	Contingency	Total Encumbrance
GS-12001	\$8,302,197	\$830,220	\$9,132,417
FO-10001	\$1,945,822	\$194,582	\$2,140,404
PL-15004	\$414,400	\$41,440	\$455,840
PL-16001	\$2,035,900	\$203,590	\$2,239,490
PO-89003	\$462,895	\$46,290	\$509,185
WS-12001	\$3,210,372	\$321,037	\$3,531,409
<b>Total</b>	<b>\$16,371,586</b>	<b>\$1,637,159</b>	<b>\$18,008,745</b>

**At-Place Table:**

The funding allocation is as follows:

Funding Source	Contract	Contingency	Total Encumbrance
GS-12001	\$8,302,197	\$830,220	\$9,132,417
FO-10001	\$1,945,822	\$194,582	\$2,140,404
PL-15004	\$818,182	\$81,818	\$900,000
PL-16001	\$1,632,118	\$163,212	\$1,795,330
PO-89003	\$462,895	\$46,290	\$509,185
WS-12001	\$3,210,372	\$321,037	\$3,531,409
<b>Total</b>	<b>\$16,371,586</b>	<b>\$1,637,159</b>	<b>\$18,008,745</b>

Ed Shikada  
General Manager of Utilities

James Keene  
City Manager

**Carnahan, David**

**From:** Jeff Hoel <jeff\_hoel@yahoo.com>  
**Sent:** Saturday, January 20, 2018 5:57 PM  
**To:** Council, City  
**Cc:** Hoel, Jeff (external); UAC; CAC-TACC; ConnectedCity  
**Subject:** Comments re Q&A for Upgrade Downtown Project

Council members,

At your 01-22-18 meeting, you will consider Item 14, which is about the Upgrade Downtown Project.

Agenda:

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

Staff report:

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

Q&A:

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

Please see (below the "###" line) my comments about the Q&A (paragraphs beginning with "###").

I'd like to thank the Council member(s) who submitted the questions.

Thanks.

Jeff

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Jeff Hoel  
731 Colorado Avenue  
Palo Alto, CA 94303  
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### Comments about the Q&A:

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

Item 14 – Upgrade to Downtown Project

Q. 1. What basis was used to allocate the costs among the Enterprise funds?

A. 1. Each utility will pay for the work directly associated with the installation as described in the bid items. The joint trench work of \$5.7M will be split among the 3 utilities being installed in the trench (water main, gas main, and two fiber conduits).

### Staff's answer didn't describe the algorithm for deciding how much of the joint trench work cost would be assigned to each participant. See question Q3.

### Since the project incorporates work on traffic signals, shouldn't the entity responsible for traffic signals participate in the shared costs? Ditto for wayfinding.

### Do I understand correctly that no electric utility work will be done? (Item #117 is zero.)

Q. 2. Page 3 refers to "dig once" policy - have we adopted an updated dig once policy?

A. 2. Staff developed this project based on a "dig once" policy, though the policy has not yet been officially adopted. Staff is developing this along with other ordinances, such as String Once, Multi-unit Housing, and Micro-trenching, to reduce construction costs and minimize disruption in the public-right-of-way. Staff plans to bring all the ordinances to Council at one time as a comprehensive package for approval. Since University Avenue is the main artery for downtown, it makes sense to install everything at the same time to avoid future excavation/disruption and only pay indirect and overhead costs once.

Q. 3. As the staff report states, the point of a dig once policy is to "reduce underground construction costs..." . As such the, laying fiber should be viewed as incremental work and not be assigned any of the cost of the digging.

### I am sympathetic to this point of view. But staff's answer A1 indicates that the fiber utility is expected to share in the digging costs. What does Council think?

Can you break down the \$2.1M expense for fiber on this project? What would be the cost if fiber conduit was laid separately at a future date? How much is the dig once policy saving us on costs?

A. 3. Water, gas, and two fiber conduits are going to be installed in the joint trench. Bid item #1 includes the labor, equipment, material costs to excavate and shore the trench, install pipes, backfill/restore the trench, as well as all indirect and overhead costs such as mobilization/demobilization, traffic control, and construction management by the contractor.

### Could the costs within bid item #1 be split out as follows:

- \* costs associated with digging the trench, filling the trench, etc.
- \* costs associated with installing pipes once the trench is dug
  - water pipe materials
  - gas pipe materials
  - fiber conduit materials
  - water pipe labor
  - gas pipe labor
  - fiber conduit labor
  - water pipe equipment
  - gas pipe equipment
  - fiber conduit equipment

The estimated cost to install fibers separately on University Avenue at a future date has not been estimated at this point.

### I think staff meant the cost to install conduit for fiber at a future date.

Such a project would necessarily carry all the indirect and overhead costs by itself, but may be located along a different alignment within this crowded (with infrastructure) street. As designed, fiber installation requires a deeper trench, with associated shoring and other constructability costs. Nonetheless, the dig once policy saves the City from paying the indirect and overhead costs twice and minimizes impact on residents, businesses, and transportation in downtown.

### Incidentally, it's legitimate to ask, once the conduit for fiber is installed, how much it would cost to install fiber in the conduit. (And presumably that wouldn't involve any digging cost, right?)

Q. 4. In the detailed bid the fiber related costs appear to be only about \$35,000 dollars - \$15K to install 2 PVC conduits, \$13K to [sic] install another 4 PVC conduits, and \$6K to install a fiber optic pull boxes. Is that correct? Where is the rest of the fiber expense coming from?

A. 4. These bid items are the pull boxes and fiber conduits directly allocated to the fiber installation and are in addition to the fiber utility's share of the joint trench cost. The primary fiber expense is listed under Bid Item #1 – joint trench and installation of water pipe, gas pipe, and fiber conduit. Bid item #1 includes the labor, equipment, material costs to excavate and shore the trench, install pipes, backfill/restore the trench, as well as all indirect and overhead costs such as mobilization/demobilization, traffic control, and construction management by the contractor.

Q. 5. Is more fiber capacity needed at this location?

### I'd ask the question in a different way. What would (or might) these conduits be used for in the future? If the answer were FTTP, then where are the vaults? If the answer were to increase capacity on the dark fiber network, then why is this location better than the dark fiber network's existing locations? (See the January 2013 dark fiber map on page 45.)  
<https://www.cityofpaloalto.org/civicax/filebank/documents/42930>

Recall that staff has never had to document what it's doing to refurbish the dark fiber network.

A.5. At this time, there are no immediate or forecasted needs for the City. This was included to provide flexibility for future uses and advance prior council direction to include fiber capacity in conjunction with main replacement projects.

### Now that Council realizes that this kind of "flexibility" might cost \$4 million per mile, would Council be willing to consider designing citywide FTTP, so that it can be implemented without the need for so much "flexibility"?

Q. 6. The staff report on page 4 says "for this specific location, however, the incremental cost to include fiber optic conduits may be marginal....:" If council decides not to include fiber at this time, how will the \$2.1M in cost be allocated to other enterprise funds?

A.6. It is worth noting that the sentence concludes, "...marginal in comparison to anticipated benefits."

### However, apparently none of the anticipated benefits are immediate or forecasted needs for the City.

Since the fiber is an integral part of the negotiated contract package, if council prefers not to include fiber, staff would not recommend awarding the contract. The project will require repackaging and rebidding, to return to council at a future date. This may encounter the same problem with few or no bidders (high market demand and downtown restrictions) and the bid prices for other programs (general fund as well as utilities) will be allocated overhead and indirect costs.

Q. 7. East Palo Alto is in the process of a fiber installation to its public buildings. I know some of the ongoing operational costs maybe subsidized but I believe the actual construction and installation costs are estimated to be much lower, under \$200,000 for more than 8000 ft distance. How are they able to do it so cost effectively?

A. 7. It is difficult to make a comparison of costs since we do not know where East Palo Alto's conduits are to be installed or what construction method will be used. The installation on University Avenue is very expensive due to the congestion of underground utilities in the street (directional drilling method is not feasible because of the potential impact to existing underground utilities), restricted construction timeframes, extensive outreach and traffic management requirements. The high cost of water main installation on California Avenue in the Cal Ave Business District around 4 years ago also indicates that it's typically more costly to install utilities in downtown or business districts.

**Carnahan, David**

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**From:** Jeralyn Moran <jeralyn.moran@gmail.com>  
**Sent:** Thursday, January 18, 2018 5:04 PM  
**To:** Council, City  
**Subject:** Please re-consider the 2 parking garages

Dear Mayor Kniss and City Council members,

In the spirit of moving Palo Alto forward toward its important goal of getting our GHG emissions down by 80% by the year 2030, I add my name to the long list of residents who are troubled by the currently questionable justification for two new parking garages in the City's infrastructure plans. Times are changing quickly, and I encourage you, as a Council, to re-visit these previously agreed-upon projects accordingly.

In terms of Community health into the future, accommodating even more cars takes us backward - away from our Climate Change & traffic mitigation commitments. Financially, the large expense to build these garages is very hard to fit into the City's budget without losses elsewhere. They will become obsolete long before their physical life span, as more people push for a carbon-free future.

The Palo Alto Weekly is highlighting 2018 as our City's year of housing – please consider the alternative of investing in the design/construction of housing on these two sites. Desperately needed housing to help reduce car commutes into Palo Alto by workers forced to do so. Future residents & leaders will thank you.

Sincerely,

Jeralyn Moran

City of Palo Alto | City Clerk's Office | 1/22/2018 1:18 PM

[jeralyn.moran@gmail.com](mailto:jeralyn.moran@gmail.com)

..... the Time for Climate Action Is **Now**.

## Carnahan, David

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**From:** David Coale <david@evcl.com>  
**Sent:** Friday, January 19, 2018 7:30 AM  
**To:** Council, City; Keene, James; Friend, Gil  
**Cc:** Hodge, Bruce; Bret Andersen; Sandra Slater; lvandusen@mac.com; James Tuleya; Jeralyn Moran; Jennifer Thompson; Stew Plock; Sven Thesen; Steve Schmidt; Debbie Mytels; Robert Neff; Robinson, William; Robyn Duby; Serene Ang; David Alan Foster; Lynnie Melena; Nordman, Eric; Amie Ashton; John Woodfill; Rothstein, Jane  
**Subject:** Parking garages

Dear Mayor and City Council,

As you are reviewing capital projects for this coming year, there is one project that needs serious reconsideration and that is the parking garages for the downtown and Cal Ave areas. These projects are in direct conflict with the Sustainability Implementation Plan (SIP) and also are not sustainable from a fiscal point of view. We just don't have the money to pay for these and the problems they will incur. What's more, we really don't need them as other solutions are much less expensive and are working.

### Environmental/Sustainability/Climate Change issues

The city did a study of the parking downtown. Staff worked with a parking consultant and got a parking solution. At no time were the garages viewed through the greater lens of sustainability.

While the SIP did try to address the parking garages in the FAQ part of the report (Appendix D, copied below), this was by no means a comprehensive analysis of the impacts of the parking garages on our goal of 80% GHG reductions by 2030. In fact the first part of the FAQ answer to why are we building parking garages are all the reasons why we should not build them; they are in direct conflict and moving us in the opposite direction of the main parts of the SIP. We should not be encouraging more cars, traffic and the GHG produced by the construction of garages and the induced increase in auto use with these projects.

For each pound of concrete used in the parking garages, a pound of CO<sub>2</sub> is produced and for each pound of steel, 4 to 7 pounds of CO<sub>2</sub> are produced (depending on the source<sup>1</sup>), so building the garages will have a large GHG footprint.

The even larger environmental impact is the increased traffic, congestion and other impacts that will happen with these projects. With 338 parking spaces for the downtown garage, if we assume the parking garage is 80% full, and that each space turns over 4 times in a day we get 1082 car trips. If each car drives 6 miles to get downtown (this is conservative as most of the traffic in Palo Alto is from outside of Palo Alto) we get 6490 miles each day or about 5,200 pound of CO<sub>2</sub> per day or 2.6 tons/day. This conservative estimate does not include the GHG of the added congestion caused by this additional traffic. So each year this amounts to about 650 tons of CO<sub>2</sub> from cars.

The largest part of the SIP is the reduction of auto use in Palo Alto. The garages are in direct conflict with this. How can we accept awards for our work on addressing climate change from the League of Cities and then turn around and build two huge parking garages? The parking garages need to be revisited with a greater eye on sustainability.

Water is also an area that is addressed in the SIP. With the proposed project downtown, there will be parking below ground. A huge dewatering effort may be required to realize this project. I don't think this has been adequately addressed and certainly not with respect to the SIP or the recent dewatering ordinance which everyone agrees needs to be strengthened to be really protective of our ground water.

Fiscally not viable.

The projected cost of these projects is \$68.5 million. Where is this coming from? As of yet, we don't know. We also know that the price of any project will be more than projected. This has never come out any other way.

The more fiscally responsible approach would be to see how the lower cost fixes to our parking problems are working before building the most expensive, most environmentally damaging solutions possible.

From the latest Transportation Management Association (TMA) survey<sup>2</sup> we see that Signal Occupancy Vehicle (SOV) trips have been reduced with their efforts. This is great news! The TMA efforts are working even though the TMA is under funded.

The Residential Parking Permit program is also helping to ease the parking issues downtown and this continues to be refined. Parking pricing will also help to reduce SOV and create revenue for the city.

As use of various ridesharing services increases, the need for parking will be reduced. And with the advent of self-driving cars, this will further reduce the need for parking.

The continued build-out of the Bike-Ped network will also help to reduce the parking need for downtown and Cal Ave along with other transit improvements such as the electrification of CalTrain and other transit options such as the bike sharing program.

Right now we are at the peak of our parking need and due to that, with all the possible solutions coming into play, we just need some time to let these efforts play out and work.

Building parking garages now where they would only be obsolete in a few years just does not make good sense, environmentally or fiscally. Besides with all the money we are saving, we could fully fund the TMA, the Bike-Ped plans, the SIP and more and still have money left over to address other shortfalls the city is facing.

## Conclusion

Anytime the council spends money you have an opportunity to vote for or against sustainability, and anytime a project of this size is being considered, it is even more imperative to look at the project through the greater lens of sustainability. In this case, there is a win-win solution by letting the less expensive solutions work before committing to a very expensive solution that will likely be obsolete in 5 to 10 years and have a large environmental impact. Use the money saved from delaying this project to fund the other solutions that will decrease the need for parking and get us closer to the goal of 80% GHG reductions by 2030. If you should decide to proceed with building the garages, a much larger, comprehensive study should be done that looks at all the impacts on the environment, the SIP and the budget. This study should also include the possibility of building affordable housing at these garage sites instead and the funding to expand the successful TMA effort to the California Ave area.

Thanks for your consideration,

Sincerely,

David Coale \

Bruce Hodge |

Bret Andersen | Carbon Free Palo Alto

Sandra Slater |

Lisa Van Dusen /

James Tuleya, Carbon Free Silicon Valley

Green Sanctuary Committee, Unitarian Universalist Congregation of Palo Alto

Silicon Valley Climate Action Alliance

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Stew Plock, board member 350 Silicon Valley

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Robyn Duby

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John Woodfill

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**Why is the City of Palo Alto building more parking garages? Won't that encourage people to drive instead of using other means to get downtown?**

The City Manager and staff (as well as the 1998 Comp Plan and the ongoing update) envision a future in which the use of single occupant vehicles will decline, reducing the need for parking. We are actively nurturing this vision with policies and actions in

Downtown and elsewhere (including establishment of the TMA, introduction of parking pricing, more effective management of the parking we already have, and development of Mobility As A Service solutions through our Federal Transit Administration grant and other programs). This future will also be advanced by changes in the marketplace, such as the expansion of ridesharing companies and the development and deployment of autonomous vehicles.

Meanwhile, we need to address today's challenges, including current parking demand, without precluding or discouraging future progress, and without wasting resources. We'll also need to anticipate how current parking lots could be redeveloped with other uses as parking demand declines in the future.

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rafic

**Carnahan, David**

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**From:** Rosenblums(pol1) <pol1@rosenblums.us>  
**Sent:** Friday, January 19, 2018 12:57 PM  
**To:** Council, City  
**Subject:** Agenda item 15, Meeting of January 22nd

In all its future plans, the City Council has committed to reducing single vehicle miles travelled in Palo Alto. I find the idea of constructing 2 new parking garages , one in the downtown and one in the California Avenue neighborhood to be in direct contradiction to that aim. Why waste almost \$70 million on two structures whose purpose we are trying to work against? The money could be better spent on Mobility as a Service in Palo Alto. This would eliminate the need for many parking spaces as well as fighting climate change .  
Stephen Rosenblum

## Carnahan, David

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**From:** Diane Bailey <diane@menlospark.org>  
**Sent:** Friday, January 19, 2018 1:14 PM  
**To:** Council, City  
**Subject:** Please Reconsider the Need for New Parking Garages - those funds could cover parking in a smarter way with plenty leftover  
**Attachments:** C421302D-8C87-4C6E-9C4A-456168B4C399.png

Dear City Council Members,

I'm writing on behalf of Menlo Spark, a neighboring environmental group working towards a zero carbon, sustainable city, to urge you to reconsider spending valuable city funds on a parking garage. For all the reasons stated in the December 11th, 2017 comments below, and described in detail by David Coale of Carbon Free Palo Alto, I urge you to consider a smarter approach to managing parking. Instead of building a new garage, the city could institute dynamic managed parking, which will make parking more convenient and free up city revenue for other more necessary projects (affordable housing, public transit, beautiful streetscapes & parks, climate actions such as natural gas replacement, etc.).

Thanks very much for considering these comments and for the important service that you provide leading the City of Palo Alto.

Sincerely,

Diane Bailey, Executive Director  
Menlo Spark

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**From:** Diane Bailey <[diane@menlospark.org](mailto:diane@menlospark.org)>  
**Date:** Monday, December 11, 2017 at 4:58 PM  
**To:** "[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)" <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>  
**Subject:** Support SIP Moving Ahead & Please Reconsider the Need for New Parking Garages

Dear City Council Members,

I'm writing on behalf of Menlo Spark, working in neighboring Menlo Park, towards a zero carbon city. We support the updated [Sustainability Implementation Plan](#) and welcome the City's efforts to move forward on its ambitious "80 by 30" greenhouse gas reduction goal. The key measures highlighted in the SIP are smart strategies to advance carbon reductions in the most meaningful way.

One separate but related policy that we are concerned about is the proposal to build additional parking garages. We appreciate that current parking needs are a significant issue but recommend alternative approaches to meeting these needs without locking in car-centric and expensive infrastructure that runs counter to a key SIP measure: ***Parking management strategies to support transportation and sustainability goals.***

Please find our sustainability guide for city mobility planning attached (*see p. 4-6 for dynamic parking*). We recommend a parking program that includes dynamic pricing similar to that employed successfully by the City of Santa Monica. Other nearby cities, such as Redwood City, are moving towards this model more slowly with higher parking prices at the center of the city, decreasing with distance from the core pedestrian and shopping zones. We recommend an emphasis on managing existing parking to maximize convenience, while parking revenues could be channeled into programs that support alternatives to driving, such as subsidized transit passes. Avoided costs of new parking garage infrastructure could also be used to support important mobility and housing programs.

Residents and downtown visitors are likely to appreciate an app-based parking system that allows easy location of available parking spots and payment. This can be implemented more quickly and at a lower cost than constructing new garages. It also supports a lively, walkable, and sustainable city.

Thank you for considering these comments.

Sincerely,  
Diane Bailey

Diane Bailey | Executive Director

MENLO SPARK

[diane@menlospark.org](mailto:diane@menlospark.org) | 650-281-7073

Visit us: [www.MenloSpark.org](http://www.MenloSpark.org)

Find us on [Facebook](#)

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*Climate Neutral for a Healthy, Prosperous Menlo Park*

EV, PV & Fossil Free: *Guides for Electric Cars, solar & Fossil Free Homes at:* <http://menlospark.org/what-we-do/>

**Carnahan, David**

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**From:** Judy Ohki <judy@lpetal.com>  
**Sent:** Friday, January 19, 2018 5:01 PM  
**To:** Council, City  
**Subject:** Message from the City Council Home Page regarding Cal Ave parking

To Palo Alto City Council,

As a business owner on California Avenue in Palo Alto, we desperately need to maximize the parking spaces in the construction of the new garages. This area continues to grow and parking will only get worse if you decide to cut back on the spaces. As it is, employees and customers are struggling to find adequate parking. Please consider the needs of the businesses in this area as you make your decisions.

Best regards,

Judy Ohki  
Leaf & Petal

**Carnahan, David**

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**From:** jack <jack@mortoncpa.com>  
**Sent:** Friday, January 19, 2018 6:34 PM  
**To:** Council, City  
**Subject:** 11th hour Staff Betrayal of the Cal Ave Community  
**Attachments:** CAL AVE PARKING STRUCTURE PROTEST.pdf

CITY COUNCIL MEMBERS: As the attached letter from Cal Ave businesses outlines, the community has once again been sabotaged by City staff.

This time staff is attempting to have Council remove 100 parking spaces from the yet-to-be built garage that Council only approved last spring.

Former Vice Mayor, JACK MORTON

January 18, 2018

Mayor Kniss, Vice Mayor Filseth and Council Members,

The members of the California Avenue Area Business Association (CAABA) listed below have reviewed the staff report before you on Monday, January 22, 2018 that proposes a reduction in the size of the new California Avenue garage. The proposed reduction to only one sub-level rather than two is ill-advised and we ask that the Council approve the original proposal that includes two sub-levels.

We understand the reduction is proposed as a cost-saving measure to help meet other City infrastructure and transportation needs. We believe this is a short-sighted mistake and strongly encourage the Council to approve the original design with two sub-levels for the following reasons:

- City representatives, from mayors to City staff, have been discussing a new garage with the Cal Ave business community for nearly 15 years. Over that entire time, the stated intention of the City was to build as large a garage as possible to accommodate the increased needs of the area.
- It has been an ongoing discussion among both City and Cal Ave area businesses that the area should become a more vibrant commercial district serving more retail and residential needs. Based on that goal, the City encouraged area development, made multiple new enhancements to the avenue and approved multiple new developments with added customers and local workers that have brought increased business to the area, and, with it, increased need for parking (e.g. Visa's new office building, 3 active developments on Park Boulevard, new buildings proposed for Cambridge and Sherman Avenues, and several new restaurants). Older businesses expanded or upgraded, and new businesses located in the area based on the improved business climate for the district and in reliance on the understanding that parking deficits created by this intensification would be addressed with the largest new parking garage possible.
- If there is a financial shortfall for the infrastructure needs of the City, we ask the Council to find other projects that may be deferred and authorize the original capacity Cal Ave garage which the City Council approved last Spring. For example, the \$6.7M upgrade of Fire Station #3 could be deferred without violating any deadline and would pay for the second level, or portions of the bike/pedestrian plan could be delayed for a period of time without any significant cost impact.

This 11th-hour change caught area businesses by surprise with almost no time for review and response. The garage design and capacity have been reviewed several times with area businesses and residents and the proposal with two sub-levels was approved by the City Council last Spring. The proposal to significantly reduce the capacity of the new parking facility is nothing less than a breach of faith with the business community that has worked collaboratively with the City for so many years on this project.

This is the last possible garage development for the California Avenue commercial district. No other garage is planned or, even if envisioned, would be unlikely for the next several decades. This is an opportunity that should not be short-changed or diminished when there are viable options to build the garage the area needs and still meet other infrastructure needs of the City. This priority has not changed and in fact the need has intensified over the 15 years of review and discussion.

If the Council cannot approve the garage with two sub-levels, the matter should be put over for a review of City infrastructure priorities, with time for the area businesses to work with staff on an acceptable garage proposal.

Respectfully,

Jessica Roth: The Cobblery

Peter Katz: Managing Partner, Counter Intelligence LLC, The Counter

Robert Martinez: Palo Alto Eyeworks

Maxime Roucoule: Pastis

John Garcia: Mollie Stone's Market

Israel Rind: Izzy's Bagels

Abraham Khalil: Med Wraps

Terry Shuchat: California Avenue Property Owner (Keeble & Shuchat Photography)

Jack Morton: President, CAABA

Mora Oommen: Blossom Birth

Mike Meffert: Meffert Investment, LLC and California Avenue Property Owner

Philippe Lehot: Villerousse Properties, LLC

Malek Kaci: La Boheme

Galen Fletcher: Sundance The Steakhouse

Lynn and Bob Davidson: California Avenue Property Owners

Hai To: Campus Barbershop

Elena Silverman: Country Sun Natural Foods

Jennifer Allen and Mike Maystead: PIP Printing

Don Lundell and Gillian Robinson: Zombie Runner

Lara and Michael Ekwall: La Bodeguita del Medio

Dino Tekdemir: Anatolian Kitchen

Franco Campilongo: Terun & Italico

Margot Goldberg: Palo Alto Central

Peter Brewer: Law Offices of Peter Brewer N. Brewer

Zareen Khan: Zareen's Restaurant

Aaron Ryan: Amity Cross Fit

Lori Villareal: True Salon & Calave Wine Bar

Jeff Davidson: California Paint

Chris Gaines: Performance Gaines

Anthony Secviar: Protégé

Al Ghafouri: Printers Café

Rory Shannon: Summit Bicycles

Kyle Talbott: Grey Matters

Ann Vuong: La Jolie Nail Spa



Jack Morton, Chair  
California Avenue Area Business Association

## Carnahan, David

---

**From:** Eric Rosenblum <mitericr@gmail.com>  
**Sent:** Saturday, January 20, 2018 5:04 PM  
**To:** Council, City  
**Cc:** board@paloaltoforward.com  
**Subject:** Palo Alto Forward: Considerations before approving downtown garage  
**Attachments:** PAF letter on downtown garages 2017.1.19.pdf

Dear Mayor and City Council

On behalf of Palo Alto Forward, I would like to express our general agreement with the attached letter from Carbon Free Palo Alto et al (expressing reservations concerning the proposed downtown parking garage). I have also attached the below as a .pdf file in case there are email formatting issues.

In addition to that letter's concern about the sustainability and environmental issues that argue against another garage, we would like to raise several practical considerations:

1. **We should use our existing parking capacity more effectively:** the PTC has started the process of discussing paid parking (potentially with dynamic pricing) for our downtown areas. This has been successfully used in neighboring communities to effectively manage capacity utilization. In addition, even without paid parking, the city has presented evidence that our garages are not currently filled to capacity (and that better way finding could help guide people to the right garages). **In short, there are several critical steps-- including implementation of paid parking, enforcement, and better way finding-- that should be rolled out before embarking on an expensive and permanent infrastructure project like a garage.**
2. **Financial considerations:** Since the adoption of the city infrastructure plan, costs have risen substantially as noted in the staff report. Currently the approved projects face a funding shortfall of over \$50 million. Before moving forward on one piece of the package (the garages), it would be prudent to consider how the funding shortfall affects project timing and priorities. For the parking garages it would be helpful and prudent to see how the current RPP and growing GoPass programs are affecting parking demand and availability since conditions may have changed since the original garages were suggested by the infrastructure commission and adopted by the city.

In short, we thank Carbon Free Palo Alto et al for eloquently arguing for a more environmentally friendly policy. We would additionally like you to consider other capacity measures and financial considerations before approving the garage.

On behalf of Palo Alto Forward,

Eric Rosenblum

### **Below is the letter from Carbon Free Palo Alto**

Dear Mayor and City Council,

As you are reviewing capital projects for this coming year, there is one project that needs serious re-consideration and that is the parking garages for the downtown and Cal Ave areas. These projects are in direct conflict with the Sustainability Implementation Plan (SIP) and also are not sustainable from a fiscal point of view. We just don't have the money to pay for these and the problems they will incur. What's more, we really don't need them as other solutions are much less expensive and are working.

#### **Environmental/Sustainability/Climate Change issues**

The city did a study of the parking downtown. Staff worked with a parking consultant and got a parking solution. At no time were the garages viewed through the greater lens of sustainability.

While the SIP did try to address the parking garages in the FAQ part of the report (Appendix D, copied below), this was by no means a comprehensive analysis of the impacts of the parking garages on our goal of 80% GHG reductions by 2030. In fact the first part of the FAQ answer to why are we building parking garages are all the reasons why we should not build them; they are in direct conflict and moving us in the opposite direction of the main parts of the SIP. We should not be encouraging more cars, traffic and the GHG produced by the construction of garages and the induced increase in auto use with these projects.

For each pound of concrete used in the parking garages, a pound of CO<sub>2</sub> is produced and for each pound of steel, 4 to 7 pounds of CO<sub>2</sub> are produced (depending on the source<sup>1</sup>), so building the garages will have a large GHG footprint.

The even larger environmental impact is the increased traffic, congestion and other impacts that will happen with these projects. With 338 parking spaces for the downtown garage, if we assume the parking garage is 80% full, and that each space turns over 4 times in a day we get 1082 car trips. If each car drives 6 miles to get downtown (this is conservative as most of the traffic in Palo Alto is from outside of Palo Alto) we get 6490 miles each day or about 5,200 pound of CO<sub>2</sub> per day or 2.6 tons/day. This conservative estimate does not include the GHG of the added congestion caused by this additional traffic. So each year this amounts to about 650 tons of CO<sub>2</sub> from cars.

The largest part of the SIP is the reduction of auto use in Palo Alto. The garages are in direct conflict with this. How can we accept awards for our work on addressing climate change from the League of Cities and then turn around and build two huge parking garages? The parking garages need to be revisited with a greater eye on sustainability.

Water is also an area that is addressed in the SIP. With the proposed project downtown, there will be parking below ground. A huge dewatering effort may be required to realize this project. I don't think this has been adequately addressed and certainly not with respect to the SIP or the recent dewatering ordinance which everyone agrees needs to be strengthened to be really protective of our ground water.

Fiscally not viable.

The projected cost of these projects is \$68.5 million. Where is this coming from? As of yet, we don't know. We also know that the price of any project will be more than projected. This has never come out any other way.

The more fiscally responsible approach would be to see how the lower cost fixes to our parking problems are working before building the most expensive, most environmentally damaging solutions possible.

From the latest Transportation Management Association (TMA) survey<sup>2</sup> we see that Signal Occupancy Vehicle (SOV) trips have been reduced with their efforts. This is great news! The TMA efforts are working even though the TMA is under funded.

The Residential Parking Permit program is also helping to ease the parking issues downtown and this continues to be refined. Parking pricing will also help to reduce SOV and create revenue for the city.

As use of various ridesharing services increases, the need for parking will be reduced. And with the advent of self-driving cars, this will further reduce the need for parking.

The continued build-out of the Bike-Ped network will also help to reduce the parking need for downtown and Cal Ave along with other transit improvements such as the electrification of CalTrain and other transit options such as the bike sharing program.

Right now we are at the peak of our parking need and due to that, with all the possible solutions coming into play, we just need some time to let these efforts play out and work.

Building parking garages now where they would only be obsolete in a few years just does not make good sense, environmentally or fiscally. Besides with all the money we are saving, we could fully fund the TMA, the Bike-Ped plans, the SIP and more and still have money left over to address other shortfalls the city is facing.

#### Conclusion

Anytime the council spends money you have an opportunity to vote for or against sustainability, and anytime a project of this size is being considered, it is even more imperative to look at the project through the greater lens of sustainability. In this case, there is a win-win solution by letting the less expensive solutions work before committing to a very expensive solution that will likely be obsolete in 5 to 10 years and have a large environmental impact. Use the money saved from delaying this project to fund the other solutions that will decrease the need for parking and get us closer to the goal of 80% GHG reductions by 2030. If you should decide to proceed with building the garages, a much larger, comprehensive study should be done that looks at all the impacts on the environment, the SIP and the budget. This study should also include the possibility of building affordable housing at these garage sites instead and the funding to expand the successful TMA effort to the California Ave area.

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206 604 0443

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**Carnahan, David**

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**From:** Peter Brewer <peter@brewerfirm.com>  
**Sent:** Sunday, January 21, 2018 11:17 AM  
**To:** Council, City  
**Subject:** Cal Ave Garage - Do Not Reduce

I am unable to attend the City Council Meeting on Monday, January 22, 18 at 8:30pm, but that is not because I do not care about the Cal. Ave. business district. I do care deeply.

The proposed garage on Sherman Avenue, between Birch and Ash (which was approved last spring by the city council) is now planned to be reduced by one level, resulting in a loss of 90+ spaces.

This reduction is ill-advised and as a building owner and business owner in the Cal. Ave. area I ask that the Council approve the original proposal that includes two subterranean levels.

Please do not sacrifice the future for a proportionally small savings now.

Peter Brewer

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*Real Estate Law – From the Ground Up®*



**Carnahan, David**

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**From:** Margaret Heath <maggi650@gmail.com>  
**Sent:** Sunday, January 21, 2018 7:08 PM  
**To:** Council, City  
**Subject:** California Avenue gararage

Dear Council Members,

While I realize that Palo Alto has budget constraints, I believe that a decision to reduce the size of the proposed California Avenue Business District parking garage is short sighted and a real disservice to both local merchants and neighborhood serving businesses.

I am writing to request that you fully fund the new California Avenue parking structure as originally approved, even if that means delaying or reducing the scope of projects such as the Ross Road and Loma Verde hardscapes. Council's policy of encouraging and approving dense office construction with insufficient parking in the California Avenue area is resulting in the parking lots intended for the local businesses, merchants, and residents, turned into de facto all day parking lots to accommodate new office construction.

As a result, our local merchants and small businesses struggle more than ever in today's environment and desperately need to replace their lost parking. Residents need the lost parking.

A large part of Palo Alto's livability has been the presence of our merchants and other local businesses. In today's difficult retail climate and high rents, we need to support the small businesses that serve us in every way we can, and for as long as we can. And more often than not we need to be able to park to do so. Over the years we develop friendships and loyalty with the owners and employees of the local businesses we patronize. But, as is becoming increasingly often, for lack of parking we end up driving further to neighboring towns.

As each merchant or small business is forced to close down or move away, partly as a result of council's actions or lack of action in the past, it is likely they will be replaced by businesses that do not serve residents nearly as well.

Please, listen to the merchants and small business owners, and fully fund the parking garage.

Sincerely,  
Margaret Heath  
2140 Cornell Street  
Palo Alto

**Carnahan, David**

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**From:** Bret Andersen <bretande@pacbell.net>  
**Sent:** Sunday, January 21, 2018 7:02 PM  
**To:** Council, City  
**Subject:** Re: Delay the Parking Garage Projects / Spending

Dear Mayor and City Council,

I would like to reinforce the key points from David Coale's letter recommending that you move to delay further spending on the parking garage projects for the time being. These projects represent a huge capital commitment to a long-term (decades), inflexible solution to the evolving problem of parking demand and traffic congestion. As David's letter described, we have several other approaches that reduce demand for publicly subsidized parking, that are much less expensive, seem to be working, and align with our city's established sustainability plan. But we also see technology changing rapidly including car sharing services and autonomous vehicle technologies. For example, Uber and Lyft increasingly reduce parking demand and self-driving shuttle pilots are already beginning in U.S. cities (see article below). We will no doubt have very different needs for parking within 10 years.

I hope we can use the money saved from delaying the garage projects to fund the other solutions that both decrease the need for parking and address our long term sustainable transportation goals.

Sincerely,

Bret Andersen

<https://www.wired.com/story/las-vegas-shuttle-crash-self-driving-autonomous/>

**Carnahan, David**

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**From:** Einar Sunde <einarsunde@gmail.com>  
**Sent:** Sunday, January 21, 2018 10:26 PM  
**To:** Council, City  
**Subject:** Agenda item 15 Meeting 1/11 - Parking structures

I have been a Palo Alto resident since 1971 and have witnessed first hand the exponential growth in office buildings and traffic and the glaring lack of action (i.e. lack of concern) for reducing traffic and parking issues.

Your professed goal is to reduce single vehicle miles, particularly into downtown and the California Avenue district. If you really mean it you would not spend \$60M or more on new parking structures in the commercial districts that will, given present trends and lack of effective counter-measures, be inadequate before they open.

You would instead build out a serious (widespread and fast) local shuttle system that would connect the two Caltrain stations, office parks, commercial districts and the residential zones (and possibly a major parking facility east of 101). I suspect a decent system (say 40 to 50 new shuttle buses) could be operating within a relatively short time for less than one tenth of the cost of these garages.

It should be obvious - if you want to reduce traffic, don't add new incentives to drive. Instead, spend taxpayer's money for effective long-term solutions that will actually work.

Thank you.

Einar Sunde  
675 Channing Avenue

**Carnahan, David**

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**From:** Shannon McEntee <shannonrmcentee@gmail.com>  
**Sent:** Monday, January 22, 2018 12:04 PM  
**To:** Council, City  
**Subject:** Request to Council

Dear City Council,

I know costs are skyrocketing, but Palo Alto should not reduce the planned size or scope of the new parking garage on Sherman. This garage is vitally needed for the small businesses, service providers, and residents who need to park when they visit this area. We don't want visitors and business employees to be forced out into the streets and into our neighborhoods.

Also, we must bite the bullet and build all the below-ground levels of the garage. No matter how expensive, we can't throw away this opportunity. If we don't build it now, the opportunity is lost!

Regarding the PSB: this is where we can economize or postpone! We should consider a full re-evaluation of the PSB project and its escalating costs. Why couldn't an efficient, effective, and possibly smaller project be built? One option is to put the police in temporary space while we build their new facility on Hamilton, where they are now and where ingress and egress is much easier and more suitable. Sherman Avenue was never a suitable location.

Sincerely,

Shannon Rose McEntee  
410 Sheridan Avenue

**Carnahan, David**

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**From:** Lori Villarreal <calavelori@gmail.com>  
**Sent:** Monday, January 22, 2018 12:17 PM  
**To:** Council, City  
**Subject:** Message from the City Council Home Page  
**Attachments:** PastedGraphic-8.tiff

Hello council members,

My name is Lori and I have been a business owner on California Avenue for 13 years. I have two business on the corner of California and Birch street Calave wine bar and True salon. Both my businesses will be in very close proximity and be directly affected by the new safety building and parking structure.

I attended the last city council meeting on the project and was pleased with the decision that the parking would have the most levels of parking possible. Unfortunately I am unable to attend the meeting tonight but wanted another opportunity to speak to you all.

Our businesses will suffer during this process but I am okay with this as it is for the greater good for our community. My partners and I see the benefits of adding parking to this area. I have seen this area grow immensely within the last few years and know how vital it is to plan ahead for patrons to be able to access our businesses easily. I already hear how difficult it is for customers to find parking during lunch times. I see multiple larger buildings being built and can only imagine more in the future. I know they have their own parking but it also just brings more people to the area. More apartments being built at the end of California Ave near Hanover. I know most of those won't be walking to our area. Why would we not plan for as much parking as possible? We need to be ahead of the game and not behind the times with old views. Growth is inevitable and hope you all plan for this area to continue to grow and plan for it. Why would you not approve the most amount of parking? You can't go back and add more later at this location. We need to keep the big long term picture in mind and not the short term. I know your job is not easy and I understand the challenges. However, please hear me when I say parking is an issue already. I have built many relationships with residence and neighboring residence that come to visit my businesses and the common concern is PARKING!! I have not met one person from fellow business owners to patrons that is not in favor of the most parking as possible. Please keep to the plan that was agreed upon previously for 2 levels below and 4 levels above. Please do not reduce the parking spaces!

Thank you for taking the time to read my response.

Cheers,  
Lori Romero Villarreal  
Managing Partner  
C: 408-887-5155  
[calavelori@gmail.com](mailto:calavelori@gmail.com)  
[www.calave.com](http://www.calave.com)



**Carnahan, David**

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**From:** Art Liberman <art\_liberman@yahoo.com>  
**Sent:** Monday, January 22, 2018 1:28 PM  
**To:** Council, City  
**Subject:** slow capital spending on Arastradero - Charleston reconstruction

At this evening's meeting, you will be reviewing capital spending projects and their budgets. Recent estimates show inflated costs for projects and you must make some hard choices. I have reviewed the City Manager's report and would like to make a suggestion.

Instead of reducing the capacity and cost of the CalAve parking garage, as proposed by Staff, I suggest to slow - or stop for the time being - the reconstruction of the Arastradero-Charleston roadway corridor. The roadway is functioning and rebuilding it now, when funds are short, is an expenditure that Palo Alto cannot afford. It is not going to measurably improve traffic and safety on the corridor, for bicyclists, has largely been addressed by the roadway configurations that reduced traffic lanes and widened bike lanes. Many in the city would view its reconstruction now as a solution in search of a problem - and a very expensive solution and certainly of much lesser importance than others in the list

In particular, the project for the new Public Safety building and the nearby parking garage should be the top priority and no changes to those plans ought to be adopted.

Sincerely,

Arthur Liberman  
751 Chimalus Drive

**Carnahan, David**

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**From:** Sharon C <sharonchin@msn.com>  
**Sent:** Monday, January 22, 2018 2:07 PM  
**To:** Council, City  
**Subject:** EPPP Permits & Cal Ave Parking Garage

Dear Palo Alto City Council,

<https://www.paloaltonline.com/news/2018/01/19/as-costs-grow-city-may-scale-back-garage-plan>

This is just infuriating.

The City Council needs to take a giant step back and assess. Whether you are a 'residentialist' or 'pro-housing', remove those labels. Please do two things. Look at the situation from two different perspectives 1) Pretend you are a resident and live in either Evergreen Park or Mayfield neighborhoods and think how you would feel. And 2) As an elected official, think about what is best for Palo Alto almost as if this city were a person. Don't think about who donated to your campaign or the politics of any of it. Just think purely about Palo Alto and what will make this city thrive for the next several decades - remembering that Palo Alto residents are an important cog of what makes this city vibrant and interesting.

Whether you are an advocate of slow-growth or pro-development, you cannot build without planning for impact this development will have on residents, businesses and existing infrastructure. What is the strategic growth plan here for Palo Alto? Even the most thoughtful development creates impact -- and it is your duty to ensure various components that are impacted - residents, infrastructure, businesses are kept in balance.

If you continue to allow development along Park Boulevard and other locations not just in Mayfield, Evergreen Park, but also other city neighborhoods without planning for what impact this will have on the streets - traffic, safety, commute of pedestrians, bicyclists, vehicles + adequate parking not just for commuters but for residents and guests to frequent our city and business districts -- you simply will continue to have negative impacts and threaten the livelihood of Palo Alto.

The city is playing catch up from all the construction that was allowed to happen without adequate parking and thought to the impact this development would have on our infrastructure, city streets and neighborhoods. To reduce the size of this parking garage and 'solve' the problem by approving more parking permits to be sold so cars here on business can park on residential streets is putting a bandaid on the problem - and it's unfair to put the burden solely on the residents of Evergreen Park and Mayfield. If any of you lived here, how would you feel? If any of you commuted on Park Boulevard near the Alma/Oregon overpass on a regular basis between 3-6pm, how would you feel? If any of you frequent Cal Ave on a regular basis between 11-2pm, how long does it take you to find a parking spot?

What hasn't been mentioned yet is the impact all this traffic congestion has on safety of pedestrians and bicyclists/foot traffic of all ages.

You all need to take a long view here and consider all perspectives of what these decisions mean for our city and for its inhabitants. I am just exasperated with your thought process and feel suspect of what is influencing your decisions.

- 1) Do not reduce the planned size or scope of the new parking garage. This garage is vitally needed for the small businesses, service providers, and residents who need somewhere to park when they visit this area. We don't want visitors and business employees to be forced out into the streets and into our neighborhoods.

2) Adding more commercial parking permits is the exact opposite or purpose of having an RPPP in our neighborhoods. The goal of these programs is to actually find ways to “reduce” the need for commercial permits over time and hopefully make neighborhood parking open for residents.

Therefore:

- A) Do not increase the current 250 commercial permits limit in the Evergreen Park/Mayfield neighborhood. Adding more permits for commercial use will continue to add to an already congested parking problem in this area. Instead, we need to find a way to “reduce” commercial permits by at least 10% each year.
- B) No commercial permits should be issued to new buildings that have Traffic Development Management programs (TDMs).
- C) Make commercial permit parking available along El Camino Real (both sides of the street), from Stanford Avenue to Park Blvd./Serra for local businesses.

Don't let shortsighted decisions continue to plague the vibrancy of this town.

Sharon Chin  
Resident of Evergreen Park

**Carnahan, David**

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**From:** aldeivnian@gmail.com on behalf of Adina Levin <adina.levin@friendsocaltrain.com>  
**Sent:** Monday, January 22, 2018 2:43 PM  
**To:** Council, City  
**Subject:** Agenda #15 - Infrastructure Plan and Projects - Cost-effective parking and access

Honorable Council Members,

Friends of Caltrain would like to support the concerns raised by Carbon Free Palo Alto regarding the status of the proposed parking garages, given the \$50 million shortfall for the city's infrastructure projects.

After City Council made decisions early in 2017 to move forward with two parking garages, Palo Alto's Downtown Transportation Management Association, created with a goal of reducing solo driving by 30%, reported strong take-up from its initial pilot programs. Based on the strong pilot results, the city decided to fund TMA expansion, and with this funding, the TMA plans to shift up to 750 people to non-SOV modes by the end of calendar year 2018.

As a major employer, the City of Palo Alto's Go Pass participation is showing strong results, with an uptake that has increased from 51 in 2015 to 172 in 2016, to 200 in 2017.

The PATMA survey, and the results from the programs from the TMA and the city, both suggest that there may be about 400 fewer workers driving to and parking in downtown Palo Alto over the last year.

In short, Palo Alto has already reduced more car trips with its downtown TDM programs than the number of spaces proposed in the downtown garage; and TDM activity in the Cal Ave area has not even been commissioned.

Also, since Council approved the garages in April, the federal funding for Caltrain electrification, which was hung up in DC earlier in the year, was finally confirmed, construction is under way, and expected to be complete in 2022. Electric Caltrain will have the ability to carry more passengers and provide better service to underserved stations such as Cal Ave.

One staff recommendation is to downsize the Cal Ave parking garage, eliminating the second underground level and reducing the number of net new spaces from 335 to 241. Staff's recommendation to prune the Cal Ave parking garage is based on recent data-collection showing that the demand crunch is largely during weekday lunchtime hours; and anticipating upcoming initiatives to shift travel from single occupancy vehicle trips.

Given Palo Alto's initial success at reducing downtown car commuting, and the progress on Caltrain electrification, we would recommend holding off on costly and permanent expenditures in parking supply, while:

- \* continuing to invest in and assess the results of the TDM programs to reduce driving
- \* using business registry and other data to verify that Palo Alto is able to reduce driving faster than employment growth in areas targeted by TDM programs
- \* continuing to advance wayfinding and paid parking as strategies to better manage existing parking supply
- \* experimenting with programs such as being piloted in Mountain View, providing Lyft/Uber discounts for people coming to Cal Ave from other parts of Palo Alto at times of high parking occupancy

As Carbon Free Palo Alto points out, reducing solo driving is an essential strategy to achieve the city's climate goals. Given recent data on the progress of these initiatives, pausing the garage projects, while focusing on

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investments in reducing driving and managing supply would be a prudent strategy to address the funding shortfall.

A future decision to move forward with the garages should depend on clear evidence that growth of employees and visitors in the Downtown and/or Cal Ave areas will outstrip the ability of TDM, parking management, and transit improvements to reduce parking demand.

Thank you for your consideration,

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

**Carnahan, David**

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**From:** Elani Gitterman <elani.gitterman@gmail.com>  
**Sent:** Monday, January 22, 2018 3:28 PM  
**To:** Council, City  
**Subject:** California Avenue parking

Hello,

I'm a Palo Alto resident and visit cal ave regularly. I've always found it difficult to park - I understand the proposal is to make the parking garage smaller and highly recommend against that due to the traffic this street gets. It is especially helpful for small businesses to have parking available here for their customers.

Thanks,  
Elani Gitterman

**Brette, Jessica**

**From:** Svendsen, Janice  
**Sent:** Thursday, January 18, 2018 4:48 PM  
**To:** Council Members; Council Agenda Email; ORG - Clerk's Office  
**Cc:** Keene, James; Shikada, Ed; De Geus, Robert; Flaherty, Michelle; Yuan, Dave; Ghaemmaghami, Hamid; Gitelman, Hillary; Reichental, Jonathan; Dauler, Heather  
**Subject:** 1/22 Council Agenda Questions for Items 5,11 & 14

**Council Question Response**

councilquestionresponse.org

Dear Mayor and Council Members:

On behalf of City Manager Jim Keene, please find below in **bold** staff responses to inquiries made by Council Members DuBois and Kou in regard to the January 22, 2018 council meeting agenda.

- Item 5 – Adoption of 2018 Legislative Policy & Priorities – CM Kou
- Item 11 – Verizon Wireless placement of communication equipment – CM Kou
- Item 14 – Upgrade to Downtown Project - CM DuBois

Item 5 – Adoption of 2018 Legislative Policy & Priorities

Q.1. In the Technology category "Authorizing Palo Alto as a place for autonomous vehicle testing." The priority of reducing the congestion on Palo Alto street seems to conflict with this authorization. There is a safety factor as well.

In the Other category "Supporting reasonable state action to update, implement, and refine processes, services, and programs affecting the city." With the State proposing and passing legislation taking away a municipality's governing controls and imposing blanket mandates is not something I want to encourage especially with our City budgets thinning. Why are we allowing for the State to continue deregulating our local controls and impose unreasonable chaos and financial burden?

**A. 1. The authorization of autonomous vehicle testing would not limit the City's ability to set standards and requirements on any entity allowed to operate. If authorized, subsequent City Council action would be required.**

With regard to the question about "Supporting reasonable state action to update, implement, and refine processes, services, and programs affecting the city," this allows staff the ability to support and encourage state action that would positively impact the City. For example, the City may wish to support bills that allow us to streamline duplicative reporting requirements, or regulations that provide flexibility in implementing mandated programs. This would not in any way diminish the City's position regarding local control and unfunded mandates, as stated in the "Foundational Principles".

Item 11 – Verizon Wireless placement of communication equipment

Q.1. Was notification provided to the residents in the townhome complex at Colorado Place?

**A. 1. After the approval of the lease and ratification by both parties, Verizon will start the planning review and approval with our Planning Department. Please refer to Palo Alto Municipal Code listed below for more information. The property currently houses two other cellular carriers. The current site was used previously by Metro PCS.**

The muni code (**18.42.110 Wireless Communication Facilities**) can be accessed here: [http://library.amlegal.com/nxt/gateway.dll/California/paloalto\\_ca/paloaltomunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:paloalto\\_ca](http://library.amlegal.com/nxt/gateway.dll/California/paloalto_ca/paloaltomunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:paloalto_ca) \*\*

*\*\*Instructions: Upon opening the above link, go to Title 18 (Zoning) on the left side bar. Scroll down to 18.42 (Standards and Special Uses). Locate 18.42.110 (Wireless Communication Facilities.) Scroll down to Section C (Types of WCF Permits Required.)*

Item 14 – Upgrade to Downtown Project

Q. 1. What basis was used to allocate the costs among the Enterprise funds?

**A. 1. Each utility will pay for the work directly associated with the installation as described in the bid items. The joint trench work of \$5.7M will be split among the 3 utilities being installed in the trench (water main, gas main, and two fiber conduits).**

Q. 2. Page 3 refers to "dig once" policy - have we adopted an updated dig once policy?

**A. 2. Staff developed this project based on a “dig once” policy, though the policy has not yet been officially adopted. Staff is developing this along with other ordinances, such as String Once, Multi-unit Housing, and Micro-trenching, to reduce construction costs and minimize disruption in the public-right-of-way. Staff plans to bring all the ordinances to Council at one time as a comprehensive package for approval. Since University Avenue is the main artery for downtown, it makes sense to install everything at the same time to avoid future excavation/disruption and only pay indirect and overhead costs once.**

Q. 3. As the staff report states, the point of a dig once policy is to "reduce underground construction costs..." . As such the, laying fiber should be viewed as incremental work and not be assigned any of the cost of the digging. Can you break down the \$2.1M expense for fiber on this project? What would be the cost if fiber

conduit was laid separately at a future date? How much is the dig once policy saving us on costs?

**A. 3.** Water, gas, and two fiber conduits are going to be installed in the joint trench. Bid item #1 includes the labor, equipment, material costs to excavate and shore the trench, install pipes, backfill/restore the trench, as well as all indirect and overhead costs such as mobilization/demobilization, traffic control, and construction management by the contractor. The estimated cost to install fibers separately on University Avenue at a future date has not been estimated at this point. Such a project would necessarily carry all the indirect and overhead costs by itself, but may be located along a different alignment within this crowded (with infrastructure) street. As designed, fiber installation requires a deeper trench, with associated shoring and other constructability costs. Nonetheless, the dig once policy saves the City from paying the indirect and overhead costs twice and minimizes impact on residents, businesses, and transportation in downtown.

Q. 4. In the detailed bid the fiber related costs appear to be only about \$35,000 dollars - \$15K to install 2 PVC conduits, \$13K to to install another 4 PVC conduits, and \$6K to install a fiber optic pull boxes. Is that correct? Where is the rest of the fiber expense coming from?

**A. 4.** These bid items are the pull boxes and fiber conduits directly allocated to the fiber installation and are in addition to the fiber utility's share of the joint trench cost. The primary fiber expense is listed under Bid Item #1 – joint trench and installation of water pipe, gas pipe, and fiber conduit. Bid item #1 includes the labor, equipment, material costs to excavate and shore the trench, install pipes, backfill/restore the trench, as well as all indirect and overhead costs such as mobilization/demobilization, traffic control, and construction management by the contractor.

Q. 5. Is more fiber capacity needed at this location?

**A.5.** At this time, there are no immediate or forecasted needs for the City. This was included to provide flexibility for future uses and advance prior council direction to include fiber capacity in conjunction with main replacement projects.

Q. 6. The staff report on page 4 says "for this specific location, however, the incremental cost to include fiber optic conduits may be marginal....:" If council decides not to include fiber at this time, how will the \$2.1M in cost be allocated to other enterprise funds?

**A.6.** It is worth noting that the sentence concludes,

"...marginal in comparison to anticipated benefits." Since the fiber is an integral part of the negotiated contract package, if council prefers not to include fiber, staff would not recommend awarding the contract. The project will require repackaging and rebidding, to return to council at a future date.

**This may encounter the same problem with few or no bidders (high market demand and downtown restrictions) and the bid prices for other programs (general fund as well as utilities) will be allocated overhead and indirect costs.**

Q. 7. East Palo Alto is in the process of a fiber installation to its public buildings. I know some of the ongoing operational costs maybe subsidized but I believe the actual construction and installation costs are estimated to be much lower, under \$200,000 for more than 8000 ft distance. How are they able to do it so cost effectively?

**A. 7. It is difficult to make a comparison of costs since we do not know where East Palo Alto's conduits are to be installed or what construction method will be used. The installation on University Avenue is very expensive due to the congestion of underground utilities in the street (directional drilling method is not feasible because of the potential impact to existing underground utilities), restricted construction timeframes, extensive outreach and traffic management requirements. The high cost of water main installation on California Avenue in the Cal Ave Business District around 4 years ago also indicates that it's typically more costly to install utilities in downtown or business districts.**

Thank you,  
Janice Svendsen



Janice Svendsen | Executive Assistant to James Keene, City Manager  
250 Hamilton Avenue | Palo Alto, CA 94301  
D: 650.329.2105 | E: [janice.svendsen@cityofpaloalto.org](mailto:janice.svendsen@cityofpaloalto.org)

City of Palo Alto | City Clerk's Office | 1/22/2018 1:43 PM

Carnahan, David

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**From:** Suzanne Keehn <skeehn2012@gmail.com>  
**Sent:** Monday, January 22, 2018 11:48 AM  
**To:** Council, City  
**Subject:** Council meeting Jan. 22nd, Grand Blvd Meeting Jan 23rd, GUP meeting Jan 23rd

To the Palo Alto City Council,

I read the proposed letter that will go to Stanford, and thought it did cover many issues. However, the same issues apply to all the development that Palo Alto proposes, and the same considerations should be applied.

From what I understand, the update for the Cal Ave. Parking structure, would change two floors underground and three above ground. Which would result in a structure way over the limit of 50 feet presently allowed. I would be totally out of place on Cal Ave and become a model for other such building exceptions in our city. For the residents in the area the current plan of two underground floors should stand. The residents cannot and should not absorb the overflow traffic. Business corporations and developers need to pay for the additional expense of the underground floors.

The Legislative Priorities, Utilities document is much clearer, and I appreciate Councilwoman Lydia Kou's addition. I like the word emmisions added to the airplane noise. I am sure many are flying much lower than allowed, at night I think they could land in my house. And, yes we need to be aware of the sea level rise, and take steps, and account for that in all our development decisions.

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The city council is supposed to represent the residents and citizens of Palo Alto, the two meetings on January 23rd, says to me that you do not really want to inform us about the 'Grand Blvd' plans. I never heard about the first two, and one at Country Sun makes no sense, no room. This one tomorrow is at the Cal Train Station, outside, no seating, cold, and conflicts with the GUP meeting at City Council. I urge you to have a Grand Blvd information and discussion meeting at a reasonable place, as you did with the train discussion at the library.

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I won't go nursing a cold, but hardly anyone will. I urge you to have another one with a large room at another time. The current meeting will not be conducive to either information or discussion.. Please Reprensent ALL of us.

Sincerely,  
Suzanne Keehn  
4076 Orme St.  
94306

**Carnahan, David**

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**From:** Keith Ferrell <ferrell.keith@gmail.com>  
**Sent:** Friday, January 19, 2018 6:18 PM  
**To:** Kamhi, Philip  
**Cc:** Council, City; Planning Commission; City Mgr; Shikada, Ed  
**Subject:** Re: Clarification on Report #8763

Philip,

What was the method used to calculate the 581 parking spaces in Southgate? We hand measured the neighborhood prior to the RPP and came up with 470 usable parking spaces. Our method used a 21' parking space, per the city, and took into account no parking zones, curb cuts, etc... As an example, if there was 35 feet on one side of a driveway and 28 feet on the other, that would be only two usable spaces, as you could only feasibly park one car on each side of the driveway. However, if you merely added those measurements and divided by 21', you could come up with 63 feet total and three 21' spaces. The former method is an accurate reflection of parking availability while the latter method overcounts spaces by 50%. Can you provide me with the method used and also the supporting documentation? If you would like, I can walk you through our measurements and you can confirm our counts. I would hate for more misinformation to go to council. I am starting to realize that one reason why residents could be constantly frustrated with some of the decisions made by council is due to the poor quality of information given to them. As the saying goes, "garbage in, garbage out".

Please provide me with this information as soon as you can given the January 28th meeting date.

Thanks  
Keith

On Fri, Jan 19, 2018 at 12:00 PM, Keith Ferrell <[ferrell.keith@gmail.com](mailto:ferrell.keith@gmail.com)> wrote:

Phillip,

In your report to council, there's a footnote on 1515 and 1681 El Camino Real which states, "The two commercial properties at 1515 and 1681 El Camino Real we rezoned RM-15 (multifamily housing) in the 1980s and the Council's action at that time allowed medical office uses to remain on the sites as long as they did not expand."

Do you have 1) the document stating this action and 2) the number of employees working at the offices at that time?

If not, how did you get this information and what is the method to check to see if the offices are expanding? Is it based on employees, square footage, customer base? What is meant by "expand"?

Two other quick points, which I will expand on in a more detailed email, 1) You continue to quote 70 employees. I understand you qualify that with "many" are part-time, but the report still throws out a number that has no meaning. It's irresponsible to say there are 70 employees as a way to sway council into thinking there's a huge need for permits, when in fact, there are only 25 -30 employees at both addresses on a consistent basis. I know this, because I counted cars for 2 weeks and took down license plate numbers. So, I have a record of all cars that showed up more than once over that span. 2) You also continue to tout a 30 - 40% show rate of employee permits. A quick walk around the offices and you'll find all 10 employee permits every day, that's 100% a show rate.

Now that you are presenting false information to council, I find it necessary to attend the council meeting on January 29th. I had hoped to travel to visit my father for his birthday during that time, but that will have to wait.

I find it frustrating and still can't get my head around the fact that this type of misinformation is allowed to pass through staff and onto council where they are to make an informed decision. In order to make an informed decision, there must be an accurate representation of the facts, and this report does not have that. Even worse, you are more than aware that you are presenting false information and yet you continue to do so.

Keith Ferrell

**Carnahan, David**

---

**From:** Christopher Wong <christopher.wong76@yahoo.com>  
**Sent:** Tuesday, January 23, 2018 5:19 PM  
**To:** Council, City; Wolfgang Dueregger wolfgang.dueregger@alumni.stanford.edu [evergreen-park-discuss]  
**Subject:** Re: [evergreen-park-discuss] new 7 floor parking garage in Cal Ave Business District (on tonight's agenda)

Hi City Council,

I am in agreement with Wolfgang. The compromise of removing an underground floor from the project doesn't seem logical, given the future impact of several buildings ongoing in various phases of construction in the Cal Ave business area. The utilization studies from November 2017 don't take into account the traffic and parking activity these businesses will account for when they come online this year and next, for example.

If I understand correctly, the net parking space increase was to be a total of 158 spaces, at an updated schematic cost which exceeds 4x the original estimate. Staff recommendation suggestion to remove a subfloor will reduce the net parking increase down to 64 net spaces, at a cost of 3x the original estimate (assuming the ~\$8m is saved). At nearly \$40m using the schematic estimate, this seems like an awful lot of money to spend and it's a little alarming that the cost estimate from 4 years ago is so far off today (I would understand a 2x cost increase for improving economy, demand, but this doesn't seem logical). Are we doing due diligence in correctly measuring building cost, or is the city getting fleeced a bit here by the assumptions that construction costs have gone up this much (everyone loves PA money).

Ultimately, you've got to account for future growth as well. I think this is short sighted at the expense of meeting the budget. This move will push people back into Evergreen RPP, and we'll be back in the same position again a year or two from now. Don't give Cal Ave businesses and surrounding neighborhoods the short stick for this.

Regards,  
Christopher

On Tuesday, January 23, 2018, 1:06:34 PM PST, Wolfgang Dueregger wolfgang.dueregger@alumni.stanford.edu [evergreen-park-discuss] <evergreen-park-discuss-noreply@yahoogroups.com> wrote:

Dear City Council,

as a resident of Evergreen Park I am writing to you today to stick to your own promise last year to go "big" on the new parking garage, i.e. 2 floors underground and 5 floors above ground. There should be no violation of the existing height limit either.

You know very well that the whole parking situation around Cal Ave is very dire, and local businesses have urged you together with us residents to build a new garage so that some relief will be possible,

We are talking about to keep the current parking situation (without any reduction in floors of the planned garage) somewhat under control since numerous new developments are starting and the whole parking situation will get worse. A few years back, downtown got 3 big garages, and the "2nd" downtown does not "qualify" for at least a SINGLE ONE?

we hope that you stick to your promise and words and build the garage with 7 floors (2 underground and 5 above ground).

To cut away a whole floor is slap into the face of the whole Cal Ave Business District, its merchants, patrons and neighbors alike.

if you need the money for the police station, then rethink the design of the police station. But you cannot cannibalize instead an approved project like the new garage building that was presented to businesses and neighbors as a "done" and "great deal" for everybody.

thanks

Wolfgang Dueregger

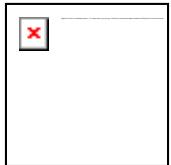
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Posted by: Wolfgang Dueregger <wolfgang.dueregger@alumni.stanford.edu>

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Join Nextdoor to connect and communicate with neighbors in Evergreen Park and Palo Alto. <https://evergreenparkpaloalto.nextdoor.com>

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**Carnahan, David**

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**From:** Arlene Goetze <photowrite67@yahoo.com>  
**Sent:** Tuesday, January 23, 2018 12:25 PM  
**To:** Sara Cody; Ro Khanna  
**Subject:** 6 Steps to Vaccine Safety--Robt. F. Kennedy, Jr. World Mercury Project

**World Mercury Project**

**Help Us Restore Children's Health**

**by Ensuring Vaccines are Safe for Everyone**

See World Mercury Project led by Atty. Robert F. Kennedy, Jr for video in reference.

American children's ability to develop and thrive is being sabotaged by an avalanche of chronic health conditions, with rates among the highest in the world. And, American children are also the most vaccinated. Since 1990, the number of vaccines required for school entry has increased by approximately 260% which is in lockstep with all of the childhood epidemics. Counting vaccines administered during pregnancy and yearly flu shots, by the time our children are 18 years old they have received up to 73 doses of vaccines!

**Here are the facts:**

- One in every 2 American children (54%) is chronically ill
- One in every 6 American children (15%) has a developmental disorder
- One in every 8 American children (13%) requires special education services
- One in every 10 American children (11%) has ADHD
- One in every 13 American children has eczema and food allergies including deadly peanut allergies
- One in every 68 American children has autism
- Infant mortality (SIDS, etc.) in America is much higher than in other high-income countries

**Robert F. Kennedy, Jr. (from the video): "We want to make sure that the conflicts are removed from the regulators who are making decisions over our vaccines and that the vaccines that our children get are as safe as they can possibly be, that the science is strong and robust. None of that is possible unless we first accomplish World Mercury Project's 6 steps to vaccine safety."**

**RFK, Jr: Our '6 Steps to Vaccine Safety' Will Create Scientific Integrity & a Robust, Transparent Regulatory Process**

1. Subject vaccines to same rigorous approval process as other drugs.
2. Mandatory reporting of adverse vaccine effects; automate VAERS\* and VSD• databases.
3. Ensure that all involved with Federal vaccine approvals and recommendations are free from conflicts of interest.
4. Reevaluate all vaccines recommended by ACIP\* prior to adoption of evidence-based guidelines.
5. Study what makes some individuals more susceptible to vaccine injury.

6. Support fully informed consent and individual rights to refuse vaccination.

## Let the Science Speak

Robert F. Kennedy, Jr. (from the video): "We all want the best for America's children. We need to start with good science and a clean regulatory process."

Here are just a few of the many federal and regulatory publications admitting the deficiencies in the system. The government is asking healthy children to be vaccinated with shots that have not undergone a rigorous safety process. Vaccine injuries can and do happen. Our children deserve better.

[Children's Health, The Nation's Wealth: Assessing and Improving Child Health](#)[Electronic Support for Public Health](#)

[Vaccine Adverse Event Reporting System \(VAERS\)](#)[Adverse Effects of Vaccines, Evidence and Causality. Institute of Medicine, August 2011; Report Brief](#)

[The Childhood Immunization Schedule and Safety: Stakeholder Concerns, Scientific Evidence, and Future Studies. Committee on the Assessment of Studies of Health Outcomes Related to the Recommended Childhood Immunization Schedule; Board on Population Health and Public Health Practice; Institute of Medicine.\\*](#) [National Vaccine Injury Compensation Program](#)

[Neurobehavioural effects of developmental toxicity](#)

and 16 more...

**We are not anti-vaccine. We are pro vaccine safety. It's time to bring scientific integrity to our vaccine program.** *Robert F. Kennedy, Jr.*

Robert F. Kennedy, Jr. and the World Mercury Project want vaccines to go through the same rigorous approval process and testing as all drugs. The government admits that only 1% of vaccine injuries are reported. That would translate to as many as 6 million Americans possibly injured by vaccines each year. Our children deserve better.

Robert F. Kennedy, Jr, (from the video): "I don't know anything more important than this issue. All of the environmental issues that I have worked on are absolutely critical to the future of our country and planet. But we can't solve those environmental problems if we don't have children with functioning brains and good health. We need a generation of kids that are ready to grapple with big problems."

Neurotoxins don't belong in vaccines. Our children deserve better. Donations accepted at [igg.me/at/vaccinesafetyproject](#).

*An Educational Email forwarded by Arlene Goetze, No Toxins for Children,* [photowrite67@yahoo.com](mailto:photowrite67@yahoo.com)

**Carnahan, David**

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**From:** Rebecca Altamirano <rebecca@altamirano.org>  
**Sent:** Tuesday, January 23, 2018 2:07 PM  
**To:** Michael Callagy; Don Horsley; WSlocum@smgov.org; smonowitz@smgov.org; Council, City; supervisor.simitian@bos.sccgov.org; Janet Davis; Antonio Altamirano  
**Subject:** Alpine Road Concerns

To Whom It May Concern,

Our family has lived on Alpine Road in the Stanford Weekend Acres neighborhood for over 10 years. We have seen an incredible increase in traffic in the past few years and it has become unbearable. We have 4 children, 3 are school age, and we feel like we are taking our lives into our hands twice a day when we make the walk along Alpine Road to the bus stop on Bishop Lane. On at least 4 different occasions, our family has had to literally jump out of the way of a car that was driving too fast and distracted by a cell phone and almost rear-ended the car in front, and instead veered into the path, right where we were walking. This could have been catastrophic.

Cars and trucks are almost always driving at high speeds, often veering into the bike lane and pedestrian path. The school bus often has to wait several minutes for cars to slow down in order to merge back onto the road. At one time, the CHP and school district entertained the idea of eliminating this bus stop altogether since no one was following the laws of stopping for the bus. It was mindblowing to me that the powers that be would consider doing this instead of enforcing the laws of having cars STOP for the school bus STOP sign and making it a safe stop for students. The only time when the traffic is moving at a safe pace is when there is a police presence. Since we are in unincorporated San Mateo County, we have to rely on the already stretched thin highway patrol. Recently, there has been collaboration across other patrol areas to have additional patrol cars out, but the county must pay these officers overtime and the police chief has explained to me that this is unsustainable with the current budget.

Stanford claims that there will be no new net trips, but I do not think they are taking into account the uber, lyft, and taxi rides, the delivery trucks from Amazon, frequent visitors, the maintenance and repair teams that have to come out to support the ever-growing university.

It is incredibly important that we maintain this unique neighborhood for ALL to enjoy.

We are asking for:

- Slower speeds
- Traffic lights and other things to slow traffic down so that we can actually exit our neighborhood safely that Stanford will pay for
- Daily police monitoring during school bus times
- Make Alpine a no truck route
- Barriers put up to protect the pedestrians and bikers from the vehicle traffic

Please be proactive and listen to our concerns. We fear that a catastrophe-- like a child being hit or killed-- is a real possibility and only then will our concerns be addressed.

Sincerely,

**Carnahan, David**

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**From:** Kathy Riley <ksr94306@hotmail.com>  
**Sent:** Saturday, January 20, 2018 9:07 AM  
**To:** Council, City  
**Subject:** Anti-Idle Ordinance

Dear Council Members,

Last summer there was talk of an anti-idle ordinance but I cannot find it when I search the city code. I would like to encourage you to move forward with the concept.

I am living with a situation where the employees of the Tesla showroom on El Camino park in front of my condominium unit. At noon time there was the man who was napping in his car at lunch time with the engine running for over half an hour until I became so exasperated with the sound that I knocked on the window and woke him up. Then there is the woman who eats her lunch in the car with the engine running and the radio blaring. And there is the man who works a night shift detailing the Tesla cars. He drives a large, old black truck with a loud rumbling muffler. He leaves work around 1 a.m. in the morning and runs his engine for as long as 20 to 30 minutes. Finally my husband went out at 1 a.m. to talk to him. He was sitting in the truck reading on his cell phone. He said that the engine of the old truck needed to warm up. I have talked to one of the managers at Tesla but feel that my complaints were dismissed when I was asked, "it's a public street isn't it?"

Please put an anti-idle ordinance in place!

It would also be helpful if Tesla provided more parking for their employees or at least asked them to park on El Camino rather than in our little neighborhood where they take up all our street parking.

Thanks and regards,

Kathy Riley

**Carnahan, David**

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**From:** Bill Miller <rightcobmiller@gmail.com>  
**Sent:** Tuesday, January 23, 2018 1:34 PM  
**To:** david.rader@pln.sccgov.org; Council, City  
**Subject:** Comment regarding Stanford proposed expansion and GUP

For an institution with a worldwide reputation as a citadel of enlightenment, I'm surprised by how little creative, innovative thinking is applied when deciding what to do with Stanford's obscenely large endowment. Another billion dollars? Let's build more buildings! The result is a relentlessly metastasizing campus that cannot help but eventually overtax and degrade the surrounding community and environment.

With the gift of such funding, why not consider additional options? Offer more scholarships for underprivileged youth. How about funding more field research to transfer innovative medical and other technologies in the Third World? And if you simply must build, why not satellite campuses in disadvantaged communities? Or how about a demonstration city showcasing the latest in sustainability?

With all the current chaos in the world, do we really need yet another art museum with a billionaire's name on it?

Bill Miller

Palo Alto, CA

**Carnahan, David**

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**From:** Suzanne Keehn <skeehn2012@gmail.com>  
**Sent:** Monday, January 22, 2018 4:36 PM  
**To:** Council, City  
**Subject:** Elizabeth Goldstein Alexis

From:

Elizabeth Goldstein Alexis [

[mailto:eal  
exis@gmail.com](mailto:ealexis@gmail.com)

]

Sent:

Monday, December 04, 2017 5:41 PM

To:

Council, City

Cc:

Nadia Naik

Subject:

Comments on Stanford GUP EIR process

I am writing to request that the city use the 60 day extension for the Stanford GUP EIR

to continue public outreach and incorporate additional data into the analysis before submitting a letter.

I do have some specific suggestions and ideas which are outlined below

I have read this letter, and here suggestions and totally agree we need another 60 days, the GUP is overly huge and impacts our whole city and surrounding cities.

Suzanne Keehn  
4076 Orme St.  
94306

**Carnahan, David**

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**From:** Nadia Naik <nadianaik@gmail.com>  
**Sent:** Monday, January 22, 2018 8:40 PM  
**To:** Council, City  
**Cc:** Gitelman, Hillary; Keene, James; Shikada, Ed; Mello, Joshua; info  
**Subject:** Examples of Stanford using land outside the cordon for Academic purposes (Stanford at Porter Road and Hoover Parking garage)  
**Attachments:** detailed cordon map.pdf

Dear City Council Members,

Tonight at the City Council meeting, I mentioned the Stanford at Porter Road area (in the Stanford Research Park). As was also mentioned by Pat Burt, this is an example of academic functions being moved into the Stanford Research Park.

The CEQA process and segmentation of the EIRs (Academic vs. Research Park vs. Medical Center) prevents us from really seeing cumulative impacts or potentially developing holistic solutions to transportation and congestion issues.

Below is a description of the Stanford at Porter from Stanford's website, as well as their parking policy.

In addition, below is more information about the Hoover Parking Garage that was built recently. Commuters to campus jobs who park in the new parking lot would be outside the cordon, thus they would not be counted under the No Net New Trips counts. Beyond that, if they ride the Marguerite bus, then my understanding is they then get a credit for reducing a trip in the impacted area. This seems counter to the goal.

If you have any additional questions, please let me know.

Nadia

*SoM Technology & Innovation Park  
Introduction*

*A total of seven buildings in the Porter Drive vicinity will be occupied by the School of Medicine (SoM) and Stanford University (SU) administrative units. Together this neighborhood will be referred to as Stanford @ Porter Drive. Four of the buildings are SoM facilities and make up the Technology and Innovation Park at Porter Drive; the other three University facilities. The Technology and Innovation (TnI) Park will continue to support the long standing commitment to the bio-medical research enterprise within the Stanford Research Park.*

*Many hours have been spent on planning the operations associated with these facilities to ensure that the activities conducted there are well coordinated with activities on campus. The successful organization starts with proper planning, coordination and preparation in advance of the first occupant moving into the facilities.*

*Stanford University Administrative Groups*

*The three buildings that the university will occupy include 3160 and 3145 Porter Drive and 1841 Page Mill Road. These buildings will house administrative groups that support operations on the main campus including LBRE, Human Resources, Purchasing, etc. The University's current plan is to occupy the facilities on Porter Drive for five to ten years, before permanently relocating these administrative groups to Redwood City. In that the SoM intends to occupy its facilities at Porter Drive for a significantly longer time horizon, the School may make fundamentally different infrastructure investment decisions than those made by the University. Areas where cooperation is appropriate and the School and University interests align are highlighted throughout the Stanford@Porter Drive website.*

### **SoM Technology and Innovation Park**

*The Technology and Innovation (TnI) Park at Porter Drive is comprised of four buildings along Porter Drive and Page Mill Road. Three buildings are research facilities, and one building houses School of Medicine administrative support services. The research programs include the Human Genome Program, the Early Cancer Detection program and the Stanford Sleep Center. Additional research programs will be identified and evaluated in 2013/2014 for inclusion in the third research building at 1651 Page Mill Rd. The administrative groups include Dean's Office support functions currently located at Stanford Menlo Park and the Medical Center Development group currently located on Sand Hill Road.*

### **Combined Campus**

*At peak projections, it is anticipated that there will be 1,500 or more Stanford employees occupying the seven buildings that comprise the Porter Drive neighborhood. Of the 1,500 staff members, approximately 40% are expected to be Stanford University staff and 60%, Stanford School of Medicine faculty, staff and students.*

Here is their stated parking policy (bolding mine) - which seems to include contradictory statements.

<https://porterdrive.stanford.edu/som/parking>

## **Parking in the Porter Drive Neighborhood**

For Spring 2013, or until the construction in the 3155 and 3165 Porter Drive buildings is complete, 3172 Porter Drive occupants should park in the 3172 Porter Drive parking lot or as overflow in the 1651 Page Mill Road parking lot.

**Questions remain regarding parking capacity and policies within the Porter Drive neighborhood.** A parking study of the Porter Drive area was conducted and concluded that while there may be oversubscription in one or two building lots, that there is a sufficient total number of parking spaces for the people who will need them.



It is anticipated that **no-cost parking permits will be issued next year to all Porter Drive residents for use in the lots associated with the Stanford buildings.** This type of no-cost parking permit program will ensure that the available parking spaces are used by the occupants of the Porter Drive neighborhood. **It is important to preserve "free**

**parking" as it is currently an important benefit for employees who move off campus.** Additionally, a no-cost permit program will prevent the upgraded shuttle service from being used by individuals on campus to connect them to free parking, as well as preventing neighboring non-Stanford entities from using the limited parking spaces available.

In the meantime, a tight parking environment will however, encourage individuals to use the shuttle, departmental and zip cars and other forms of transportation to facilitate movement back and forth to campus during the work day. Purchase of a limited number of departmental parking permits for use in personal vehicles will also work to support, but limit, the number of trips to/from campus during the workday. The very real problem with driving your own car to campus will be the difficulty in finding a parking place both on campus and possibly when you return to Porter Drive.

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## **Hoover Pavilion garage opens for parking Sept. 2**

A new parking garage is expected to open the week of Sept. 2 at [211 Quarry Road](#) at the Hoover Pavilion, across from the Stanford

In light of increasingly limited parking capacity on campus, all Stanford commuters are encouraged to consider the Hoover Pavilion

The Hoover garage will offer more than 1,000 parking spaces, including 300 patient/visitor spaces and approximately 700 commut

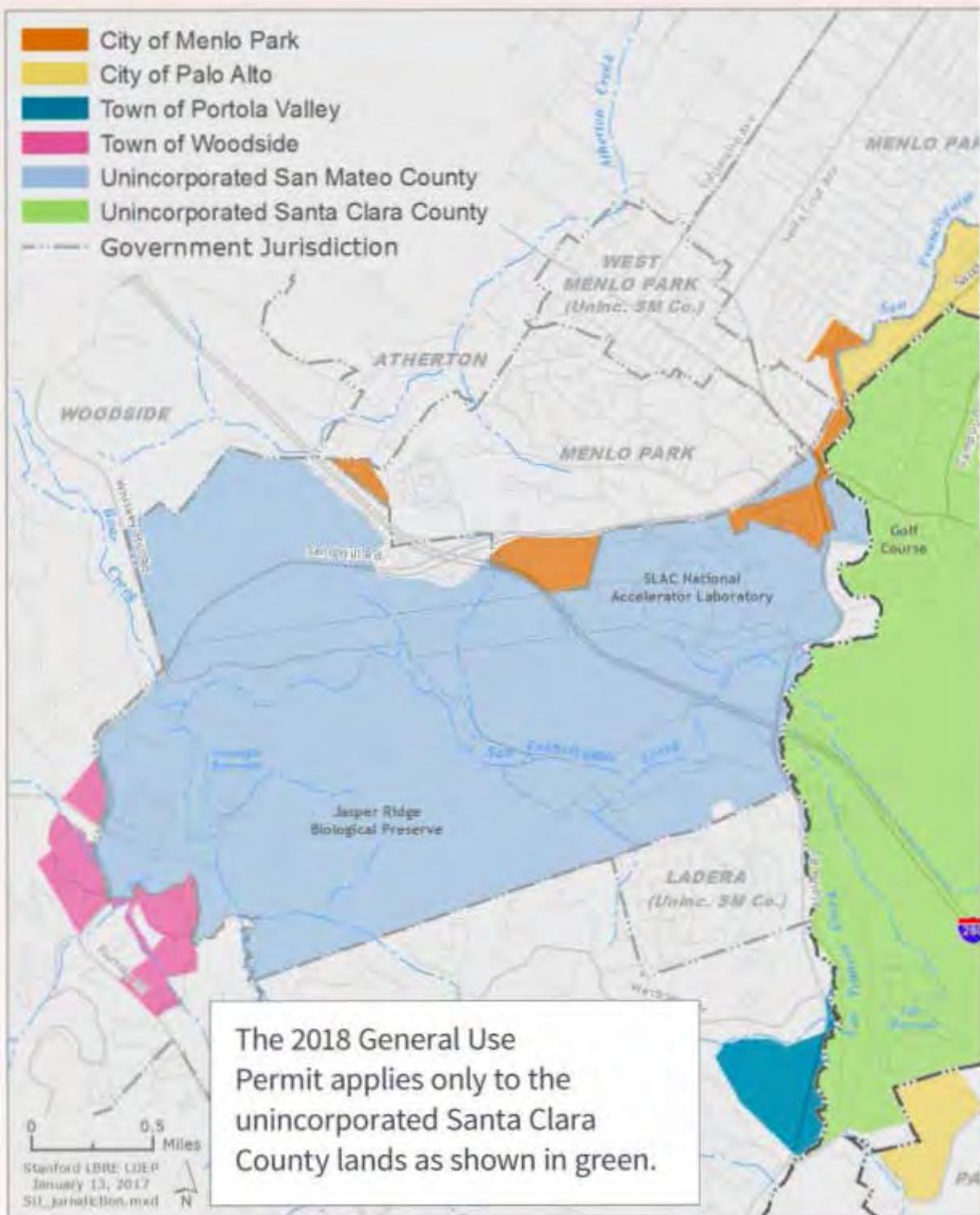
The Marguerite shuttle will provide service between Hoover Pavilion and Stanford Medical Center via a revised Line MC route and the building, facing Palo Road.

New Marguerite schedules, including Line H and revised Line MC, will be available the week of Aug. 26 on all buses, the [Marguerite](#)

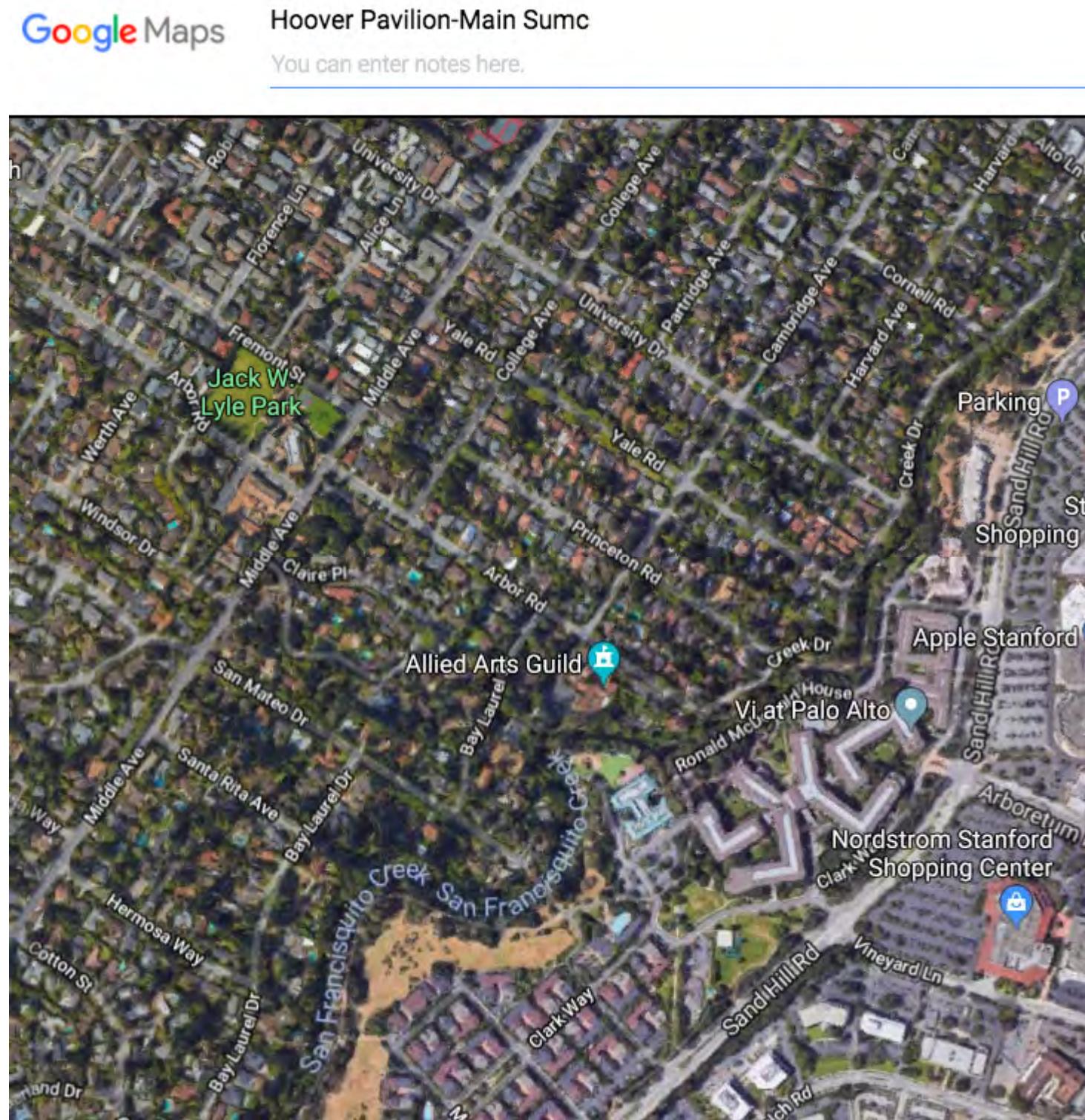
<http://med.stanford.edu/news/all-news/2013/08/hoover-pavilion-garage-opens-for-parking-sept-2.html>

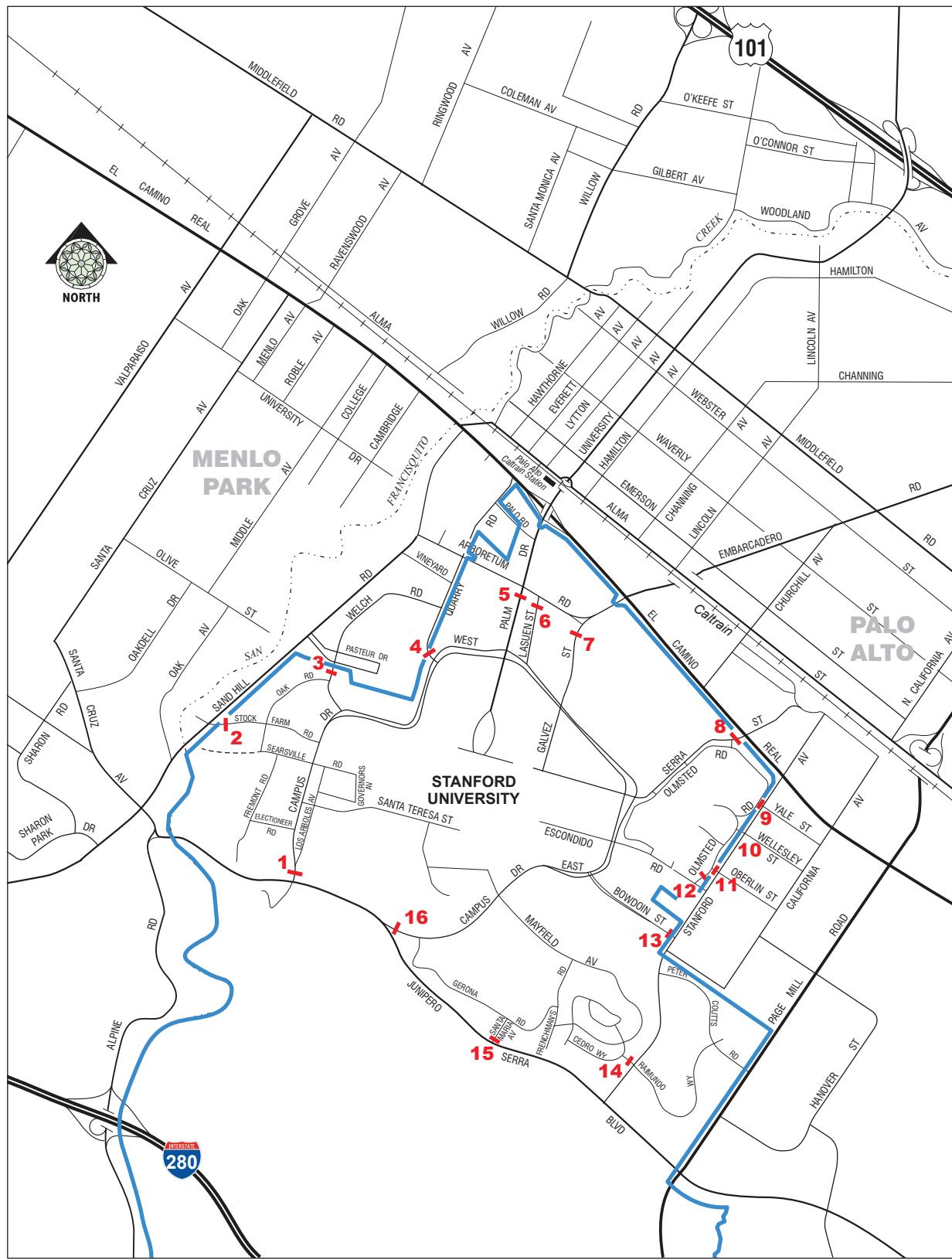
If you need assistance with parking, please contact [transportation@stanford.edu](mailto:transportation@stanford.edu) or [\(650\) 723-9362](tel:(650)723-9362). If you have questions about M

# STANFORD LANDS



Here's what where the Parking lot is (don't be confused as map already shows a parking lot - this is a NEW one located)





— Stanford 2018 General Use Permit Boundary

SOURCE: AECOM Stanford University Traffic Monitoring Report; Fehr & Peers

Stanford 2018 General Use Permit . 160531

**Figure 5.15-2**  
Stanford University Campus Gateways

## Carnahan, David

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**From:** Loran Harding <loran.harding@stanfordalumni.org>  
**Sent:** Wednesday, January 17, 2018 1:48 PM  
**To:** Mark Standriff; esmeralda.soria@fresno.gov; paul.caprioglio; steve.brandau; oliver.baines; Mayor; Mark Kreutzer; dennisbalakian; David Balakian; beachrides; bearwithme1016@att.net; midge@thebarretts.com; info@superide1.com; nick.yovino; robert.andersen; Leodies Buchanan; Council, City; Raymond Rivas; fmerlo@wildelectric.net; Greg.Gatzka; huidentalsanmateo; steve.hogg; hennessy; Joel Stiner; jboren; jerry.ruopoli; Jason.Tarvin; kfsndesk; Cathy.Lewis; lxcastro93@yahoo.com; leager; nchase@bayareanewsgroup.com; newsdesk; pavenjitzhillon@yahoo.com; rosenheim@kpix.cbs.com; russ@topperjewelers.com; Steve.Wayte; terry; thomas.esqueda@fresno.gov; Daniel.Zack; Doug.Vagim  
**Subject:** Fwd: Some considerations when a city awards even medical MJ permits

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

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

Date: Wed, Jan 17, 2018 at 1:29 PM

Subject: Some considerations when a city awards even medical MJ permits

To: Loran Harding <[loran.harding@stanfordalumni.org](mailto:loran.harding@stanfordalumni.org)>

Wed. Jan. 17, 2018

Here are some things that Hanford, Ca. considered in awarding medical MJ permits in Nov., 2017:

[http://hanfordsentinel.com/news/local/cannabis-permits-officially-awarded-at-council-meeting/article\\_43b224f7-1fb7-58a7-89b6-76dad793eb2c.html#tncms-source=infinity-scroll-summary-siderail-latest](http://hanfordsentinel.com/news/local/cannabis-permits-officially-awarded-at-council-meeting/article_43b224f7-1fb7-58a7-89b6-76dad793eb2c.html#tncms-source=infinity-scroll-summary-siderail-latest)

More will have to be considered in awarding recreational MJ permits, no doubt.

But the MJ industry is unstoppable, in my opinion. Fresno might want to join the trend and get some revenue from it. Someone on KCBS said that the MJ industry is like a huge freight train coming down the track. Jeff Sessions jumps off the woods and sticks his leg across the tracks.

51% of Americans support MJ sales, 75% favor medical MJ, and 99% support States rights, said KCBS. Given that, an issue for federal prosecutors will be, "Can we find jurors who will convict when we bring cases against MJ dealers who are following Calif. State law". After they lose 5 or 6 big crim. cases in Calif, Congress will ask them why they are spending limited resources on this when real crimes are out there.

The issue of getting jurors to convict will rapidly become a consideration for federal prosecutors in states where MJ has been legalized.

In cases where organized crime is involved, if MJ is being sold to minors, or if they are selling MJ smuggled in from Mexico along with cocaine or heroin, they might get convictions.

**Carnahan, David**

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**From:** Yuko Tanaka <yukotanaka\_ca@yahoo.com>  
**Sent:** Tuesday, January 23, 2018 10:38 PM  
**To:** Council, City  
**Cc:** Yuko Tanaka  
**Subject:** Input to the tentative plan for the Mitchell Park Tennis Courts

I am a Palo Alto resident for over 15 years, and I am a tennis player. I use Mitchell Park library.

I am very much concerned about the current tentative plan for several reasons.

(1) Lit tennis courts are hard to find in Palo Alto. Many tennis players work or go to school, and we can play tennis on weekends and evenings only. When I play tennis at Mitchell Park, there are always other tennis players waiting for us to get off the courts - particularly in evenings. Please do not remove lit tennis courts.

(2) The city's tentative plan includes building one new unlit tennis court. If that is within a budget, I think it is better to build four pickleball courts from scratch where the city plans to build a new tennis court, and convert small courts adjacent to the tennis courts to pickleball courts. I don't know the purpose of these small courts, but I know they are under utilized compared to tennis courts. That would make six designated pickleball courts without removing any tennis courts with the same or less budget.

Alternatively, pickleball courts can be built at lower used unlit tennis courts, such as Peers Park with less impact to the Palo Alto tennis community, or keep the Mitchell Park back tennis courts to be dual-purpose courts.

(3) Mitchell Park is already crowded. I am concerned that the current city's tentative plan would make it far worse. I have been experiencing difficulties in parking at Mitchell Park. I like visiting Mitchell Park library on weekends, but it is common for me to have to circle entire parking area three to five times just to find one parking spot. It sometimes prevent me from using the library altogether. I learned that about hundred pickleball players from across the Silicon Valley area are using Mitchell Park tennis courts on Saturdays and Sundays every week. It is a significant contributor of the parking difficulty. It is also a safety concern because I see many kids are wandering in the parking area while parents are looking for a parking space.

The city's current tentative plan will practically make Mitchell Park as a main hub of pickleball for the entire Silicon Valley.

I think one of the beauties of Mitchell Park is that it supports diversified needs including library, community meetings, sports, concerts, kids play, baby strolling, dog walking, etc. It is truly a community park. By adding a few designated pickleball courts would be fine, but making ten or more pickleball courts would change the nature of the park significantly.

Thank you for reading a long message.

Best Regards,  
Yuko Tanaka

**Carnahan, David**

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**From:** Nadia Naik <nadianaik@gmail.com>  
**Sent:** Monday, January 22, 2018 8:49 PM  
**To:** Council, City  
**Cc:** Keene, James; Gitelman, Hillary; Shikada, Ed; info  
**Subject:** Jobs Multiplier for Stanford Project

Dear Council Members,

As I mentioned in my comments, the Bay Area Council estimates the job multiplier as 4.3 instead of the 0.73 as used by Stanford in the GUP.

Below is the article I referenced.

Nadia

[http://www.bayareacouncil.org/community\\_engagement/new-study-for-every-new-high-tech-job-four-more-created/](http://www.bayareacouncil.org/community_engagement/new-study-for-every-new-high-tech-job-four-more-created/)

**NEW STUDY: FOR EVERY NEW HIGH-TECH JOB, FOUR MORE CREATED**

When it comes to creating jobs in California across a wide range of income levels and employment sectors, a new report by the Bay Area Council Economic Institute and commissioned by Engine Advocacy concludes it pays to play to your strengths. For much of the Bay Area and other regions in the state, high-tech jobs are where the action is. The report – [Technology Works: High-Tech Employment and Wages in the United States](#) – shows that high-tech jobs have been more resilient over the past 10 years to economic downturns than other private sector industries, pay more, create more indirect jobs by far than any other industry and hold the most promise for continued growth. We were pleased to hand Governor Brown a copy of the report yesterday fresh off the presses.

Among the key findings:

- Employment growth in tech jobs — defined as those most closely related to science, technology, engineering and math (STEM) — outpaced gains in all other occupations by a ratio of 27 to 1 from 2001 to 2011.
- For each job created in the high-tech sector, approximately 4.3 jobs are created (multiplier effect) in other local goods and services sectors across all income groups, including lawyers, dentists, schoolteachers, cooks and retail clerks, among many others.
- The jobs multiplier effect in the high-tech sector is significantly higher than for almost any other sector. By comparison, traditional manufacturing has a multiplier effect of 1.4 jobs.

Demand for high tech occupations will be considerably stronger than demand for other workers at least through 2020.

Using federal labor statistics, the report also shows that while California continues to dominate in high-tech jobs the Golden State is not the only game in town. There was sobering news for Silicon Valley, which didn't crack the top 25 among high-tech regions with the biggest percentage job gains. High-tech jobs are increasingly popping up in states and regions that historically have not been associated with high tech, including in the Rust Belt and South. This has important implications at a federal level for how jobs and economic policy is shaped. But the study's findings don't suggest that California should necessarily engage in hand-to-hand combat with other states for these jobs. According to another recent study by the Economic Institute, how the vast majority of jobs get created or destroyed in the Bay Area has little to do with companies moving in or out of the region and more to with the survival rate of start-ups across all sectors. The availability of high-skilled workers, inadequate housing supply that drives up costs and burdensome regulation have a bigger role in deciding the survival of new firms and job growth than what other states might be doing to lure away companies.

**Carnahan, David**

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**From:** M. Gallagher <writing2win@gmail.com>  
**Sent:** Friday, January 19, 2018 3:41 PM  
**To:** Council, City  
**Subject:** Letter to Council Re: Housing Crisis  
**Attachments:** 2018 WILPF 1 Jan 19.pdf

Dear Mayor Kniss and Members of the Council:

Thank you for rising to address the affordable housing crisis in Palo Alto, CA.

To join your efforts, I write on behalf of and with the Women's International League of Peace and Freedom to ask questions about variables that impact the availability of affordable housing in Palo Alto, CA.

The signed letter is attached to this letter. I recently observed an outreach worker in front of the BMW repair shop (corner of Homer and Alma) asking a street dweller and his small pup to take refuge in shelter. I hope she was able to convince him being indoors in a shelter is better than not being indoors in a shelter.

With mercy and hope for the homeless,

Mary Gallagher, B.S.  
Content Strategist  
[650-683-7102](tel:650-683-7102)

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Friday, January 19, 2018



From the desk of MS. MARY GALLAGHER

650-683-7102 \* writing2win@gmail.com  
753 Alma St., #226, Palo Alto, CA 94301

**Re: WILPF Low Income Sub-Committee Data Request**

Dear Members of the Palo Alto City Council and others whom it may concern:

I write this letter on behalf of and with the affordable housing subcommittee of the Women's International League of Peace and Freedom (WILPF).

We are pleased Mayor Liz Kniss, Vice Mayor Eric Filseth, and Council member Cory Wolbach are committed to addressing the affordable housing crisis in Palo Alto, CA. The availability of *affordable* housing depends on the availability of space or vacancies. Therefore, our questions seek to: (1) Know the availability or supply of living space in conventional rental housing, commercial buildings, and land and (2) Explore new models for housing residents in shared-equity housing communities, similar to the HIP Program in San Mateo, but with residents having an ownership interest.

To this end, we seek the following data from the City Staff:

1. What is the current 2016-2017 and projected ratio of housing-to-jobs?
2. What is the residential and commercial (hotels/motels/inns) vacancy rate for long- and short-term rentals?
3. What land as well as buildings is available for affordable housing?

In addition, we seek to:

1. Downzone the City's downtown or--prohibit PC zoning--to protect existing housing from commercial development until affordable housing is built.
2. Have a moratorium of office/commercial development until there is *equity* between housing and jobs.
3. Mandate employers provide employee housing as is done in Mountain View.

We appreciate your consideration of our questions and look forward to your reply. If additional information is needed, please ask.

Respectfully,

*Mary Gallagher*

Mary Gallagher, B.S.

Affordable Housing Advocate

WILPF Sub-committee on Affordable Housing

**Carnahan, David**

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**From:** wolfgangdueregger@gmail.com on behalf of Wolfgang Dueregger  
<wolfgang.dueregger@alumni.stanford.edu>  
**Sent:** Monday, January 22, 2018 6:03 PM  
**To:** Council, City  
**Cc:** evergreen-park-discuss@yahoogroups.com; Paul & Karen Machado; Christian Pease; Tommy Derrick; Carol Scott; David Schrom; DuBois, Tom; Filseth, Eric (external); Lydia Kou; Neilson Buchanan; Arthur Keller; Patrick Slattery; Irene Au  
**Subject:** new 7 floor parking garage in Cal Ave Business District (on tonight's agenda)

Dear City Council,

as a resident of Evergreen Park I am writing to you today to stick to your own promise last year to go "big" on the new parking garage, i.e. 2 floors underground and 5 floors above ground. There should be no violation of the existing height limit either.

You know very well that the whole parking situation around Cal Ave is very dire, and local businesses have urged you together with us residents to build a new garage so that some relief will be possible,

We are talking about to keep the current parking situation (without any reduction in floors of the planned garage) somewhat under control since numerous new developments are starting and the whole parking situation will get worse. A few years back, downtown got 3 big garages, and the "2nd" downtown does not "qualify" for at least a SINGLE ONE?

we hope that you stick to your promise and words and build the garage with 7 floors (2 underground and 5 above ground).

To cut away a whole floor is slap into the face of the whole Cal Ave Business District, its merchants, patrons and neighbors alike.

if you need the money for the police station, then rethink the design of the police station. But you cannot cannibalize instead an approved project like the new garage building that was presented to businesses and neighbors as a "done" and "great deal" for everybody.

thanks

Wolfgang Dueregger

**Carnahan, David**

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**From:** ROBERT HALLEWELL <hallewell@icloud.com>  
**Sent:** Wednesday, January 24, 2018 11:56 AM  
**To:** Library, Pa  
**Cc:** Council, City  
**Subject:** NEW WEBSITE WORSE FOR LINK PLUS?

Puzzled by what seems a less good PA library website.

For example previously if I searched for a book and it was not available within the PA libraries then there was a direct link to Link Plus.

Now it seems you have to start all over again, or am I missing something?

Surely this is a case where the library has gone against the if it ain't broke... rule.

And presumably the redo cost us all quite a lot of \$.

sincerely, Robert Hallewell

Dr. Robert Hallewell  
Community Center District

## Carnahan, David

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**From:** Diane Schiano <dianejschiano@gmail.com>  
**Sent:** Tuesday, January 23, 2018 11:18 AM  
**To:** Michael Callagy; Don Horsley; Steve Monowitz; Diana Shu; Joe Lo Coco; Warren Slocum; Raymond Mueller; Kirsten Keith; potahki@menlopark.org; Catherine Carlton; R. CLINE; supervisor.simitian@bos.sccgov.org; Council, City  
**Subject:** Objections to Stanford's GUP; implications for SWA and Alpine Road x Piers Lane traffic, congestion, parking  
**Attachments:** IMG-1197.JPG; IMG-1198.JPG

Hello,

I am writing for myself, my husband, Rick Voreck, and my son, Christopher Voreck (age 19). We live at 2673 Alpine Road, which is located directly at the Piers Lane x Alpine Road intersection in unincorporated San Mateo County. We are part of the neighborhood known as Stanford Weekend Acres. We experience intense traffic congestion and speeding problems (depending on the time of day and day of week) every day, just trying to get out of our driveway. The "informal parking" of so many cars right above our property (as part of an easement, in fact) so that people can walk in the Stanford Open Space magnifies the problem, adding congestion and chaos. There are times when a left turn--and sometimes even a right turn--from Piers onto Alpine will take 10 minutes!

We have read summaries and reviews of the proposed Stanford GUP and are extremely concerned about its impact on us, on our neighborhood, and on other neighborhoods in the area surrounding Stanford.

**We are discouraged by Stanford's inclusion of 2.275 million square of feet of academic and academic support space and 3,150 housing units, translating to a population expansion of over 9,600 people in this area.**

The traffic situation on Alpine Road after 280 and up to Junipero Serra is already nearly untenable, and this will only make it worse. We have complained and asked for mitigations in various ways and to various agencies...when we were notified (which has not always been the case). Our concern is especially great after Stanford's previous GUP, which was supposed to have no net increase in traffic. BULLSHIT! And the misleading way in which mitigation clauses were interpreted so as to push for expansion of public roads near the Stanford Open Space--in San Mateo as well as Santa Clara counties--rather than the "paths" in the Open Space, which was clearly the intent. BULLSHIT ON TOP OF BULLSHIT!

More generally, we agree with Peter Drekmeier that **Stanford should be required to specify a maximum build-out, which should be debated by the public.**

We agree with the Objections to the GUP that have been presented by many before us, including, most notably, Janet Davis, also of Stanford Weekend Acres./ I've pasted some of her messages, including a very compelling video of what goes on at our intersection regularly, below. I've also attached some photos I've taken, but unfortunately, the congestion that makes turning so difficult is hard to photograph, especially now that "Keep Open" notices have been painted on the street. (These are somewhat helpful, but not enough). But the fact that cars are stacked up onto 280 at our exit, which is common knowledge, should be compelling enough.

The untenable parking and congestion problems we experience are directly due to Stanford. Parking should not be permitted, or should be highly regulated, at this intersection. We'd love to have a stop light or stop sign, and have requested this many times. Anything else that could be done to mitigate these problems would be appreciated.

...

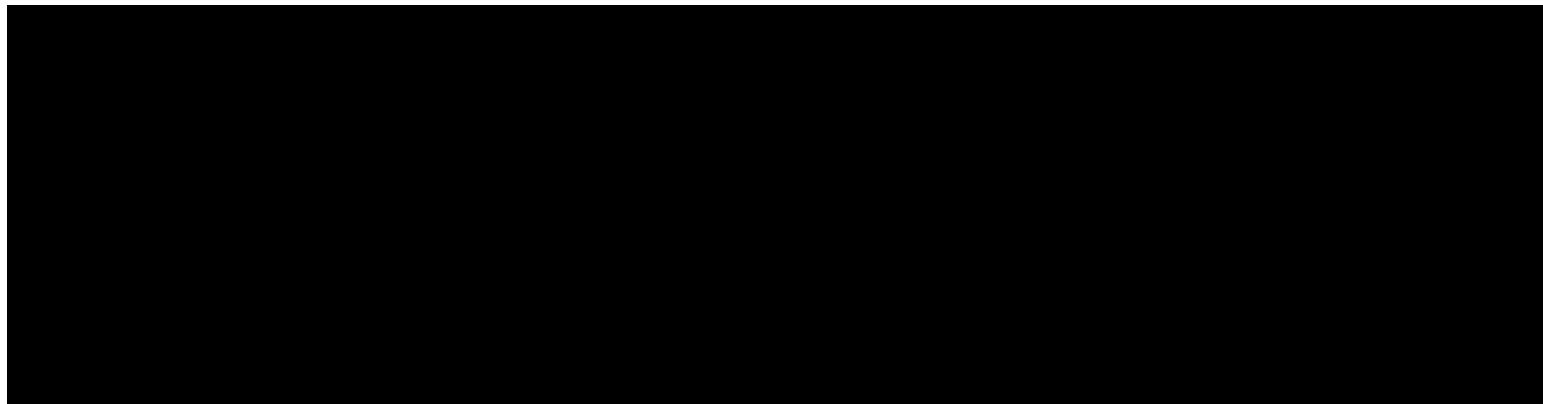
**Janet Davis <[jadjadjad@sbcglobal.net](mailto:jadjadjad@sbcglobal.net)>**

Re: Alpine Road problems by Piers Lane  
Jan 18 (5 days ago)

to Diana, Michael, Don, Rick, me, Dave, John, Christina, Jim, Rebecca, Robert, Susie

Gunter took some pictures of the problems caused by parking for the Dish back entrance last weekend (Piers and Ansel Lanes). My observation has been that this happens in the early mornings and is especially bad when the weather is good. What you do not see in his pictures (see below) are all the cars parked on Ansel Lane, the occupants of which also race across the road. Note all the cyclists that have to venture out into the vehicle lanes and the (one of many) cars doing a U-turn from the Dish to head back towards I-280. I think that it would be safer if there were to be NO PARKING zone along the Webb Ranch side of Alpine, and (if possible) some means to prevent U-turns across traffic from Piers Lane. Diana Shu suggested that I ask Stanford to initiate a NO PARKING request which I will do. It would be helpful to get input from cyclists since this problem is just before the I-280 on and off ramps where a cyclist was killed a couple of years ago, and where the traffic headed towards Menlo Park is often going at freeway speed - despite the 35 mph limit! It would also be helpful if the CHP and Sheriff could focus on this area periodically.

[Produce1.mp4](#)



**Produce1.mp4**

MP4 File

>>>>>>>

**Janet Davis**

to David, Don, Michael, Warren, Christina, Diana, Peter, Kirsten, Raymond, Catherine, CLINE, Jim, supervisor.sil...

**STANFORD UNIVERSITY GUP  
FURTHER OBJECTION TO TRAFFIC IMPACT  
ON ALPINE AND NEARBY ROADS**

**Recent Events:**

Stanford Weekend Acres [SWA] is an old subdivision in San Mateo County, adjacent to Stanford University and situated between San Francisquito Creek and Alpine Road; home to several hundred people. These residents have been desirous to get some improvements with respect to the traffic congestion and dangers caused largely by Stanford commuters and suppliers. The same is true for the many people residing along Santa Cruz Ave, Alameda and side streets, both within county jurisdiction and the City of Menlo Park. The data presented by the GUP as to traffic and *purported* public transportation is inaccurate and completely misrepresents the situation.

**What the County and City Have Been Doing:**

**Santa Cruz/Alameda:** A task force has been set up that meets to discuss potential mitigations. This involves considerable manpower by the agencies concerned as well as community effort. There is a combined Enforcement Unit for the Alpine-Cruz Area which adds to the person power burden. The sheriff and the CHP installed portable radar trackers. The speed limit was reduced to 25 mph to reduce accidents, and this also involves extra person power to monitor. There have been several "near misses" with respect to children on the route to La Entrada. The senior residents of Menlo Commons have experienced incidents of vehicles bound for Stanford using the middle access lane outside their building as an additional means of turning to get to the Hospitals. To resolve this it is going to take engineering time and equipment to mitigate. The seniors are also experiencing dangers with respect to their crosswalk in front of the Menlo Commons because of all the traffic coming from the hospitals. The only way this can be remedied is by a pedestrian activated crossing light and restriping, which is expensive.

**Alpine Road:** Residents of SWA are virtual prisoners in their homes at various times of the day owing to Stanford and its suppliers. Traffic ignores the STOP signs for the school buses and drivers overtake in the oncoming lane in their haste to get to Stanford. Cars have been using the bike lane and the pedestrian path as a secondary vehicular lane, and parents are risking lives when walking their kids to the school bus stop. There have been several accidents in the vicinity of Wildwood, at least a few of those were caused by documented SU employees.

*What the county has done recently to help with the traffic situation along Alpine:*

There have been several county sponsored community meetings

The STOP signs were replaced with larger ones at I-280 and "Botts'-dots" added to reduce speed

Engineering studies were undertaken of Alpine traffic

The speed limit was reduced to 35 mph

They have deployed extra sheriff patrols (assisted by the CHP) involving several vehicles and motor cycle units on the road

Solar powered radar equipment has been installed

Solar powered speed checking devices have also been installed along the road

Extra white lines have been installed to delineate the bike and pedestrian lanes

"Bots" have been installed to emphasize bike lanes

Some plastic "Stanchions" have been installed (in lieu of steel barricades) to better mark the bike lanes in places. It is especially near Wildwood, and a better solution is needed to protect cars going in and out of the frontage road.

Traffic chaos recently occurred at Webb Ranch (a Stanford lessee) because of their Christmas Tree lot and the county

Enforcement unit issued a violation because there was no permit, and traffic was making a U-turn across Alpine by the ramp.

The bizarre parking at the Dish back entrance at Piers Lane requires both traffic enforcement and sheriff monitoring to prevent proliferation of thefts from those parked vehicles.

**FINANCIAL IMPACT OF THE ABOVE ON SAN MATEO COUNTY TAX PAYERS:**

All of the above costs money that could be used by the county for other improvements. Obviously Stanford is not the generator of traffic, but in this area of San Mateo it is the dominant cause of problems for San Mateo county residents. The constant flow of large trucks must have a significant detrimental impact on Alpine road, which is just not suitable for the type of traffic to and from Stanford facilities.

Attached are a few pictures of the engineering improvements that San Mateo County Public works has financed. As the area cannot support any additional traffic to and from Stanford facilities, and given the ***complete dearth of public transportation*** area apart from school buses, the “No New Net Trips” mantra is totally meaningless with respect to San Mateo County. In addition to the above, there are huge problems within the City of Menlo Park’s jurisdiction along Alpine, Santa Cruz, and Alameda: all of which are presently, and will in the future, cost that City a lot of money to remedy.

### **CONCLUSION:**

**The massive expansion planned by the GUP is unwarranted and cannot be supported by the present infrastructure of San Mateo County and the City of Menlo Park. Even with a more moderate rate of growth, some large infusions of engineering talent are needed to make any quality of life sustainable for local residents.**

6 Attachments

>>>>

**From:** Janet Davis <[jadjadjad@sbcglobal.net](mailto:jadjadjad@sbcglobal.net)>  
**To:** David Rader <[david.rader@pln.sccgov.org](mailto:david.rader@pln.sccgov.org)>  
**Sent:** Saturday, November 18, 2017 1:04 PM  
**Subject:** OPPOSITION TO STANFORD'S 2018 GUP

### **MY PERSONAL EXPERIENCE RELATED TO STANFORD DEVELOPMENTS RELATIVE TO ITS PROPOSED 2018 GUP**

#### **BASIC PROBLEMS WITH THE GUP:**

It only deals with the specifically and ***narrowly defined core academic boundary***, totally ignoring the ***cumulative impact of the surrounding area***, of Stanford build out and proposed projects at, for example:

- The massive Hospitals rebuilding,
- Ronald McDonald expanded housing,
- The Shopping Center additions,
- The Page Mill industrial park rebuilding,
- The developments along El Camino Real in Menlo Park,
- The athletic facilities that attract thousands of fans,
- The Golf Course and its catering operation,
- [2131 Sand Hill](#) and other leasehold facilities along Sand Hill (including the Rosewood Hotel),
- The Quarry Road project,
- The huge developments in the Arastradero/Coyote Hills area,
- The various satellite functions such as the Eye Center on Embarcadero East, the Imaging Center on Sherman Ave,
- The huge Redwood City Campus, or
- The expansion at SLAC (including the Guest House).

All but two of the above are either in San Mateo county and/or require I-280 or San Mateo Road access.

This **GUP also focuses almost exclusively on Santa Clara County impact**, ignoring the consequences in Menlo Park, Los Altos Valley, Atherton, and Redwood City: all in San Mateo County, which is going to bear the brunt of the consequences from the development.

This defeats the entire purpose of CEQA under Section 15064.3 which seeks to examine the ***cumulative effect*** of a project on the ***surrounding communities***. The GUP is also flawed in that it uses the discredited **“No New Net Trips”** figure and does not deal with issues area by area. For example, a commute credit may be assessed in one area, leading to added traffic in another.

fact that under the GUP *Stanford is proposing to build 2000 parking spots in the core academic boundary belies the user assertion that there will be no new net trips!*. Mr. Girard of the Santa Clara Planning Dept. at the Menlo Park meeting 15 attempted to explain this away by saying that the parking spaces might be used for storage. This is just not credible. 2,275,000 extra sq. ft. of facilities and at least 10,577 additional workers, adding that there will be more vendors, delivery conferences and tours only adds to the lack of credibility of the assertion. An early summary of the GUP stated that the city currently has around 500,000 visitors annually.

The traffic data is also tabulated via the **VMT method [Vehicle Miles traveled]** (*rather than the locally applied LOS method*) the patently obvious fact that traffic in the vicinity of the university is over-capacity. This is largely due to the university's expansion, and the fact that the **housing/jobs imbalance** (also accentuated by the university's constant construction) is causing many of its lower income employees and other local workers who cannot afford local housing prices, to commute long distances to the traffic woes.

Santa Clara County is not going to get much in the way of property taxes from all this development and San Mateo County will bear the brunt of much of the resulting impact.

### **BASIS FOR MY OBSERVATIONS:**

I have lived at 2455 Alpine, Menlo Park, for 50+ years (before the 280 freeway was built, before Sand Hill was widened, before the right turn lane was added to the Alpine/Junipero Serra intersection). I drive back and forth along Santa Cruz and Alameda several times a day and often drive down Junipero Serra to Los Altos, as well as down Alpine to Ladera and Portola Valley. I also drive up and down Sand Hill Road and many of the streets that cross Santa Cruz and Alameda, and along Avy and Montebello Hill. Therefore I have **extensive personal knowledge**, over many years, of the traffic conditions that have existed, and probably still exist, in the entire area around West Menlo Park, into Redwood City and south to Los Altos. I am also part of a County of San Mateo Task Force that is addressing the safety aspects of all modes of traffic (cars/bikes/pedestrian/public transportation) in the vicinity of the Sand Hill/Santa Cruz intersection. Considerable research has been done by local residents and the county in this area and it can be found at: <https://publicworks.smgov.org/santa-cruz-avenue-corridor-study>.

Particular attention should be paid to the **resident-drafted** documents at [Univ.park.org](http://Univ.park.org) which list the problems and potential mitigations for the drastically increased traffic being experienced in the area of the Sand Hill intersection. That site contains photographs and documents 21 accidents in the last year. There have been multiple meetings with County and City officials, Sheriff, MPPD, CHP and the Fire District in the search for solutions.

However, the basic problem is that **all** the roads surrounding the Stanford Campus are overloaded to beyond saturation point. The fact that there is virtually no public transportation apart from school day bus service for the local high school. Also, I have driven the traffic at various times of day and know that the vast majority of it goes to, or comes from, Stanford facilities.

### **WHAT HAS HAPPENED TO TRAFFIC, PARTICULARLY SINCE 2000:**

#### **Alpine Road background:**

Alpine Road is a narrow, two lane road with several blind curves that has speed limit of 35 mph. **Back in 2000** it was estimated that over 20,000 vehicles/day carried over Alpine Road. This number has increased very significantly. It is bounded on the west side by very steep embankments subject to erosion. On the east side, below the level of the road is the Stanford Weekend subdivision with around 150 homes. The road crosses the San Francisquito Creek, which frequently floods. Also, late in the evening and at night, deer frequently cross Alpine Road. There are grazing lands on the east to SLAC on the west side. On the West side (owned by Stanford) there are grazing fields, an equine horse barn, and a horse barn. These facilities frequently have slow moving agricultural vehicles such as tractors, or trailers with 12-16 horses in them coming and going. There are no traffic lights.

On the East side there are several *cul de sacs* as well as individual driveways exiting directly onto Alpine. Currently there is substantial remedial bank construction to fix drastic subsidence of the banks endangering major gas and water lines. In the winter there have been several accidents involving vehicles going over the creek embankment. There is no drainage system in this area. Water flows off the westerly hills towards the creek making winter driving especially hazardous during inclement weather. Other

include the back entrance to the Stanford dish which attracts numerous vehicles that park (legally and illegally) on both road, the back entrance to the Hewlett Foundation and the back entrance to SLAC: all of which cause significant safety [redacted]

**Law enforcement along Alpine is virtually nonexistent** because it is the responsibility of the understaffed CHP. Because of enforcement and nonexistence of traffic lights, commercial vehicles especially, opt for Alpine over Sand Hill, even so their destination is Sand Hill Road. During Stanford's recent hospital construction neighbors counted double semi dump truck rate of one every 17 seconds for a period of time.

There are **no traffic lights that would allow vehicles to platoon** along Alpine, affording residents an opportunity egress/ingress from their property. The traffic into Piers and Ansel Lanes (Stanford lands) is sufficient to fit the State's warrant requirements for a light, but absent costly reconfiguration of the 280 on/off ramps, this would be counterproductive for throughput.

When Alpine is not gridlocked, it is a speedway, despite law enforcement's best efforts. San Mateo County has recently been installing KEEP CLEAR signs and radar speed signs to try and control the traffic, which has had a less than stellar result.

#### **Changes in Traffic Patterns Near Campus and Results Thereof:**

***My observation has been that in the last 10-17 years, the volume of vehicles has probably doubled between 280 and Junipero Serra.*** I have frequently followed them and, with respect to construction vehicles, have even taken some of their license no's and tracked them to Stanford.) Alpine never used to be a truck route and was not so indicated on Stanford's website. Around the time of the Sand Hill widening it was so designated, despite the fact that the entire length of Junipero Serra (even between Alpine and Castro West) is signed, banning all trucks over 7 tons.

#### **Morning Problems on Alpine/Sand Hill/Santa Cruz Heading Towards Stanford :**

(I know that the majority of vehicles in the morning head towards Campus Drive West, the Golf Course, or the Hospital. I have frequently followed them and, with respect to construction vehicles, have even taken some of their license no's and tracked them to Stanford.) Alpine never used to be a truck route and was not so indicated on Stanford's website. Around the time of the Sand Hill widening it was so designated, despite the fact that the entire length of Junipero Serra (even between Alpine and Castro West) is signed, banning all trucks over 7 tons.

In the morning the vehicular onslaught on Alpine now starts around 5 a.m. By around 7:15 a.m. cars are bumper to bumper along the freeway from both the north and south, and this gridlock continues all the way down Alpine, thence down Junipero Serra, Campus Drive West and beyond, and down Sand Hill to the Hospital. Motorcyclists, trying to avoid the back-up, frequently use the bike lane. Some drivers even try to overtake in the bike lane and, sometimes, even on the path.

The two far right lanes at the Alpine/Junipero Serra intersection stretch back the full length of the turn lane, and traffic, which is bumper to bumper, goes all the way back to 280. I have great difficulty getting out of my driveway to turn right until after 7:30 a.m. A left turn is almost impossible, requiring me to drive to Sand Hill to make a U-turn. Because of this back up, drivers who are wishing to go to Santa Cruz or Alameda opt for the left hand lane to get through the Alpine light (otherwise one has to wait for several iterations to go through this light).

Once in the ***area between the Alpine and the Sand Hill lights***, the entire right hand lane and bike lane is frequently blocked by vehicles trying to get to the hospital. This has a number of consequences:

- The bike lane is totally blocked, so many cyclists from Alpine heading towards Santa Cruz Ave, race down the trail past the cantilevered section making it too dangerous for pedestrians and less proficient cyclists. There have been several accidents. This has become too dangerous for Stanford Weekend Acres (SWA) children to walk to La Entrada school, so their parents drive them there, creating more traffic.
- Other cyclists heading towards Santa Cruz, Alameda or upper Sand Hill weave in and out of the lanes of traffic just to get to their position, resulting in many near misses
- Cars waiting at the Sand Hill intersection to make a right turn towards the hospital, block cyclists coming from up Sand Hill road because they are parked over the entrance to the trail going along the golf course **and** the actual bike lane on the road.

- Vehicles coming north from Junipero Serra hoping to cross the two lanes of traffic between the two intersections left turn towards SLAC, are totally blocked by the queueing vehicles in the right hand lane, and traffic backs up along J
- When the light is RED at Sand Hill, those drivers wanting to make a right turn from the area between the intersection the hospital, rarely stop which has resulted in many near misses. (The same is true with respect to the red light at the corner of Santa Cruz and Sand Hill where drivers going from Santa Cruz to upper Sand Hill, breeze through the red light)
- Drivers aiming for Downtown Menlo Park after crossing Sand Hill then have to change lanes within the one block of Sand Hill and the juncture of Santa Cruz and Alameda. I have seen as many as 7 lane changes in that one block. This is dangerous (especially for cyclists because there is no bike lane) since the east side of that block of Santa Cruz is lined with driveways, many of which are well below street level. In the past year there have been 21 accidents in the immediate vicinity.
- Since there are no Stanford signs indicating the route to the hospitals, many drivers are confused and end up in the wrong lanes instead of the right hand lanes. Many of them subsequently veer across all the lanes to make the right turn lane, creating more hazards.
- The vehicle lane changes in the first block of Santa Cruz after the Sand Hill intersection, make it virtually impossible for homeowners along that block to exit or enter their driveways.
- Another problem with the jammed Sand Hill intersection is that many commuters try to avoid it by cutting through Alpine Way which is a very narrow residential street.

In the early morning, because of the increase in traffic, it sometimes takes me 45-50 mins. to get to the Menlo Park Burger Center instead of the 10 mins it should take me. If I try to come home before 10:30 a.m., I am stuck in the middle of Alpine Road with vehicles careening around me to the right, until some kindly soul allows me to make a left turn into my driveway. This is every other SWA resident along Alpine.

#### ***Vehicles Heading South towards Campus Drive West from Sand Hill or from Alameda:***

In the morning there is heavy traffic. There is a problem with the merge lane immediately south of the Sand Hill/Santa Cruz intersection in that vehicles try to overtake on the inside because of congestion. This occurs mornings and evenings.

#### **Morning Problems with Alameda**

Because of the access problems with respect to 280, Alameda becomes jammed with traffic, much of which is trying to get to Stanford. This creates a major problem for example, for those 174 residents of Menlo Commons trying to exit or enter their condominium development or for other University Park residents to access Alameda/Santa Cruz. Traffic is often so heavy that drivers intent on getting to the hospital use the middle turn lane to overtake traffic on the inside to get ahead in the line to the hospital. This endangers residents of Menlo Commons trying to make a left turn to get to downtown Menlo Park.

#### **Evening Problems with Alameda**

Because it is so difficult to access I-280, traffic (mostly from Stanford facilities) jams Alameda from Sand Hill, through Woodside Road in Redwood City.

#### **Evening Problems on Alpine/Santa Cruz/Sand Hill**

“Rush Hour” now starts around 3:15 p.m. which seems to coincide with some kind of shift change at the hospital since people are pouring out of Pasteur Drive and head towards Sand Hill or Alpine. Sand Hill becomes a virtual parking lot from Pasteur to 280. Alpine Road is also jammed from the Sand Hill/Alpine intersections to 280. This makes it almost impossible for Stanford drivers to make a *left* turn onto Alpine.

Another problem involves vehicles exiting the back entrance of the Hewlett Foundation and making a highly perilous and illegal left U-turn to get to Junipero Serra. Some of these vehicles have the Stanford logo on their side.

Alameda is the location of a MPFD station. They are the first responders to any emergency in the West MP area, SWA accidents on 280. The fire engine and ambulances are often blocked by the traffic jamming the intersections and the road from Alameda to 280. Sometimes they have to use the residential Avy, Monte Rosa and Sharon Park roads to get better access.

#### **Morning Problems on Junipero Serra**

Traffic is usually solidly blocked from Alpine to Campus Drive West and heavy all the way to Page Mill.

**Evening Problems on Junipero Serra**

Traffic heading south to the Page Mill 280 entrance is very heavy from Campus Drive West and is virtually a parking lot from Stanford Ave to Page Mill. Traffic heading north to the Alpine 280 entrance or towards Alameda, is also frequently a virtual

**Problems on Avy/Monte Rosa**

This has become a cut through route to and from 280 for traffic trying to avoid some of the back-up problems. This traffic is exceptionally fast and is a danger to local residents and to students at Philipps Brooks School.

**Traffic on ECR in San Mateo County**

In the morning it is bumper to bumper from Woodside road to the university. In the evening, the reverse is true.

**Cyclist/Pedestrian Problems Coming or going to Stanford**

There is no pedestrian crossing on Junipero Serra or at the Alpine intersection. This means that people walking to and from Campus Drive West have no safe way to cross Junipero Serra to get to SWA because of traffic. If they want to go from Junipero Serra to Menlo Park they have to walk in the bike lane over the creek, which is often blocked by cars. If cyclist commuters want to go from Campus Drive West to SWA homes there is no safe way to cross Alpine Road because of the increased traffic causing many high speed bikers to use the footpath along SWA which is extremely perilous for residents.

The brick surface surrounding the Buck Estate is blocked by metal rails for pedestrian travel, yet this is used by people coming from the Hewlett Foundation trying to walk around the corner to Safeway on Sand Hill road. If there were a pedestrian crossing at the Alpine/Junipero Serra intersection this would mean that this path could be used by local residents to avoid the dangers of the high speed non ADA compliant “trail” under the cantilevered section between the two intersections.

**HOUSING ISSUES IN THE VICINITY OF THE UNIVERSITY:**

Housing affordability is an issue throughout the State. However, in the vicinity of the university this is particularly evident with many visiting scholars requiring short term rentals and postgraduates seeking leased accommodations. Demand has driven up the price of real estate and increased the number of “doubled up” lessees, and created a burgeoning AirBnB industry which will only add to traffic in the future. It has altered the character of SWA from an almost exclusively owner occupied residential neighborhood to a more transient rental market.

**HOW THE UNIVERSITY'S GROWTH AFFECTS MY & OTHER RESIDENTS' QUALITY OF LIFE**

I appreciate the great medical facilities and the increased diversity in my neighborhood, but it has come at the expense of the quality of life, especially related to traffic issues, a summary of which entails:

- Inability to get in and out of my driveway because of traffic, most of which is Stanford based
- Danger on the road because of traffic congestion and constant fear of an accident
- The neighborhood path in SWA has become too dangerous to use because of cars veering onto it, and because cyclists use both directions
- The “trail” put in by Stanford that runs under the cantilevered section of Junipero Serra/Santa Cruz is non ADA compliant and that together with the excessive use by high speed cyclists has made it too dangerous for safe pedestrian travel.
- Closing down of Webb Ranch Fruit Stand because of dangerous traffic means that fresh produce is no longer so easily available
- Removal of bus stop from Alpine because it was too dangerous to use because of added traffic
- Failure of traffic to stop for school bus at Stowe and Bishop which means that commuters cross the yellow line in the middle of traffic to get to their destination. This also happens on Garbage days, which is extremely perilous for local residents and school children. When cars **do** stop for these vehicles they back up and block the KEEP CLEAR zones making it impossible to get out of my driveway
- Necessity of traveling out of my way to make a safe U-turn at Sand Hill in order to drive to Portola Valley
- Enormous amount of noise from the increased traffic most of which is destined for Stanford

- Oily storm water residue from excessive number of vehicles on Alpine, most going to or from Stanford
- Heavy odor of diesel from the many construction trucks going to and from Stanford and other locations
- Increase in number of student renters who often are very noisy compared to average families
- Increase in amount of time it takes to get anywhere because of traffic in West Menlo Park
- Increase in number of accidents and the associated noise from sirens
- Massive increase in construction trucks, many going to Stanford
- Difficulty in negotiating route to the hospital, especially to the ER when it has become necessary because of lack of traffic back ups
- Increase in tour buses using Alpine to get to and from campus
- Increase in vehicles on Alpine carrying fans to athletic events, some of whom are careless drivers
- Being verbally abused or flipped off by commuters angry that I am trying to enter or exit my driveway
- Increase in noise from horns, and angry commuter/cyclist interactions on Alpine
- Observed increase in number of killed wildlife and domestic pets along Alpine because of increased traffic
- The enormous amount of time and effort it has taken me and other neighbors to work with the county (and Stanford) to get some traffic mitigations.

## **POSSIBLE MITIGATIONS:**

### **Traffic**

Physical mitigations to deal with traffic have limited potential. What is needed is better mass transit options from 280 to Campus. This could take the form of:

- a park and ride lot near 280
- Commuter buses from San Jose via I-280
- Shuttle extensions from Ladera, Portola Valley and Woodside
- Better coordination with Samtrans to provide effective service in the San Mateo county area
- Given the huge increase in traffic to and from campus and the hospitals from I-280, eventually there will have to be a dedicated tunnel from 280 to Campus

There are some “low hanging fruit” safety mitigations that could be undertaken. Many are listed in the UnivPark.org document. Below are some other suggestions that would make travel safer for all:

- Crosswalks on Junipero Serra and Alpine
- Removal of the bulb out between the Alpine and Sand Hill intersections that prevents more than one vehicle at a time from Junipero Serra to the left turn lane at Sand Hill
- Addressing the ADA compliance problems of the “trail” from Alpine to Sand Hill and install speed limit signs for that trail
- Engineering erosion and storm water solutions for the trail under the cantilevered section of the trail, making it safe for pedestrians and cyclists. Also investigate the possibility of engineering a way for pedestrians coming from Junipero Serra to get down the incline at the start of the bike lane, so that they do not have to walk in the bike lane and get hit by cars.
- Work with San Mateo County and Caltrans to better engineer the 280 on/off ramps to avoid the mass confusion at the ramp
- Provide pullover setbacks and shelters for the school bus stops at Stowe and Bishop so that the parents are not fearing for their children’s safety
- Put some barricades along Alpine by Wildwood Lane to protect pedestrians from the constant problem of cars, trucks and motorbikes from driving in the bike lane and on the path
- Put some barrier at the Hewlett Foundation back gate to prevent cars making U-turns there
- Install legible illuminated signs indicating routes to hospitals, especially the ER.
- Work with Samtrans to get better public transit in West Menlo Park. There is a special need to better organize with Atherton H.S. kids to get home instead of the bus dropping them off at Safeway so that their parents have to drive over to Atherton
- Investigate feasibility of a park and ride near I-280
- Provide shuttle service in W. Menlo Park, Ladera and Portola Valley where many Stanford community live, and work at numerous Stanford associated facilities

- Investigate the possibility of commute vehicles along the 280 corridor.  
• Eliminate double semi dump trucks from Alpine Road since these vehicles cannot stop easily in a short distance at several blind corners. Also, the driver has little control over the back semi and it strays into the bike lane. These vehicles trouble negotiating the traffic light at the Alpine intersection and the back trailer runs over the brick base to the light, narrowing cars waiting in the left hand lane. They also are too big to safely negotiate the turn from Alpine to Junipero Serra without the bike lane.
- Have some kind of monitoring/permitting system for construction trucks. Many of them speed because apparently by the number of loads.
- Install some arrows at the junction of Sand Hill where the lane turns under the Buck Estate. When traffic is heavy much lane jockeying here and cars do not realize that the merge lane is not a separate traffic lane. This causes them to interfere in the bike lane which is hazardous for cyclists
- Enlarge the merge lane at the beginning of Alpine Road by the Buck Estate since this is a huge hazard for cars and cyclists
- Enlarge the bike lane heading towards Portola Valley on the West side of Alpine within the jurisdiction of Menlo Park. It is unduly narrow and at one point there is a slotted lane that takes up most of the bike lane. Also provide better maintenance and trimming foliage that hits taller cyclists.
- Restrict access/parking to the back entrance to the Dish on Alpine road since it causes major traffic safety problems since it is right next to the 280 off ramp.
- Engineer some way to deal with the extreme dangers to cyclists in between the Sand Hill and Alpine intersections coming from Santa Cruz or upper Sand Hill trying to get to Junipero Serra swerve in between cars in an ultrahazardous manner. A major danger exists because the middle lane at the Alpine traffic light allows cars to go straight or make a left hand turn. There have been numerous near fatalities where the cyclist is turning left, but the car behind him accelerates forward. **The middle lane should ONLY BE LEFT TURN.** This should not affect throughput since there is only a short space between the two intersections that accommodates only a few vehicles.

### Housing:

Additional housing opportunities for *lower income staff* need to be provided on or near the core campus or other commercial areas to lessen the need for lengthy commutes via I-280 from San Jose, Daly City and other less expensive housing areas. There are additional opportunities, and desperate need for low income housing (not necessarily restricted to the Stanford community) provided in North Fair Oaks. The site at 2131 Sand Hill would be better used as housing even if it is low density as currently proposed by the county.

### CONCLUSION

This GUP ignores blatant significant negative impacts of the proposed developments with respect to the housing/jobs imbalance and job impact. It also fails to provide accurate information as to bicycle, pedestrian and public transportation available on the San Mateo County and surrounding area. In recent years most of the commercial development on Stanford lands has occurred either in San Mateo County or at sites along I-280 which has created an undue burden on West Menlo Park in particular, negatively affecting many aspects of our quality of life.

--

Diane J. Schiano

<https://sites.google.com/site/dianejschiano/>



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**Carnahan, David**

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**From:** Barry M Katz <bkatz@stanford.edu>  
**Sent:** Monday, January 22, 2018 6:26 PM  
**To:** Council, City  
**Subject:** Parking Garage, California Ave. district

To the City Council):

My two cents: I was horrified to read reports of the demands of local merchants for more parking spaces and fewer human (mixed use) amenities. As a resident of the Ventura neighborhood for whom Caliofrnia Avenue has been a regular destination for three decades, I would respectfully remind proprietors that *NOT ONE AUTOMOBILE* has even shopped in your stores, engaged your services, or dined in your restaurants. *NOT ONE. EVER.* To the best of my knowledge, it is *PEOPLE* who support these business, without exception. Making the Cal. Ave. district more car-friendly and less people-friendly is exactly the wrong approach. Aside from flying in the face of progressive efforts worldwide to humanize our cities, it is bad for business.

Barry Katz  
Consulting Professor, Design Group  
Department of Mechanical Engineering  
Stanford University  
m: 650.644-8697

**Carnahan, David**

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**From:** Lucinda Lenicheck <lblenicheck@yahoo.com>  
**Sent:** Tuesday, January 23, 2018 2:15 PM  
**To:** Council, City  
**Subject:** Parking garage/CA Ave. proposal on agenda TONIGHT

Dear City Council,

Please do nothing to change the plans for the prospective parking garage serving the California Ave. Business district AND thereby serving all the residential neighborhoods abutting that district.

To quote from a neighbor: as a resident of Evergreen Park I am writing to you today to stick to your own promise last year to go "big" on the new parking garage, i.e. 2 floors underground and 5 floors above ground. There should be no violation of the existing height limit either.

You know very well that the whole parking situation around Cal Ave is very dire, and local businesses have urged you together with us residents to build a new garage so that some relief will be possible,

We are talking about to keep the current parking situation (without any reduction in floors of the planned garage) somewhat under control since numerous new developments are starting and the whole parking situation will get worse. A few years back, downtown got 3 big garages, and the "2nd" downtown does not "qualify" for at least a SINGLE ONE?

We hope that you stick to your promise and words and build the garage with 7 floors (2 underground and 5 above ground).

To cut away a whole floor is slap into the face of the whole Cal Ave Business District, its merchants, patrons and neighbors alike.

If you need the money for the police station, then the design of the police station. But you cannot cannibalize instead an approved project like the new garage building that was presented to businesses and neighbors as a "done" and "great deal" for everybody.

Please do not alter the parking garage plans! Find your cost savings elsewhere!

Thank you,  
Lucinda Breed Lenicheck  
342 Oxford Ave.

**Carnahan, David**

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**From:** J <jtseng88@gmail.com>  
**Sent:** Tuesday, January 23, 2018 2:11 PM  
**To:** Howard, Adam; Council, City; ParkRec Commission  
**Subject:** Parks and Rec Master Plan comment

Hi City Council and Parks and Recreation Commission Members,

We wanted to write in support of the plan to add permanent pickleball courts to Mitchell Park.

Since starting our first pickleball game at the volunteer run, drop-in temporary courts on weekends at Mitchell Park a couple of years ago, we've experienced the fun and camaraderie of the sport of pickleball and witnessed the enormous numbers of people gathering to play whenever the temporary nets are put up.

Pickleball will increasingly grow in popularity in the future. The reality, more importantly, is that it is an exceedingly popular sport today.

My husband and two children (high school and elementary aged students) have been long-time users of the tennis courts and outdoor racquetball courts at Mitchell Park. We've taken a lot of tennis lessons for many years through the City of Palo Alto's Enjoy program. We are by no means weighing tennis against pickleball, or vice versa. That is a very unfortunately and unnecessarily adversarial pairing. We are blessed in this city to have plenty of public space for tennis, pickleball and other enjoyable sports.

In our opinions, there are plenty of tennis court options throughout the city parks and on public school campuses. But there are very few pickleball opportunities and none that are financially supported by the city of Palo Alto. The fact that a group of volunteers are willing to purchase, maintain and put up pickleball nets every week is a wonderful example of community members making the game possible for others. The city has benefitted from the efforts of these volunteers by virtue of their monetary and time contributions.

Now, it's time for the city to step up. Palo Alto should support the sport that its residents desire. I would like to see taxpayer dollars fund public courts, so that the courts are open and available to all and are not a persistent burden on a group of volunteers. Our family would play outdoors more frequently if the city were to erect permanent pickleball courts in lighted areas (allowing for after work play).

Please make permanent pickleball courts at Mitchell Park, and at other city parks, a reality for the City of Palo Alto and its residents.

Best regards,

Jocelyn and Ben Tseng  
Wilkie Ct.  
Palo Alto

**Carnahan, David**

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**From:** mwilliams <moniwilliams@yahoo.com>  
**Sent:** Monday, January 22, 2018 4:01 PM  
**To:** Council, City; ParkRec Commission; Howard, Adam  
**Subject:** Photos of Pickleball on Sunday at Mitchell Park

A total of 92 people played drop-in pickleball at Mitchell Park yesterday, Sunday. These photos were taken when all 11 courts were filled with 4 to a court (44), and 27 players were waiting.

Monica Engel Williams





**Carnahan, David**

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**From:** Mark Nadim <marknadim@gmail.com>  
**Sent:** Monday, January 22, 2018 11:25 AM  
**To:** Council, City  
**Subject:** proposed SB-827

Honorable Council Members,

SB-827, a bill recently sponsored by Senator Wiener (D-SF), poses a serious threat to local control of zoning and planning that is beyond anything we have ever seen before. This proposal to address the affordable housing crisis, by building 5-8 story buildings, by right, within a quarter or half mile of transit, disregards our General Plan, specific plans and zoning ordinances, and would result in unsustainable impacts on our environment, town character, schools, traffic, public services, infrastructure and quality of life.

At a time when Palo Alto communities are working diligently to increase affordable housing options, this is not the time to allow local zoning and planning control to succumb to overly simplistic and counter-productive state legislation.

As our elected representatives, we count on you to act in the best interests of our community. Will you show leadership to address the threats of SB-827 and the over-reach by Sacramento to remove local control of zoning and planning? We ask that you rise to the occasion and use your status as elected officials to voice our objections to this draconian legislation.

You have the opportunity, and in fact the responsibility, to protect our city's constitutional right to plan for our future and address our growth and housing affordability challenges.

As a member of your community, I am writing to respectfully request and strongly suggest that you take the following actions.

- 1 Place the public discussion of SB-827 on the City Council's public hearings agenda, within the next 30 days.
- 2 Issue a public comment and rebuttal to Senator Wiener and Sacramento lawmaker's, regarding the proposals found in SB-827.

We trust that you value Palo Alto's right to local control of planning and zoning for our future, as we do. We are ready to work with you to educate, engage, and empower residents to have their opinions on this issue heard.

Mark Nadim  
Alexis Dr.  
Palo Alto

**Carnahan, David**

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**From:** Sharon C <sharonchin@msn.com>  
**Sent:** Monday, January 22, 2018 2:07 PM  
**To:** Council, City  
**Subject:** EPPP Permits & Cal Ave Parking Garage

Dear Palo Alto City Council,

<https://www.paloaltonline.com/news/2018/01/19/as-costs-grow-city-may-scale-back-garage-plan>

This is just infuriating.

The City Council needs to take a giant step back and assess. Whether you are a 'residentialist' or 'pro-housing', remove those labels. Please do two things. Look at the situation from two different perspectives 1) Pretend you are a resident and live in either Evergreen Park or Mayfield neighborhoods and think how you would feel. And 2) As an elected official, think about what is best for Palo Alto almost as if this city were a person. Don't think about who donated to your campaign or the politics of any of it. Just think purely about Palo Alto and what will make this city thrive for the next several decades - remembering that Palo Alto residents are an important cog of what makes this city vibrant and interesting.

Whether you are an advocate of slow-growth or pro-development, you cannot build without planning for impact this development will have on residents, businesses and existing infrastructure. What is the strategic growth plan here for Palo Alto? Even the most thoughtful development creates impact -- and it is your duty to ensure various components that are impacted - residents, infrastructure, businesses are kept in balance.

If you continue to allow development along Park Boulevard and other locations not just in Mayfield, Evergreen Park, but also other city neighborhoods without planning for what impact this will have on the streets - traffic, safety, commute of pedestrians, bicyclists, vehicles + adequate parking not just for commuters but for residents and guests to frequent our city and business districts -- you simply will continue to have negative impacts and threaten the livelihood of Palo Alto.

The city is playing catch up from all the construction that was allowed to happen without adequate parking and thought to the impact this development would have on our infrastructure, city streets and neighborhoods. To reduce the size of this parking garage and 'solve' the problem by approving more parking permits to be sold so cars here on business can park on residential streets is putting a bandaid on the problem - and it's unfair to put the burden solely on the residents of Evergreen Park and Mayfield. If any of you lived here, how would you feel? If any of you commuted on Park Boulevard near the Alma/Oregon overpass on a regular basis between 3-6pm, how would you feel? If any of you frequent Cal Ave on a regular basis between 11-2pm, how long does it take you to find a parking spot?

What hasn't been mentioned yet is the impact all this traffic congestion has on safety of pedestrians and bicyclists/foot traffic of all ages.

You all need to take a long view here and consider all perspectives of what these decisions mean for our city and for its inhabitants. I am just exasperated with your thought process and feel suspect of what is influencing your decisions.

- 1) Do not reduce the planned size or scope of the new parking garage. This garage is vitally needed for the small businesses, service providers, and residents who need somewhere to park when they visit this area. We don't want visitors and business employees to be forced out into the streets and into our neighborhoods.

2) Adding more commercial parking permits is the exact opposite or purpose of having an RPPP in our neighborhoods. The goal of these programs is to actually find ways to “reduce” the need for commercial permits over time and hopefully make neighborhood parking open for residents.

Therefore:

- A) Do not increase the current 250 commercial permits limit in the Evergreen Park/Mayfield neighborhood. Adding more permits for commercial use will continue to add to an already congested parking problem in this area. Instead, we need to find a way to “reduce” commercial permits by at least 10% each year.
- B) No commercial permits should be issued to new buildings that have Traffic Development Management programs (TDMs).
- C) Make commercial permit parking available along El Camino Real (both sides of the street), from Stanford Avenue to Park Blvd./Serra for local businesses.

Don't let shortsighted decisions continue to plague the vibrancy of this town.

Sharon Chin  
Resident of Evergreen Park

**Carnahan, David**

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**From:** Mackenzie, Andrea <amackenzie@openspaceauthority.org>  
**Sent:** Friday, January 19, 2018 3:22 PM  
**To:** Council, City  
**Cc:** Clerk, City  
**Subject:** Public Notice of the Availability of the Santa Clara County Regional Conservation Investment Strategy  
**Attachments:** RCIS\_Council\_PaloAlto.pdf

Dear Public Agency Partner,

Please see the attached public notice of the availability of the *Santa Clara County Regional Conservation Investment Strategy* (RCIS) on the website of the California Department of Fish and Wildlife (CDFW). The Santa Clara Valley Open Space Authority is serving as the local sponsoring agency for this pilot RCIS, and we and the CDFW welcome your review and comment beginning January 22<sup>nd</sup> and ending March 22<sup>nd</sup>.

The attached letter provides details about the RCIS document and how to submit comments during the 60-day review period.

Sincerely Yours,

Andrea Mackenzie

--  
**Andrea Mackenzie**  
General Manager  
408.224.7476  
Openspaceauthority.org



**Celebrate our 25th Anniversary with us!**

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January 19, 2018

Palo Alto City Council  
250 Hamilton Ave.  
Palo Alto, CA 94301



**RE: Regional Conservation Investment Strategy for the Santa Clara County Region**

Dear Councilmembers,

This letter is to inform you that a draft Regional Conservation Investment Strategy (RCIS) has been developed for Santa Clara County and the Upper Pajaro River Watershed within San Benito County and will be available on the California Department of Fish and Wildlife website for a 60-day public review and comment period beginning January 22, 2018 and ending at 5:00 PM on March 22, 2018.

The RCIS has been developed as part of the California Department of Fish and Wildlife's (CDFW) Regional Conservation Investment Strategies (RCIS) Program, which was established by AB 2087 and signed into law in September 2016 by Governor Brown. AB 2087 establishes the RCIS Program to create a new, voluntary conservation planning tool to promote the conservation of species, habitats, and other natural resources and enable advance mitigation for public infrastructure projects. An RCIS provides a non-regulatory assessment and analysis of conservation needs in a region, including habitat connectivity and climate resilience. It is intended to provide scientific information for the consideration of public agencies. An RCIS is voluntary and does not create, modify, or impose regulatory requirements or standards; regulate the use of land; establish land-use designations; or affect the land-use authority of or exercise of discretion by any public agency. Entities can use an RCIS approved by CDFW to guide voluntary investment in conservation actions, including habitat protection, restoration, and enhancement, and to develop Mitigation Credit Agreements (MCAs) to enable advance mitigation to offset impacts to species and habitats from development and public infrastructure projects.

**Santa Clara County RCIS: A Pilot Project**

The Santa Clara County RCIS is a pilot initiated in 2016 to apply the new legislation. The Santa Clara Valley Open Space Authority (OSA) agreed to sponsor the RCIS, which has been developed with guidance from a steering committee that also includes the Santa Clara Valley Habitat Agency (VHA), Santa Clara Valley Transportation Authority (VTA), The Nature Conservancy (TNC), and the State Coastal Conservancy (SCC). The region was chosen for a pilot program, in part, because in 2016, the VTA's Measure B presented a unique opportunity to examine how an RCIS could streamline transportation project delivery and increase the effectiveness of mitigation measures to conserve the region's habitats and species.

**Consistency with the Valley Habitat Plan**

The Santa Clara County RCIS area includes the permit area of the Santa Clara Valley Habitat Plan (Habitat Plan), implemented by the Santa Clara Valley Habitat Agency (VHA), a joint exercise of powers entity (JPA) created by the County of Santa Clara and the cities of San Jose, Morgan Hill, and Gilroy, under Government Code Section 6500 et seq. The Habitat Plan is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. The RCIS was developed in coordination

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San Jose, CA 95119  
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408.224.7548 F  
[openspaceauthority.org](http://openspaceauthority.org)

with the VHA to ensure that it complements and is consistent with the Habitat Plan's conservation strategy both within and beyond the Habitat Plan's permit area. The RCIS builds on the Habitat Plan's conservation goals, objectives, and reserve design to "fill in the gaps" that are not addressed by the Habitat Plan, both in geography and in resources. On December 13, 2017, the VHA submitted a letter to CDFW determining that the RCIS is consistent and complements the Habitat Plan.

### **RCIS Status and Next Steps**

The RCIS has been developed with input from conservation and transportation agencies and organizations, as well as the broader public. Once approved, the RCIS can be used to inform voluntary conservation and enhancement actions for focal species, sensitive habitats, other conservation elements, including habitat connectivity and working landscapes. If implemented as part of a MCA approved by CDFW, these actions may be used as advance mitigation for transportation projects, as envisioned through the Regional Advance Mitigation Planning process being developed for the Bay Area by the Metropolitan Transportation Commission, TNC, and SCC as part of Plan Bay Area 2040.

As the implementation sponsor, the OSA will track work to conduct conservation actions identified in the RCIS including development of any MCAs for priority conservation actions. The OSA will work with other conservation agencies on RCIS updates which are required every 10 years under AB2087.

### **Submittal of Public Comments**

Public comments on the draft Santa Clara County RCIS should be submitted by email to both CDFW and the OSA, or by hard copy provided only to CDFW to minimize postage costs and effort.

Public comments should be submitted in one of the following three ways (email, mail, or dropped off), to the following addresses:

EMAIL (comments should be emailed to both CDFW and to the OSA):

CDFW: [rcis@wildlife.ca.gov](mailto:rcis@wildlife.ca.gov)

OSA: [RCIS@openspaceauthority.org](mailto:RCIS@openspaceauthority.org)

MAILED COPY (comments may be mailed to CDFW alone):

California Department of Fish and Wildlife

Habitat Conservation Planning Branch

P.O. Box 944209 Sacramento, CA 94244-2090

ATTENTION: Santa Clara County RCIS Comments

DROPPED-OFF COPY (comments may be dropped off to CDFW alone):

California Department of Fish and

Wildlife

Habitat Conservation Planning Branch

1416 9th Street, 12th Floor, Room 1266 Sacramento, CA 95814

### **Additional Information**

Additional information about the RCIS program is available at the CDFW website:

- <https://www.wildlife.ca.gov/conservation/planning/regional-conservation>

If you have any questions about the RCIS public review process, please call Joelle Garretson at (408) 224-7476.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Mackenzie". The signature is fluid and cursive, with "Andrea" on top and "Mackenzie" below it, both starting with a capital letter.

Andrea Mackenzie  
General Manager

**Carnahan, David**

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**From:** Jeanne Fleming <jfleming@metricus.net>  
**Sent:** Tuesday, January 23, 2018 11:33 AM  
**To:** Clerk, City  
**Cc:** Council, City; Architectural Review Board  
**Subject:** Public Records Act Request

Dear City Clerk:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following, which I understand to be held by the City of Palo Alto:

All letters, emails, texts or other communications from or to City Manager James Keene on the subject of telecommunications or related to the subject of telecommunications—communications including, but not limited to, those with City Staff; City Council; City advisory boards; Verizon; Verizon's consultants and vendors; Crown Castle; NextG Networks; Vinculums; AT&T; AT&T's consultants and vendors; AT&T Mobility; Astound Broadband (WAVE); members (including members of the Board of Directors, on which Mr. Keene serves, and advisory board members), staff and investors (including AT&T, Crown Castle, Hammett & Edison, and Verizon) of Joint Venture Silicon Valley; and anyone connected to any organization with which Mr. Keene has a relationship as Palo Alto's City Manager—from the period starting on January 1, 2016 and ending on January 23, 2018.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 650-325-5151.

I ask that you notify me of any duplication costs exceeding \$100 before you duplicate the records so that I may decide which records I want copied.

Thank you for your attention to this matter.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD

[JFleming@Metricus.net](mailto:JFleming@Metricus.net)

650-325-5151

**Carnahan, David**

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**From:** Jeanne Fleming <jfleming@metricus.net>  
**Sent:** Wednesday, January 17, 2018 4:08 PM  
**To:** Clerk, City  
**Cc:** Council, City; Architectural Review Board  
**Subject:** Public Records Act Request

Dear City Clerk:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following, which I understand to be held by the City of Palo Alto:

All letters and emails from or to City Chief Information Officer Jonathan Reichental on the subject of telecommunications or related to the subject of telecommunications—letters and emails including, but not limited to, correspondence with City Staff; City Council; City advisory boards; Verizon; Verizon's consultants and vendors; Crown Castle; NextG Networks; Vinculums; AT&T; AT&T's consultants and vendors; AT&T Mobility; Astound Broadband (WAVE); and members (including advisory board members), staff and investors (including AT&T, Crown Castle, Hammett & Edison, and Verizon) of Joint Venture Silicon Valley—from the period starting on January 1, 2016 and ending on January 17, 2018.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 650-325-5151.

I ask that you notify me of any duplication costs exceeding \$100 before you duplicate the records so that I may decide which records I want copied.

Thank you for your attention to this matter.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD

[JFleming@Metricus.net](mailto:JFleming@Metricus.net)

650-325-5151

**Carnahan, David**

---

**From:** Jennifer Landesmann <jlandesmann@gmail.com>  
**Sent:** Thursday, January 18, 2018 12:13 PM  
**To:** Chapman, Karen  
**Cc:** Supervisor.Simitian@bos.sccgov.org; Council, City  
**Subject:** Re: Response to Representative Eshoo's communication on Flight Path Changes and Aircraft Noise

Dear Karen,

Thank you for letting me know, and look forward to hearing FAA's response soon. I believe there is also some trust building that needs to be done at the community level.

The open questions about southern arrivals; the confounding lack of progress to mitigate BDEGA and night flights noise, and the length of time it has taken to this point is profoundly disappointing.

It's a bit insult to injury as well, that the safety reasons given for coercing concentrated and lower to the ground paths are because of the reduction in distance between planes and the reduction in SFO minima. We now have three near catastrophes at SFO from pushing the envelope.

That all of this was known *in the design process* was not evident when we started out. We had our suspicions and we had to research everything on our own.

It is imperative for FAA to work to find truly regional solutions.

If you recall, Rep Eshoo at the March 2016 meeting gave an eloquent statement that this was not to be a competition between communities but a competition of ideas. Yet - it has been almost overwhelmingly a runaway train to only cater to the single idea of the Big Sur track. Without traction on the other items people barely got from the Select Committee process, this will be a terrible hoax on the public.

We should not have even been doing the ideas competition *without the FAA's own ideas, and some from the airlines and other ideas from the airports*.

A fundamental flaw is relying ONLY on the single ideas from novices which the Select Committee stated in 4.1.

Without real solutions, this work still needs to get done **to get the airports and airlines** on the ball to fix this.

**I urge that Rep Eshoo PLEASE not keep pushing only the ground track change for Big Sur.**

Thank you,

Jennifer

On Wed, Jan 17, 2018 at 4:34 PM, Chapman, Karen <[Karen.Chapman@mail.house.gov](mailto:Karen.Chapman@mail.house.gov)> wrote:

Dear Jennifer,

I'm following up with you to let you know we sent your email with technical questions to the FAA for review and response. We followed up with the FAA to let

them know you are still waiting for a response.

My best,

Karen

Office of Congresswoman Eshoo

**From:** Jennifer Landesmann [mailto:[jlandesmann@gmail.com](mailto:jlandesmann@gmail.com)]

**Sent:** Monday, December 04, 2017 7:48 PM

**To:** Representative Anna G. Eshoo

**Cc:** [Supervisor.Simitian@bos.sccgov.org](mailto:Supervisor.Simitian@bos.sccgov.org); [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org); Chapman, Karen

**Subject:** Response to Representative Eshoo's communication on Flight Path Changes and Aircraft Noise

Dear Representative Eshoo,

Thank you for your leadership to address jet noise with the FAA, and the important work of helping get relief for impacted people.

The following is to alert problems with the follow up to the Select Committee, which I hope that you and FAA can please resolve.

In your communication last week, here below, it is stated that the Select Committee (over the course of six months) reviewed "FAA proposals;" however, the Select committee did not review FAA

proposals but rather the committee reviewed " **dozens of specific recommendations submitted by the three members' constituencies**" as explained in the [FAA's Initiative](#) (top of page 2).

The Select Committee voted unanimously to support nearly all community ideas, **except** for the proposal to reconstitute the Big Sur ground track which was not a unanimous vote, and met the consensus threshold, only after criteria and assurances were added to this item. Select Committee members understood early on that noise cannot not be reduced on the Big Sur track if altitudes are also not also reconstituted, or if various issues related to congested airspace remain unresolved. It's like trying to fit a square peg in a round hole to reduce noise with planes flying low in a congested area. The FAA has since responded that the criteria and assurances requested by the Select Committee cannot be met for the Big Sur track. Work is thus still needed to address this problem.

Given the inability to significantly reduce noise with a Big Sur reconstitution proposal (and actually may increase noise for many), it was surprising to hear that Representative Jimmy Panetta and Santa Cruz Supervisor John Leopold announced on Saturday in Santa Cruz, that FAA Western Regional Director Dennis Roberts plans to proceed with implementation of a Big Sur ground track design, with an August 2018 date, **dispensing with environmental review**.

I can only hope this is a mis communication. The lessons from by-passing NEPA laws are costing many Palo Alto families dearly, with livability, productivity. and health impacts from jet noise which should have been averted a long time ago and certainly in planning for Nextgen. Environmental reviews may seem like bureaucratic exercises but they are **important because, they offer the public a chance to address mitigations and alternatives to proposed actions**.

**The Select Committee was not a replacement for environmental review.** And at no point were communities asked to forego that right. As a matter of fact, at every step of the process, FAA assured environmental reviews in testimony and in writing. Reviews certainly are part of "Design procedures" under FAA Order 7100.41A, PBN processing - step 2 of 5 stages.

[IFP Gateway PAGE 10 - FAA Initiative:](#)

- o "Design Activities: This includes the creation of a working group in order to design a procedures/route that meets the project goals and objectives. **An environmental review is included in this stage.**"

The Select Committee accomplished many things (three highlights below), but none replace an environmental review of specific actions being considered.

- 1) The Select Committee (SC) developed [Underlying Principles](#), and responded to the FAA's "ask" for community Design Criteria.
- 2) SC heard public testimony from affected residents in three counties.
- 3) SC Voted on a set of community recommendations, with FAA acting as Technical Support. FAA guided the committee as to what could be asked and considered (or not) at the time these recommendations were developed.

The work done by the Select Committee deserves to be followed up now with a hard look at impacts of proposed design changes and a real environmental review. FAA has state of the art [tools](#) which were not used during the Select Committee but are very accessible and should be employed soon.

Lastly, in the [recent FAA response Appendix D page 106](#) it was confirmed that what has been frequently referred to as a safety issue - to lower altitudes in the Menlo vicinity - goes hand in hand with capacity plans and these were **established in the design phase**.

SFO had insisted in 2014 that nothing had changed except for changes due to the Asiana accident. FOIA analysis obtained thanks to your office in 2015 said otherwise, and a [Historical Noise Assessment](#) shows that Palo Alto has been experiencing changes which rise to the FAA's own threshold for significant impact. The cursory Environmental Analysis in 2014 (which did not reveal the planned altitudes or throughput plans for the Menlo vicinity) was misleading and deprived the public of key information which FAA now confirms was **known early on in the design phase**.

**Please do not allow for environmental reviews to be by-passed.** Moreover, on May 6, 2016, at the Select Committee's organizing meeting you committed (as did the FAA) to provide data and analysis of any proposals. I urge you to please make this a priority, to have proper look at impacts for all proposed designs, **before** they get baked.

With much appreciation for you and your staff's dedication, and Best wishes,

Jennifer Landesmann

copy:

Supervisor Joe Simitian

Palo Alto City Council

On Mon, Nov 27, 2017 at 6:08 PM, Representative Anna G. Eshoo <[CA18AEima@mail.house.gov](mailto:CA18AEima@mail.house.gov)> wrote:

**DISTRICT OFFICE**  
598 EMERSON STREET  
PALO ALTO, CA 94301-1609  
(650) 323-2984  
(408) 245-2339  
FAX (650) 323-3498  
  
<http://eshoo.house.gov>



**WASHINGTON OFFICE**  
241 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-8104  
(202) 225-8890 (FAX)

**COMMITTEE ON ENERGY AND  
COMMERCE**  
RANKING MEMBER, SUBCOMMITTEE ON  
COMMUNICATIONS AND TECHNOLOGY

*Anna G. Eshoo*  
Congress of the United States  
House of Representatives  
18th District, California

November 27, 2017

Dear Mrs. Landesmann,

Because you have previously contacted me regarding flight path changes and an increase in aircraft noise affecting you and your community, I want to provide you with an update on this issue.

On November 16, 2017, I joined with Congresswoman Jackie Speier (CA-14) and Congressman Jimmy Panetta (CA-20) to release the updated version of the Federal Aviation Administration's (FAA) response to the report and recommendations of the committee on South Bay arrivals. As you may know, myself, Congresswoman Speier, and former Congressman Sam Farr (CA-20) formed a committee in 2016 comprised of 12 local elected officials from our three congressional districts, all impacted by aircraft noise. Over the course of six months, the committee held nearly two dozen meetings to review FAA proposals, receive community input, and develop recommendations for regional solutions to this problem. In November of last year, the committee approved its final report which includes short- and long-term recommendations to the FAA to address aircraft noise in our region.

The updated response of the FAA can be viewed on my website [here](#). My colleagues and I share the frustration of our constituents with regard to how long this evaluation by the FAA has taken to produce. However, I'm reassured by the FAA's statement in the Executive Summary on Page 2 which states, "This report does not represent the end of our work. The FAA continues to commit to work collaboratively with communities and local Members of Congress to address a wide range of noise concerns." As representatives of the various affected communities throughout the region, we will continue to work together to ensure that the timelines outlined in the report are maintained by the FAA."

While the committee concluded its work at the end of last year, the SFO Airport/Community Roundtable will continue its work for aircraft noise mitigation on behalf of the residents of San Francisco and San Mateo Counties. Rep. Panetta and I who represent parts of Santa Clara and Santa Cruz Counties have followed up on the committee's recommendation for a permanent venue in the South Bay to address aircraft noise concerns for the currently unrepresented cities in our Congressional Districts. A copy of my letter co-authored with Rep. Ro Khanna (CA-17) can be viewed [here](#) and a response from the Cities Association can be found [here](#).

I will continue to push the FAA to implement short-term and long-term solutions to address this issue on a region-wide basis. I will also continue to work with my colleagues in the Congressional Quiet Skies Caucus to pursue legislative efforts to hold FAA, airlines, and airports accountable to reduce aircraft noise and encourage the industry to adopt new technologies that will reduce noise.

As always, constituents can report any excessive aircraft noise complaints to the SFO and SJC Noise Abatement Offices. This ensures that your report is part of the official record. You can reach the SFO Noise Abatement Office at [\(650\) 821-4736](tel:(650)821-4736) or via email at [sfo.noise@flysfo.com](mailto:sfo.noise@flysfo.com). You can file a complaint with the SJC Noise Abatement Office at <http://www.flysanjose.com/fl/environmental.php?page=noise&subtitle=Noise+Abatement>.

If you have any questions or comments, let me hear from you. I value what my constituents say to me, and I always need your thoughts and benefit from your ideas.

Most gratefully,



Anna G. Eshoo  
Member of Congress



To share your thoughts or receive updates from me, please visit my [website](#).  
[Unsubscribe](#)

**Carnahan, David**

---

**From:** linda barman <lindabarman3@gmail.com>  
**Sent:** Tuesday, January 23, 2018 11:00 AM  
**To:** Council, City; dhorsley@smcgov.org; dpine@smcgov.org; cgroom@smcgov.org; citycouncil@menlopark.org; BoardOperations@cob.sccgov.org; wslocum@smcgov.org; dcanepa@smcgov.org  
**Subject:** Stanford GUP

Dear City Councilmembers and County Supervisors--

First of all, thank you for your work serving our community. I appreciate all the time you spend making our communities a better place, and know that you hardly make a fortune doing so! Your service is appreciated.

I live near the proposed Stanford development at 2131 Sand Hill Road. I bike, walk or drive by that address almost every day, at different times of day, and am very familiar with the traffic flow. I pass it on runs, shop at the Safeway there, and visit my elderly in laws who live nearby.

I am totally ok with Stanford building new buildings there. Go for it! Build offices, build housing, knock yourself out. Stanford is growing and they need space. No concerns here. I was delighted to hear that it will have no net impact on traffic, since that intersection is already a complete mess. There are a frequent accidents and even a fatality not too long ago, so I'm glad that Stanford has studied it and it won't increase traffic.

Since it won't increase traffic, there will be no need for more parking spots at the new development. Maybe more handicapped spots if it doesn't meet current ADA requirements. Stanford must plan on running shuttles from the Caltrain station or shuttling employees there on the Marguerite. That's cool.

In other words, approve the buildings, but don't approve the parking spots. If the development really won't increase traffic, they won't need the parking. If Stanford says they still need the parking, well, that shows they're lying about the traffic impact. Or, you know, "adjusting the figures". If a development of that size requires a larger number of parking spots to meet construction regulations, well, if there is parking people will drive.

To be serious, the Sand Hill/Alpine/Alameda intersection is already super dangerous. I have literally driven my kids from my inlaws house to a meeting---directly across the street--because it is so dangerous. And Sand Hill at rush hour? Good luck getting anywhere. If Stanford wants to develop there, they need to figure out how to get their employees there without making it worse.

Thank you very much for your time and consideration of this matter!

Best Regards,

Linda Barman  
Menlo Park Resident  
Stanford Employee (don't blame me for traffic, I bike!)  
Mom

**Carnahan, David**

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**From:** Maximilian ██████████  
**Sent:** Saturday, January 20, 2018 9:46 PM  
**To:** Council, City  
**Cc:** Perez Sanchez, Jose; Simran Pujji; Mallika Parulekar; louisakeyani@gmail.com  
**Subject:** The Palo Alto Youth Council Cordially Invites You to our First Ever Meet and Greet with City Council members

Honorable City Council Members, Mayor Kniss, and Vice Mayor Filseth:

My name is Max and I am a 10th Grader at ██████████. Many of you may know me as I am an intern for Greg Tanaka. Today, I am writing to you on behalf of the Palo Alto Youth Council, namely the youth government engagement subcommittee.

As you may have heard, the Palo Alto Youth Council conducted a survey in December 2017 to youth in Palo Alto about their opinions regarding the local government. Overall, we received 162 responses from youth in all four grade levels at Henry M Gunn High School, Palo Alto High School, and Castilleja School. Key findings included: only 1.23% of respondents knew who the mayor of Palo Alto was, almost two-thirds of survey responders thought that the Palo Alto City Council had some impact on their lives, and survey responders felt that teen mental health and education were their top issues. I would encourage you to view the full results [here](#).

Compelled by the results of the survey, the Palo Alto Youth Council has decided to host a meet-and-greet between Palo Alto City Councilmembers and the public (specifically the youth community). The meet-and-greet will last for approximately two hours, and will consist of a moderated panel discussion followed by an open floor meet-and-greet. Given that we are all have various other commitments, the Palo Alto Youth Council would like to propose the following two dates:

Sunday, February 25, 2018 from 3:00 PM - 5:00 PM

Monday, March 11, 2018 (local holiday for PAUSD) from 3:00 PM - 5:00 PM

We would prefer to host this event at the Mitchell Park Community Center, but would be open to hosting it at city hall. Which of the two proposed dates would you prefer?

If you could let us know your availability by Tuesday, January 30, 2018, it would be very much appreciated. Once we have a date set, the Palo Alto Youth Council will start to publicize the event, and hope to expect attendance from at least fifty youth.

In this email, I have copied Jose Perez-Sanchez (PAYC advisor), Louisa Keyani (PAYC president), and the other members of the youth government engagement subcommittee (Mallika Parulekar and Simran Pujji).

Thank you very much for your ongoing dedication to making Palo Alto a better place for all and I look forward to hearing your responses. If you have any further questions, please feel free to contact me at your earliest convenience.

Best Regards,

Max

Maximilian [REDACTED]  
10th Grade,  
[REDACTED]

**Carnahan, David**

---

**From:** Aram James <abjpd1@gmail.com>  
**Sent:** Saturday, January 20, 2018 7:28 PM  
**To:** Watson, Ron; Council, City  
**Cc:** stevendlee@alumni.duke.edu  
**Subject:** There's no excuse for Taser use in our jails- by Richard Konda & Aram James  
**Attachments:** Aram James (DJ-1-12-18).pdf

>  
> FYI:  
>  
>  
>  
> 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.



CITY OF PALO ALTO, CA  
CITY CLERK'S OFFICE

18 JAN 24 AM 10:15

3101 Alexis Dr.

Palo Alto, CA. 94304

Jan. 19, 2018

City of Palo Alto

Board of Supervisors

County Executive: Jeffrey Smith

Weed Abatement Public Hearing Jan. 22, 2018

City of Palo Alto Leaders:

My husband and I have lived at the above address since 1981. We have taken care of the weed abatement on our property, working with our gardener over several weeks, to clear vegetation. We understand the need and appreciate the Palo Alto Fire Department who makes inspections of our property every spring. When the Fire Department made their inspection, the weeds were gone, and we have a copy of their assessment.

We are protesting the Weed Abatement fee to inspect our property of \$90. We have always maintained the 30 foot clearance, as evidenced by the Fire Department records, and will continue to do so. Obviously, in years of heavy rain, we must start at the end of March, even though the hillside is still wet, to comply with the County rules. We will do so.

Please consider our record of 37 years of compliance and rescind this onerous property inspection fee.

Thank you,



Diane Bottoms

Wilmer R. Bottoms



w. r. bottoms  
we will be out of the country when the  
Public Hearing occurs

## Federal Solutions Group (FSG)

1. Moraga-Orinda Fire Protection District notice of default<sup>1</sup> (see attachment)

"Termination of Agreement with Federal Solutions Group, Inc. (FSG) for Construction of Station 43 Project. The District sent FSG a notice of default concerning its failure to comply with the terms of the construction contract. FSG was given an opportunity to cure by November 23, 2017. If FSG has not cured the default by that date, the Board will consider ratifying the Fire Chief's letter terminating the agreement with FSG for the construction of the Station 43 project."

**Action Taken:** A 5-0 vote resolved to terminate agreement with FSG at the November 28<sup>th</sup> meeting of the board.

2. County of San Mateo Mental Health and Substance Abuse Recovery Commission default<sup>2</sup> (see attachment)

"Serenity House Delays Federal Solutions Group, the contractor for the construction of Serenity House has defaulted on the construction agreement due to financial reasons on October 31st. The bonding company required by the County, **Fidelity, stepped in and has replaced the contractor** with another at no additional cost to the County. The Board of Supervisors approved the contract yesterday. A new construction schedule is not finalized and the new construction company, but not delivered due to lack of payment. **This latest turn of events will delay opening until late summer or fall.**"

**Action Taken:** FSG was replaced by another contractor.

## 3. Recent Contra Costa Superior court cases:

## A) Bond company is seeking over \$1 Million from FSG (see attachment)

FIDELITY VS. FEDERAL SOLUTIONS<sup>3</sup>

Case#: MSC17-02195

"Plaintiff Fidelity and Deposit Company of Maryland's unopposed application for a right to attach order and writ of attachment is granted in the amount of \$1,261,037.59 against Defendant Federal Solutions Group, Inc. dba Federal Constructors...." (see document for full text)

## B) Tentative ruling issued on January 2018 upholds default judgment for \$253,000 against FSG (see attachment)

PAPE MATERIAL VS. FEDERAL SOLUTIONS GROUP<sup>4</sup>

Case#: MSC17-00754

"This is an action to collect in excess of \$160,000 allegedly owed on an agreement to rent equipment for use at the Camp Park and other construction projects. Defendant Federal Solutions Group, Inc., ordered the equipment and defendant Selina Singh guaranteed payment...." (see document for full text)

<sup>1</sup> Moraga-Orinda Fire Protection District Board of Directors Meeting Minutes

<sup>2</sup> County of San Mateo Mental Health & Substance Abuse Recovery Commission Unadopted Minutes

<sup>3</sup> Contra Costa Superior Court, Martinez, CA

<sup>4</sup> Contra Costa Superior Court, Martinez, CA



# Moraga-Orinda Fire Protection District

## BOARD OF DIRECTORS SPECIAL BOARD MEETING MINUTES

November 28, 2017

(Approved December 20, 2017)

### 1. Opening Ceremonies

The Board of Directors convened in Open Session at 9:00 A.M. on November 28, 2017 at the Hacienda Mosaic Room, 2100 Donald Drive, Moraga, California. President Famulener called the meeting to order. Present were the following Directors and Staff:

Director Anderson (Teleconference)	President Famulener	Gloriann Sasser, Admin Services Director
Director Jex	Director Jorgens	Jonathan Holtzman
Director Barber	Jerry Lee, Fire Chief	Geoff Spellberg

### 2. Public Comment

There was no comment from the public.

### 3. Closed Session

At 9:00 A.M., the Board adjourned into Closed Session.

### 4. Reconvene the Meeting

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 10:30 A.M. Present were the following Directors and Staff:

Director Anderson (Teleconference)	Director Jorgens	Jonathan Holtzman
Director Jex	Jerry Lee, Fire Chief	Geoff Spellberg
Director Barber	Gloriann Sasser, Admin Services Director	
President Famulener	Grace Santos, District Clerk	

### 5. Report of Closed Session Action

There was no reportable action taken in Closed Session on items 3.1 Conference with Legal Counsel – Potential Litigation, and 3.2 Public Employee Appointment (Fire Chief).

### 6. Public Comment

There was no comment from the public.

### 7. Regular Calendar

#### 7.1 Termination of Agreement with Federal Solutions Group, Inc. (FSG) for Construction of Station 43 Project

The District sent FSG a notice of default concerning its failure to comply with the terms of the construction contract. FSG was given an opportunity to cure by November 23, 2017. If FSG has not cured the default by that date, the Board will consider ratifying the Fire Chief's letter terminating the agreement with FSG for the construction of the Station 43 project.

Motion by Director Jorgens and seconded by Director Jex to ratify the Fire Chief's letter formally terminating the agreement with FSG. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

#### 7.2 Retention of Construction Attorney for Station 43

The Board presented a Letter of Engagement with Geoff Spellberg of Renne Sloan Holtzman Sakai LLP to provide legal services on the Station 43 project.

Director Anderson commented that he had not seen a letter of engagement but does not have a problem with engagement. He would like to move forward and not delay the matter any longer.

Motion by Director Jorgens and seconded by Director Jex to approve the Letter of Engagement with Geoff Spellberg of Renne Sloan Holtzman Sakai LLP to provide legal services on the Station 43 project. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

**7.3 Consider Establishment of a District Counsel Ad Hoc Committee**

The Board shall discuss establishment of a District Counsel ad hoc committee. President Famulener suggested keeping the same committee members who are on the Labor Negotiator Ad Hoc Committee – Directors Anderson and Barber.

Motion by Director Jorgens and seconded by President Famulener to establish a District Counsel Ad Hoc Committee made up of Directors Anderson and Barber. Said motion carried a unanimous 5-0 roll-call vote (Ayes: Anderson, Barber, Famulener, Jex, and Jorgens).

President Famulener announced that the Board would like to calendar a special meeting for December 6, 2017 at 9:00 A.M.

**8. Adjournment**

At 10:40 A.M., President Famulener called for adjournment of the special meeting and announced that the Board would be returning to Closed Session.

**9. Reconvene the Meeting**

President Famulener reconvened the special business meeting of the Moraga-Orinda Fire District Board of Directors at 11:45 A.M. Present were the following Directors and Staff:

Director Anderson (Teleconference)	President Famulener
Director Jex	Director Jorgens
Director Barber	

**10. Report of Closed Session Action**

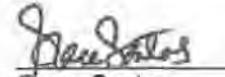
There was no reportable action taken on item 3.2 Public Employee Appointment (Fire Chief).

**11. Public Comment**

There was no comment from the public.

**12. Adjournment**

At 11:45 A.M., President Famulener called for adjournment of the special meeting.

  
Grace Santos  
Secretary to the Board



**COUNTY OF SAN MATEO  
MENTAL HEALTH & SUBSTANCE ABUSE  
RECOVERY COMMISSION**

**Unadopted Minutes  
Wednesday, December 6, 2017  
225 37<sup>th</sup> Avenue, Room 100  
San Mateo**

**BOARD MEMBERS PRESENT:** Betty Savin, Scott Gruendl, Pat Way, Cherry Leung, Kate Pfaff, Dorothy Christian, Eduardo Tilado, Bill Nash, Don Mattei, Katherine Koss, Isabelle Ulibei, Yoko Ng

**STAFF:** Jei Africa, Suzanne Aubry, Jairo Wilches, Karen Krahn, Pernille Gutschick

**BOARD MEMBERS ABSENT:** Wanda Thompson, Carol Marble, Patrisha Ragins, Eric Wollan

**OTHERS PRESENT (signed in):**

**CALL TO ORDER**

The meeting was called to order at 3:05 p.m.

**INTRODUCTIONS**

**APPROVAL OF TODAY'S AGENDA**

- M/S/C Christian/Nash

**APPROVAL OF MINUTES**

Approval of minutes from the November 1, 2017 Mental Health & Substance Abuse Recovery Commission Meeting:

- M/S/C Christian/Nash

Approval of minutes from the November 21, 2017 Executive Committee Meeting

- M/S/C Christian/Nash

**Correspondence, Announcements, and Public Comment**

Pat Way – The commission meetings are recorded.

Erica Horn – California Clubhouse

Helene Zimmerman – Peer Program

**Old Business**

**Action Item:** *The commission voted to approve submission of the MHSARC Annual with correction made on page 7 under Cordilleras Update.*

► M/S/C Leung, passed unanimously.

### New Business

Hall of Fame Nomination forms are being accepted. The deadline to submit is Friday, January 12, 2018.

### STANDING COMMITTEES

#### A. Committee for Older Adults

**Pat Way reported**

1. Next meeting will be held on December 6, 2017 at 11:00 a.m.

#### B. Committee for Adults

**Reported by Dorothy Christian**

#### C. Committee for Children & Youth

**Reported by Betty Savin**

### MHSA UPDATE

#### DIRECTOR'S REPORT

##### Serenity House Delays

Federal Solutions Group, the contractor for the construction of Serenity House has defaulted on the construction agreement due to financial reasons on October 31<sup>st</sup>. The bonding company required by the County, Fidelity, stepped in and has replaced the contractor with another at no additional cost to the County. The Board of Supervisors approved the contract yesterday. A new construction schedule is not finalized and the new construction company, but not delivered due to lack of payment. This latest turn of events will delay opening until late summer or fall.

##### Health Plan of San Mateo and BHRS Annual Plan

The Health Plan of San Mateo (HPSM) and BHRS have agreed to develop an annual plan that will set priorities and focus on efforts to strengthen the relationship between the two parties. Central to the effort will be a process by which BHRS identifies specific areas to improve, develops a proposal and presents to HPSM, which will then support the initiative and assist with implementations. There will be 3 to 4 initiatives targeted for development in Calendar Year 2018 with proposal originating with BHRS and refined with HPSM. This will be a pathway to a strategic plan in the second and third years providing alignment and linkages with respective enterprise planning and pilot programs.

##### Developing a Culture of Quality

The Commission was most likely informed previously that BHRS had hired Health Management Associates (HMA) last year to provide an analysis of the Quality Management Unit due to a change in the leadership of the unit and the introduction of new managed care rules by the Federal government and State. HMA was to look for opportunities to increase the focus of quality improvement and make staffing recommendations. The report issued by HMA actually recommended that a "Culture of Quality" needed to be developed agency-wide. Over the last few months, the report was

reviewed across the management ranks and agreement has aligned to move forward with the effort. HMA has been retained for the current year and the scope of work includes: Culture of Quality Strategy; Develop a single Model of Care across all clinics; Develop a standardization Strategy; Assist with strengthening Clinical Leadership within BHRS; and assist with continues integration with primary care.

#### External Quality Review Organization Visit

The annual EQRO program review is slated for December 14<sup>th</sup> and 15<sup>th</sup>. This review is a Federal requirement for agencies using Federal funding. EQRO looks at quality, timeliness, and access to health care services by on-site review. EQRO validates performance measures, performance improvement projects, health information system capabilities, state and county consumers satisfaction surveys, key activities and significant changes, strengths, improvement opportunities, and makes recommendations. Consumers and parents of child consumers are needed for participation in focus groups as part of the review and should contact Claudia at (650) 573-2189. The parent group is 1:00-2:30PM on 12/13 and the adult is 10:15-11:45AM on 12/14.

The two performance improvement projects for this review that are under way are 1) Reduction of the use of "Not Otherwise Specified (NOS)" diagnoses; 2) Follow up to hospital discharges. An example of performance measures and access data that the EQRO will review includes:

- a. Time to first appointment: Adult 3 days, Youth 6 days, Both 4 days.
- b. Time to first find Doctor appointment: Adult 21 days, Youth 52 days, Both 25 days
- c. Follow up to hospitalization within 7 days: Adult 45%, Youth 50%, Both 46%
- d. Hospital readmissions w/in 30 days: Adult 16%, Youth 2%, Both 15%
- e. No show rate for Psychiatrists: Adult 3%, Youth 2%, Both 3%
- f. No show rate for Therapists: Adult 3%, Youth 3%, Both 3%

#### One Last Quality Item

After over 250 days in recruitment, there is a successful candidate to fill our vacant Quality Manager position. The announcement is forthcoming to allow for communication of this result on the candidate's end of things.

#### San Mateo Legislation Becomes Law for Data Sharing

The County of San Mateo has participated with the Counties of Santa Cruz and Santa Clara in the Silicone Valley Reginal Data Trust, which is one of a kind data project that pulls information from Behavioral Health, Child Welfare, Probation, and Education information systems real time, based on unique user permissions for the purpose of improving child outcomes. AB 597 was approved by the Legislature and signed by the Governor this last October and creates the first of its kind of data sharing authority that pulls data from multiples systems, displays as a query, without actually removing data from the agency information systems and storing it for the query. The legislation is one-step of many to navigate the legal aspects of sharing this type of data and the platform being built is so unique that Google CEO, Mark Zuckerberg, has contributed \$3 million and a team of engineers to develop it. The system's goal is to "stimulate change in the culture and practice of how data is responsibly and ethically used to develop actionable solutions to critical educational, health and social problems.

I am happy to entertain any questions at any time. Your service on the Commission is greatly appreciated and BHRS is a better organization because of you!

**Liaison, Task Force and Ad Hoc Committees:**  
There was nothing to report at the time of this meeting.

## **PROGRAM PRESENTATION**

Adult System of Care – Crisis Services  
Presented by: Karen Krahm, Deputy Director Adult Services  
Pernille Gutschick, Clinical Services Manager II

### **Development over the last Decade**

- 5150s to Psychiatric Emergency Services
- Community Response Team 1989
- Crisis Intervention Training 2005
- Field Crisis Collaborative Committee 2006
- Psychiatric Emergency Response Team 2015
- Serenity House 2018

### **5150s**

- Criteria: Danger to Self, Danger to Others or Gravely Disabled due to a mental illness. Up to 72 hour hold written only by authorized personnel
- Destination: Peninsula Hospital or San Mateo Medical Center. Usually transported by police or ambulance/SMART
- Changes in the law – AB 1424  
San Mateo County form: Information from Family Member or Other Concerned Party

### **Community Response Team**

- Provide services to mitigate the psychological reactions to a major community crisis or disaster and to enhance recovery.
- Multidisciplinary Staff from BHRS and Partner Agencies Family partners, peer support workers, clinicians, nurses, psychiatrists and other staff as needed.
- Members have many different skills in working with various populations (youth, adults and older adults)
- Different language and cultural response abilities
- Collaborates with Red Cross and other agencies when needed
- Recent Examples of Response: San Bruno Fire, Asiana Airlines Disaster, Outreach to School around Youth Suicide, North Bay Fires

## **Crisis Intervention Training**

Joint Effort Between: National Alliance of Mental Illness (NAMI), Sheriff's Office and BHRS

- 2005-2015 2 classes/year offered – 50 first responders trained
- 2015 increased to 4 larger classes/year – 170 first responders trained
- Course is 40 hours, now mandated and consists of:
  - Variety of training in understanding about Mental Illness, Substance Abuse, Dementia, Intellectual disabilities, Conservatorships, Specialty Populations such as Veterans.
  - Family and Consumer Panels present their experience with mental illness and other challenging circumstances.
  - Site visits and roleplays to practice skills.

## **Field Crisis Collaboration Committee**

County wide multidisciplinary meeting meets monthly and collaborate in between meetings.

**Purpose:** Agencies working together to assist individuals in our community to recover and engage in the appropriate services.

**Participants:** District Attorney's Office, Private Defender's, Specialty Court Programs, Law Enforcement Jurisdictions, Probation, NAMI, Psychiatric Emergency, Aging and Adult Services, Conservators Offices, Sobering Station, Detox Services Various community Based Organizations serving people with mental illness, Various teams from BHRS.

## **Psychiatric Emergency Response Team PERT**

- Pilot program between the Sheriff's Office and BHRS, 1 detective and 1 program specialist
- Resources for all deputies on patrol for consultation in the field.
- Review all 5150s in the Sheriff's jurisdiction
- Follow up on 5150s requiring support and connection to services
- Participate in countywide efforts to serve the community.

## **Serenity House**

- Short term Crisis Residential Facility
- In construction phase now
- 10 bed capacity – Average stay 10 days

**Purpose:** To assist community members with public insurance who are experiencing a mental health crisis that does not require hospitalization.

A safe place to stabilize and get connected to appropriate services needed.

**Meeting Adjourned:**

The meeting was adjourned at 4:35 p.m.

**Next MHSARC Meeting:** January 3, 2018 from 3:00-5:00 p.m.  
225 37<sup>th</sup> Avenue, Room 100  
San Mateo, CA 94403

**Next Executive Committee Meeting:** Tuesday, December 19, 2017, at 3:30 p.m.  
2000 Alameda de las Pulgas, Suite 235  
San Mateo

**PLEASE BE SURE TO CONTACT CHANTAE ROCHESTER AT 650.573.2544 IF YOU  
ARE UNABLE TO ATTEND EITHER THE MHSARC OR EXECUTIVE COMMITTEE  
MEETING.**

In compliance with the American with Disabilities Act (ADA), auxiliary aids and services for this meeting will be provided upon request when given three-day notice. Please call 650.573.2544.

# CONTRA COSTA SUPERIOR COURT

MARTINEZ, CALIFORNIA

DEPARTMENT: 09

HEARING DATE: 01/17/18

8. TIME: 9:00 CASE#: MSC17-02195

CASE NAME: FIDELITY VS FEDERAL SOLUTIONS

HEARING ON APPLICATION FOR RIGHT TO ATTACH ORDER ( FEDERAL  
SOLUTIONS GROUP, INC)

\*TENTATIVE RULING: \*

Plaintiff Fidelity and Deposit Company of Maryland's unopposed application for a right to attach order and writ of attachment is granted in the amount of \$1,261,037.59 against Defendant Federal Solutions Group, Inc. dba Federal Constructors. CCP Section 484.90 mandates that a right to attach order may be issued if a court finds all of the following: (1) the claim is one upon which an attachment may be issued; (2) the probable validity of the claim is established; (3) the attachment is not sought for a purpose other than the recovery on the claim upon which the application is based; (4) the amount to be secured by the attachment is greater than zero, and (5) the defendant has failed to prove that all of the property sought to be attached is exempt.

The requirements for when an attachment may issue are fulfilled. See CCP Section 483.010(a). These parties entered into an indemnity agreement which is a contract for the direct payment of money. See CCP Section 483.010(a). The indemnity agreement executed by Indemnitors (Defendants Federal Contractors, Bara Infoware, Inc., Selina Singh and Manjinder Singh) provides for issuance of multiple surety bonds in exchange for a broad right to immediate payment from each of them, jointly and severally, for any losses sustained by Plaintiff or liability faced by Plaintiff in connection with the bonds Plaintiff issued. See Grego Decl., paragraphs 5-9. The total amount of the claim is readily ascertainable. See CCP Section 483.010(a). The purpose of the attachment sought is to provide a basis for collecting amounts that Plaintiff may ultimately be required to pay based upon the claims Plaintiff has already received on the bonds. See Grego Decl., paragraph 20. At this juncture, Plaintiff seeks payment of \$1,261,037.59, the total amount of claims it has already received, a readily ascertainable number. The claim is also not less than \$500 exclusive of costs, interest and attorney's fees. See CCP Section 483.010(a)

Further, Plaintiff did not receive any real property collateral to secure the indemnitors' obligations under the indemnity agreement. See Grego Decl., paragraph 25. Hence, the provisions of CCP Section 483.010(b) do not preclude an attachment in this matter.

The probability of Plaintiff's claims has been established. As the named surety on the bonds, Plaintiff is a guarantor of Federal Contractors (and others) primary obligations to perform on the bonded contracts and pay their subcontractors and material suppliers. The Bond Principals, including Federal Contractors, have the duty to perform the obligations owed to the government agencies who awarded them the projects. The surety's duty to pay arises only if the principal is unable to make full payment. If the surety is compelled to make payment for damages caused by the principal, the surety has a right to seek reimbursement from the principal. See Civil Code Section 2832, *et seq.*; Cates Construction, Inc. v. Talbot Partners (1999) 21 Cal.4<sup>th</sup> 28, 38. In signing the indemnity agreement, Federal Contractors (and others) undertook an express contractual obligation to reimburse Plaintiff if Plaintiff needed to resort to the bonds to cover expenses that could not be paid by Federal Contractors and others. The claims received on the bonds (totaling \$1,261,037.59) are set out in detail in the declaration of Paul Grego. See Grego Decl., paragraphs 11-16. Grego has attested under oath that these

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sums have been sought from Federal Contractors but no reimbursement has been forthcoming. Hence, there is an affidavit filed showing that the Plaintiff on the facts presented would be entitled to judgment on the claim upon which the attachment is based. These claims further appear conceded by Defendant.

There is no indication that the attachment is sought by Plaintiff for a purpose other than the recovery on the claim upon which the application is based. The amount to be secured by the attachment is greater than zero, and Defendant Federal Contractors has failed to prove that all of the property sought to be attached is exempt.

Pursuant to CCP Section 484.040, this court is required to hold a hearing on this application. Hence, all parties are to appear.

**9. TIME: 9:00 CASE#: MSC17-02195**

**CASE NAME: FIDELITY VS FEDERAL SOLUTIONS**

**HEARING ON APPLICATION FOR RIGHT TO ATTACH ORDER ( BARA INFOWARE, INC.)**

**\* TENTATIVE RULING: \***

See Line 8.

**10. TIME: 9:00 CASE#: MSC17-02195**

**CASE NAME: FIDELITY VS FEDERAL SOLUTIONS**

**HEARING ON APPLICATION FOR RIGHT TO ATTACH ORDER ( SELINA SINGH)**

**\* TENTATIVE RULING: \***

Plaintiff Fidelity and Deposit Company of Maryland's unopposed application for a writ of attach order and for a writ of attachment against Selina Singh in the amount of \$1,261.037.59 is granted. Writs of attachment against debtors as natural persons are specifically sanctioned by the attachment law. See CCP Section 483.010(c).

The test for determining whether a writ may issue to a natural person is set out in Advance Transformer Co. v. Superior Court (1974) 44 Cal.App.3d 127. Courts have applied the Advance Transformer standard to determine whether a claim arises out of a trade, business or profession under the current provisions of the attachment law, CCP Section 483.010(c). Plaintiff's claim arises out of Selina Singh and Manjinder Singh's business. Selina executed the indemnity agreement on behalf of herself, but she also signed the indemnity agreement as CEO and President of Federal Contractors and Bara Infoware. See Grego Decl., paragraph 6. Similarly, Manjinder signed the indemnity agreement, individually, and as Vice President of each company. See Grego Decl., paragraph 6. Selina and Manjinder executed the indemnity agreement, seeking financial profit and a financial stake in the success of their businesses, acknowledging that they have a substantial, material and/or beneficial interest in one or more indemnitors and principals obtaining bonds. . . See Grego Decl., Exhibit 1, paragraph 27(a).

# CONTRA COSTA SUPERIOR COURT

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Further, without the bonds, none of the indemnitors, would have been awarded the bonded projects. State public works projects statutorily mandate performance and payment bonds as a prerequisite to the award of contracts for public work. See Public Contract Code Section 7103 and Civil Code Section 9550. It is therefore undeniable that Selina and Manjinder Singh were able to profit through the extension of credit by Plaintiff on their behalf in their construction businesses and an attachment may be issued pursuant to CCP Section 483.010(c).

The probability of prevailing has been established and is discussed fully above. That is true for the other requirements as well.

The remaining issue with respect to the individual defendants is whether Selina and Manjinder Singh's residence (117 Mediar Court, San Ramon, California 94582), which they recently transferred as a gift to their son, Kabir Singh, can be attached, and the transfer of the deed voided. See Nash Decl., paragraphs 3-5(b) and Exhibit 2. Civil Code Section 3439.04(a)(1) declares a transfer of real property voidable as to a creditor if it was made with actual intent to hinder, delay, or defraud any creditor of the debtor." Alternatively, Section 3439.04(a)(2) holds a transfer voidable if it was made without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor either . . . (b) intended to incur, or believed or reasonably should have believed that he or she would incur debts beyond his or her ability to pay as they became due. "A plaintiff who suspects that the defendant-debtor has fraudulently transferred assets in order to become judgment-proof may also enforce its claim against the transferred property by way of a writ of attachment. See Whitehouse v. Six Corp. (1995) 40 Cal.App.4<sup>th</sup> 527, 533; Civil Code Section 3439.07(b).

The evidence shows that Selina and Manjinder Singh transferred their real property to their son, Kabir Singh, on August 31, 2017 as a gift, without receiving anything in return. See Nash Decl., Exhibit 2. And, did so at the time, where Selina and Manjinder Singh knew their personal obligations to Plaintiff under the indemnity agreement. See Grego Decl., paragraphs 11-13. Selina Singh had been sued personally in a number of the actions filed against Federal Contractors and Bara Infoware and Plaintiff's counsel had asked that Selina and Manjinder Singh put up their house as collateral for the debts they owed to Plaintiff. Instead, Selina and Manjinder transferred the house to their son for no consideration. This undisputed evidence supports the conclusion that the Mediar property was conveyed with an actual intent to hinder, delay or defraud Plaintiff. Hence, Plaintiff is authorized a writ of attachment against the Mediar property as a voidable transfer. See Civil Code Section 3439.04(a)(1). Since Selina and Manjinder Singh did not file a claim for exemption or any opposition, the court cannot yet determine if the real property is subject to an exemption. See CCP Section 487.020; 487.070(a). This can be determined at the hearing.

Pursuant to CCP Section 484.040, this court is required to hold a hearing on this application and orders all parties to appear.

**CONTRA COSTA SUPERIOR COURT**

MARTINEZ, CALIFORNIA

DEPARTMENT: 09

HEARING DATE: 01/17/18

**11. TIME: 9:00 CASE#: MSC17-02195**

**CASE NAME: FIDELITY VS FEDERAL SOLUTIONS**

**HEARING ON APPLICATION FOR RIGHT TO ATTACH ORDER ( KABIR SINGH)**

**\* TENTATIVE RULING: \***

See Line 10. Civil Code Section 3439.08(b)(1) gives Plaintiff the right to recover the value of the voidable asset transferred, subject to subdivision (c) of that section or the amount necessary to satisfy Plaintiff's claim, whichever is less, against the first transferee of the asset; here, Defendant Kabir Singh.

**12. TIME: 9:00 CASE#: MSC17-02195**

**CASE NAME: FIDELITY VS FEDERAL SOLUTIONS**

**HEARING ON APPLICATION FOR RIGHT TO ATTACH ORDER (MANJINDER P. SINGH)**

**\* TENTATIVE RULING: \***

See Line 10.

**13. TIME: 9:00 CASE#: MSL17-01945**

**CASE NAME: WATKINS, SCOTT, GUITON VS HOLB**

**HEARING ON MOTION TO/FOR SET ASIDE DEFAULT & DEFAULT JUDGMENT**

**FILED BY JULIE HOLBERT**

**\* TENTATIVE RULING: \***

Unopposed –the Motion to Set Aside is granted. Defendant shall file her answer within 10 days from the date of the hearing.

**14. TIME: 9:00 CASE#: MSL17-01945**

**CASE NAME: WATKINS, SCOTT, GUITON VS HOLB**

**SPECIAL SET HEARING ON: OUTCOME OF MOTION TO SET ASIDE HEARING**

**SET BY DEPT. 9**

**\* TENTATIVE RULING: \***

See Line 13.

# **CONTRA COSTA SUPERIOR COURT**

MARTINEZ, CALIFORNIA

DEPARTMENT: 33

HEARING DATE: 01/04/18

to add new claims related to easements or other property disputes between the parties aside from Plaintiff's driveway and mailbox area.

Plaintiff shall edit his proposed third amended complaint so that it complies with this order. Plaintiff shall file and serve his third amended complaint by January 8, 2018.

The Court intends to keep the trial date of February 5, 2018 for this case. If either side wants to discuss discovery issues or other matters related to the new causes of action they may appear at the hearing to do so. If any party wants to appear they shall follow the normal procedures for contesting a tentative ruling.

## **2. TIME: 9:00 CASE#: MSC16-02428**

**CASE NAME: SENAISKY VS. BOAMAN**

**HEARING ON MOTION TO/FOR COMPEL FURTHER RESPONSES & DOCUMENTS TO  
REQ. FILED BY WILLIAM E. BOAMAN, JEFF W. BOAMAN**

**\* TENTATIVE RULING: \***

Mr. Hammel and Mr. Vergel de Dios are ordered to appear in person. They will be given a room in which to meaningfully meet and confer as to this new discovery dispute. If those efforts are unsuccessful, parties shall be prepared to discuss the appointment of a discovery referee.

## **3. TIME: 9:00 CASE#: MSC17-00554**

**CASE NAME: MICHAEL ENGLE VS RICHARD ANTHO**

**HEARING ON MOTION TO/FOR COMPEL RESPONSES TO DISCOVERY & REQ FOR  
SANCTN, FILED BY RICHARD ANTHONY, D.D.S.**

**\* TENTATIVE RULING: \***

Dropped per request of moving party on 1/3/18.

## **4. TIME: 9:00 CASE#: MSC17-00754**

**CASE NAME: PAPE MATERIAL VS. FEDERAL SOLU**

**HEARING ON MOTION TO/FOR SET ASIDE DEFAULT AND DEFAULT JUDGMENT  
FILED BY FEDERAL SOLUTIONS GROUP, INC., SELINA SINGH**

**\* TENTATIVE RULING: \***

The motion of defendants Federal Solutions Group, Inc., and Selina Singh to Set Aside Default and Default Judgment and for Continuation of Order of Examination is denied.

### **1. Background.**

# CONTRA COSTA SUPERIOR COURT

MARTINEZ, CALIFORNIA

DEPARTMENT: 33

HEARING DATE: 01/04/18

This is an action to collect in excess of \$160,000 allegedly owed on an agreement to rent equipment for use at the Camp Park and other construction projects. Defendant Federal Solutions Group, Inc., ordered the equipment and defendant Selina Singh guaranteed payment.

Plaintiff filed its lawsuit on May 4, 2017. It served each defendant by substituted service on May 12, 2017. It did the required mailing on May 16, 2017. (See CCP § 415.20 (a), (b).) Service was therefore deemed complete on May 26, 2017. (*Ibid.*)

The default of each defendant was entered on July 7, 2017 and judgment for \$253,695.03 was entered on September 26, 2017. The judgment includes principal, interest, attorney's fees, and costs.

Plaintiff sought an order permitting a debtor's examination. The examination was originally scheduled for November 14, 2017. However, defendants filed the instant motion to set aside the default and default judgment, and the examination was continued to the hearing date on this motion.

Defendants argue the court should set aside their defaults and the default judgment because they assumed some sureties would pay the debt. Plaintiff argues defendants have not submitted sufficient proof that their neglect was excusable. Plaintiff further argues it has suffered prejudice through expenditure of attorney's fees and possible loss of lien priority. Finally, plaintiff argues that defendants delayed unreasonably in seeking relief.

## 2. Analysis.

"The court may, upon any terms as may be just, relieve a party . . . from a judgment, dismissal, order, or other proceeding taken against him . . . through his . . . mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken." (CCP § 473 (b).)

Section 473 "is a remedial statute strongly favored by the courts and 'liberally applied to carry out the policy of permitting a trial on the merits.'" (*Ramsey Trucking Co. v. Mitchell* (1961) 188 Cal.App.2d Supp. 862, 865.) Doubts in applying section 473 are resolved in favor of the party seeking relief. (*Caldwell v. Methodist Hospital* (1994) 24 Cal.App.4th 1521, 1524.)

For a defendant to be entitled to relief, his acts must have been those of a reasonably prudent person under the same circumstances. (*Conway v. Municipal Court* (1980) 107 Cal.App.3d 1009, 1017.) "It is the duty of every party desiring to resist an action or to participate in a judicial proceeding to take timely and adequate steps to retain counsel or to act in his own person to avoid an undesirable judgment. Unless in arranging for his defense he shows that he has exercised such reasonable diligence as a man of ordinary prudence *usually bestows upon important business* his motion for relief under section 473 will be denied. . . . The law frowns upon setting aside default judgments resulting from inexcusable neglect of the complainant." (*Elms v. Elms* (1946) 72 Cal.App.2d 508, 513 (emphasis added).) "Where the default occurred as a result of deliberate refusal to act, and relief is sought after a change of mind, the remedy is

# CONTRA COSTA SUPERIOR COURT

MARTINEZ, CALIFORNIA

DEPARTMENT: 33

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clearly inappropriate." (*Davis v. Thayer* (1980) 113 Cal.App.3d 892 (internal quotations omitted).)

A party seeking relief under section 473 bears the burden of proving the relief is warranted. (*See Hearn v. Howard* (2009) 177 Cal.App.4th 1193, 1205.)

## A. Excusable neglect.

The sole evidence that defendants present to establish excusable neglect consists of two paragraphs in the declaration of defendant Selina Singh.

Singh acknowledges she was served in both her personal and corporate capacities. Based on evidence submitted by plaintiff, the court concludes that Selina Singh was aware of this lawsuit no later than May 26, 2017.

Singh then declares: "[¶ 6] Upon my review of the Complaint, I noticed that all of the invoices set forth in the Complaint were to be paid by two sureties, which are payment and performance bonds that guaranteed the payment of all of the rentals from [plaintiff]. I noted that the sureties would be paying for all of the rentals, and I also noted that [bills of my husband's, separate corporation] Barra . . . were included and mixed into the Complaint. [¶7] Thereafter, I had my husband, who worked at Federal Solutions, contact the sureties to ensure that they were going to be paid. My husband reported back to me that all of the invoices would be paid, so I understood that I did not have to respond to the Complaint because the invoices would be paid by the sureties."

This evidence fails to satisfy defendants' burden to establish the defaults were taken as a result of excusable neglect. Selina Singh's declaration is vague, conclusory, and insufficient. She states she noticed that the invoices were to be paid by two sureties, but it is not obvious how she would notice this from the complaint, because neither it nor the attached invoices say anything about sureties. She fails to explain why a surety would have a primary obligation to pay an invoice, when presumably the surety serves only as a guarantor in the event the principal fails to pay.

Singh states that the complaint attaches invoices of a different corporation, but fails to explain how she knows this. The court has examined the invoices, and does not see any evidence that they reference a separate corporation. All of them list Federal Solutions as the customer.

Singh states that she had her husband contact the sureties, but fails to supply a declaration from him providing a firsthand account of what the sureties told him, if anything, even though he is still her husband and an employee of Federal Solutions, and he supplied a Reply Declaration. She states her husband told her the invoices would be paid, not that they would be paid by the sureties. She fails to state when her husband reported back to her. She then says she reached a subjective conclusion that she did not need to respond to the Complaint. She says nothing about what she thought as time went by and she continued to receive documents from plaintiff about the Request for Entry of Default and the request for judgment. (*See Request for Entry of Default filed 7/7/17 and Proof of Service dated 9/14/17.*)

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Reliance on a third party to provide a defense may constitute excusable neglect. (See *Weitz v. Yankosky* (1966) 63 Cal.2d 849, 855-856; *Ramsey Trucking Co. v. Mitchell, supra*, 188 Cal.App.2d.Supp. at 865.) However, defendants have not provided any admissible or credible evidence that the sureties ever assured them of a defense or even of payment of the invoices. Even if defendants' weak evidence of reliance were sufficient, there would still be a legal issue whether defendants were required to establish that the sureties' failure to act was due to excusable neglect. (Compare *Scognamillo v. Herrick* (2003) 106 Cal.App.4th 1139, 1149 with *Rogalski v. Nabers Cadillac* (1992) 11 Cal.App.4th 816.) Defendants have not presented any evidence from the sureties regarding why the sureties' failed to act.

However, defendants' weak evidence of reliance is not sufficient. Based on the evidence submitted, the court finds that defendants did not exercise such reasonable diligence as a person of ordinary prudence usually bestows upon important business either at the outset, when they initially relied on Mr. Singh's report that the invoices would be paid, or, even more clearly, over the succeeding several months, when payment was obviously not being taken care of and the sureties did not pick up defendants' defense. Plaintiff offers the declaration of Gabriel Herrera, one of its attorneys, who states that a representative of Federal Solutions called him on August 4, 2017 to discuss the outstanding balance. The representative admitted he was aware of the filings in the lawsuit, and thus of plaintiff's attempt on July 7, 2017 to obtain not just a default, but also a default judgment. Yet Singh fails to provide any evidence of steps that defendants took after August 4, 2017 to obtain assurances that the matter would be handled by the sureties. The same is true as to the communications that plaintiff's attorney Rossi had with defendants. (See Rossi Decl, ¶¶ 5, 6.)

Defendant Singh made assumptions instead of gathering facts by consulting with counsel, even though she had been sued for breach of contract in a previous case, *General Plumbing Supply v. Federal Solutions Group*, Case No. C16-01142, which was pending in this court in the same time frame as the complaint was being served and the default being entered in this lawsuit, and she was represented for a time in that prior lawsuit by the same attorney who is representing her here. (See Exs. 3, 4, and 5 to Defendant's Request for Judicial Notice.) Making assumptions carries a risk that the court will find the assumptions erroneous and thus the neglect inexcusable. (*Jackson v. Bank of Am.* (1983) 141 Cal.App.3d 55, 58 (Making an assumption [that the case against the defendant bank was moot] "has its attendant risk: the bank was wrong in its assumption and its neglect was not of the excusable variety.").)

The court finds that defendants' neglect was inexcusable here. Defendants have not cited any authority requiring plaintiff to seek relief from the sureties rather than from defendants or preventing plaintiff from seeking relief from both simultaneously. (See CC § 2845 (surety generally may require creditor to proceed against principal); 2850.) Thus, defendants have also not established it was reasonable for them to assume they did not need to defend the lawsuit, just because a surety might ultimately pay the debt. Even if defendants had established that the sureties promised to pay the invoices, they have not established that the sureties promised to provide them a defense in this action.

Rather than finding excusable neglect, the court finds that defendants made a deliberate choice to delay appearing in this lawsuit as long as possible in hopes that payment by the surety

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would resolve the matter and not that they made a mistake of fact or law that the surety would defend the lawsuit for them just because it had legal exposure for the debt. The court finds that the only thing which prompted defendants to finally make this motion was the fear that they would have to go through a debtor's examination and explain which assets they still have and which they have transferred.

Plaintiff has cited several cases in which appellate courts have either affirmed trial court denials of motions to vacate defaults or reversed trial courts and compelled denials. (*See Davis v. Thayer* (1980) 113 Cal.App.3d 892 (denial of motion affirmed); *Jackson v. Bank of Am.* (1983) 141 Cal.App.3d 55 (grant of motion reversed); *Scognamillo v. Herrick* (2003) 106 Cal.App.4th 1139 (denial of motion affirmed); *Shearman v. Jorgensen* (1895) 106 Cal. 483, 495 (grant of motion reversed). The neglect is as inexcusable, or as poorly proved, here as it was in those cases.

## B. Delay.

In *Ludka v. Memory Magnetics International* (1972) 25 Cal.App.3d 316, 321, the trial court stated it was negligence to wait for three months after notice that a request for entry of default had been sent to the court before filing a motion to set it aside. "'Defendant has not cited, nor has independent research disclosed, any case in which a court has set aside a default where, in making application therefor, there has been an unexplained delay of anything approaching three months after full knowledge of the entry of the default.'"*(Benjamin v. Dalmo Mfg. Co.*, 31 Cal.2d 523, 529 . . .). (*Ludka, supra*, 25 Cal.App.3d at 322.)

Here defendants waited five months. The court finds that defendants failed to bring their motion within a reasonable time. It denies the motion on that basis as well.

In their Reply Brief, defendants assert as evidence that Singh acted diligently and reasonably that she was "still concerned" and that she "diligently contacted an attorney to discuss this matter . . ." (Reply Brief at 3:8.)

The court disagrees that Singh acted diligently. Had she been diligent, she would have contacted an attorney in July when defendants' default was entered, and not waited until early November, after the judgment was entered on September 26, 2017. The court finds that this motion was triggered by the threat of having to answer questions about defendants' assets rather than by concern about the defaults.

Defendants also cite *Stiles v. Wallis* (1983) 147 Cal.App.3d 1143 for the proposition that the "California Supreme Court has indicated that original negligence in allowing the default to be taken will be excused if the aggrieved party makes a strong showing of diligence in seeking relief soon after discovering entry of the judgment." However, the court in *Stiles* did not find any such diligence, and it based this proposition on a prior case, *Hallett v. Slaughter* (1943) 22 Cal.2d 552, without giving a pin cite.

In *Hallett*, the debtor promptly hired an attorney after being sued, and the attorney mailed the Answer to the clerk of the court. Defendant thought the Answer had been filed, but it had not been because it got lost in the mail. The debtor only learned the truth when her salary

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was levied after judgment was entered. The trial court held she was not guilty of neglect at all – a finding that the California Supreme Court did not disturb. The Court similarly left undisturbed the trial court's finding that plaintiff did not discover the default earlier, at least in part, because of "the apparently designed and deliberate failure of defendants to take earlier action to secure and enforce their judgment." (*Id.* at 556.) The court noted that the debtor sought to vacate the default judgment promptly after learning of it but never said that "original negligence in allowing the default to be taken will be excused if the aggrieved party makes a strong showing of diligence in seeking relief soon after discovering entry of the judgment." (Reply Brief at 3:9-11.)

Here, defendants knew all along that they had not filed an answer. They have not provided firsthand evidence that the sureties made any original assurances to pay the debt or defend the lawsuit, let alone any reassurances as the litigation continued to proceed.

## Plaintiff's Request for Judicial Notice filed 12/20/17

The court grants this request for judicial notice to the fullest extent permitted by law. (See *Fontenot v Wells Fargo Bank* (2011) 198 Cal. App. 4th 256, 264; *Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113; *Sosinsky v. Grant* (1992) 6 Cal.App.4th 1548, 1564-1565; *Yanova v. New Century Mortgage Corp.* (2016) 62 Cal.4th 919, 924, n. 1.)

### **5. TIME: 9:00 CASE#: MSC17-00754**

**CASE NAME: PAPE MATERIAL VS. FEDERAL SOLU**

**HEARING ON ORDER OF EXAMINATION AS TO FEDERAL SOLUTIONS GROUP,  
INC.,**

**\* TENTATIVE RULING: \***

Appear.

### **6. TIME: 9:00 CASE#: MSC17-01468**

**CASE NAME: ESPINOSA VS. AZARIAH**

**HEARING ON DEMURRER TO 1st Amended COMPLAINT of ESPINOSA FILED  
BY GAGNE-MULFORD ENTERPRISES, INC.**

**\* TENTATIVE RULING: \***

Defendant Gagne-Mulford Enterprises, Inc. d/b/a Benjamin Franklin Plumbing's ("Ben Franklin") demurrer (the "Demurrer") is sustained without leave to amend. The Court concludes that, as a matter of law, Ben Franklin did not owe plaintiff Darrin Espinosa ("Espinosa") a legal duty.

As a preliminary matter, the Court declines to overrule or strike the Demurrer due to what Espinosa says is defective notice. Espinosa was able to oppose the Demurrer in a timely fashion, and Espinosa is on notice of the hearing date. Espinosa has identified no prejudice he

*1/22/18* Placed Before Meeting Received at Meeting

January 18, 2018

Mayor Kniss, Vice Mayor Filseth and Council Members,

The members of the California Avenue Area Business Association (CAABA) listed below have reviewed the staff report before you on Monday, January 22, 2018 that proposes a reduction in the size of the new California Avenue garage. The proposed reduction to only one sub-level rather than two is ill-advised and we ask that the Council approve the original proposal that includes two sub-levels.

We understand the reduction is proposed as a cost-saving measure to help meet other City infrastructure and transportation needs. We believe this is a short-sighted mistake and strongly encourage the Council to approve the original design with two sub-levels for the following reasons:

- City representatives, from mayors to City staff, have been discussing a new garage with the Cal Ave business community for nearly 15 years. Over that entire time, the stated intention of the City was to build as large a garage as possible to accommodate the increased needs of the area.
- It has been an ongoing discussion among both City and Cal Ave area businesses that the area should become a more vibrant commercial district serving more retail and residential needs. Based on that goal, the City encouraged area development, made multiple new enhancements to the avenue and approved multiple new developments with added customers and local workers that have brought increased business to the area, and, with it, increased need for parking (e.g. Visa's new office building, 3 active developments on Park Boulevard, new buildings proposed for Cambridge and Sherman Avenues, and several new restaurants). Older businesses expanded or upgraded, and new businesses located in the area based on the improved business climate for the district and in reliance on the understanding that parking deficits created by this intensification would be addressed with the largest new parking garage possible.
- If there is a financial shortfall for the infrastructure needs of the City, we ask the Council to find other projects that may be deferred and authorize the original capacity Cal Ave garage which the City Council approved last Spring. For example, the \$6.7M upgrade of Fire Station #3 could be deferred without violating any deadline and would pay for the second level, or portions of the bike/pedestrian plan could be delayed for a period of time without any significant cost impact.

This 11th-hour change caught area businesses by surprise with almost no time for review and response. The garage design and capacity have been reviewed several times with area businesses and residents and the proposal with two sub-levels was approved by the City Council last Spring. The proposal to significantly reduce the capacity of the new parking facility is nothing less than a breach of faith with the business community that has worked collaboratively with the City for so many years on this project.

This is the last possible garage development for the California Avenue commercial district. No other garage is planned or, even if envisioned, would be unlikely for the next several decades. This is an opportunity that should not be short-changed or diminished when there are viable options to build the garage the area needs and still meet other infrastructure needs of the City. This priority has not changed and in fact the need has intensified over the 15 years of review and discussion.

If the Council cannot approve the garage with two sub-levels, the matter should be put over for a review of City infrastructure priorities, with time for the area businesses to work with staff on an acceptable garage proposal.

Respectfully,

Jessica Roth: The Cobblery

Peter Katz: Managing Partner, Counter Intelligence LLC, The Counter

Robert Martinez: Palo Alto Eyeworks

Maxime Roucoule: Pastis

John Garcia: Mollie Stone's Market

Israel Rind: Izzy's Bagels

Abraham Khalil: Med Wraps

Terry Shuchat: California Avenue Property Owner (Keeble & Shuchat Photography)

Jack Morton: President, CAABA

Mora Oommen: Blossom Birth

Mike Meffert: Meffert Investment, LLC and California Avenue Property Owner

Philippe Lehot: Villerousse Properties, LLC

Malek Kaci: La Boheme

Galen Fletcher: Sundance The Steakhouse

Lynn and Bob Davidson: California Avenue Property Owners

Hai To: Campus Barbershop

Elena Silverman: Country Sun Natural Foods

Jennifer Allen and Mike Maystead: PIP Printing

Don Lundell and Gillian Robinson: Zombie Runner

Lara and Michael Ekwall: La Bodeguita del Medio  
Dino Tekdemir: Anatolian Kitchen  
Franco Campilongo: Terun & Italico  
Margot Goldberg: Palo Alto Central  
Peter Brewer: Law Offices of Peter Brewer N. Brewer  
Zareen Khan: Zareen's Restaurant  
Aaron Ryan: Amity Cross Fit  
Lori Villareal: True Salon & Calave Wine Bar  
Jeff Davidson: California Paint  
Chris Gaines: Performance Gaines  
Anthony Secviar: Protégé  
Al Ghafouri: Printers Café  
Rory Shannon: Summit Bicycles  
Kyle Talbott: Grey Matters  
Ann Vuong: La Jolie Nail Spa  
Jack Morton, Chair  
California Avenue Area Business Association

# City of Palo Alto

CALIFORNIA  
94301

COUNCIL MEETING

1-22-18

[ ] Placed Before Meeting

[ ] Received at Meeting

## Letter to Barron Park Residents After Annexation

November 12, 1975

From Mayor Norton

Dear New Resident of Palo Alto:

In about three or four weeks, you will be a resident of the City of Palo Alto. As Mayor of the City, I would like to welcome you and urge you to take advantage of your new citizenship by participating in city government and by taking advantage of the broad array of city services which Palo Alto has to offer.

Within the next month, the City staff will be making an effort to acquaint you with how the City government functions, including the role of the City Council, commissions and boards, and with our plans for providing service to Barron Park. Information packets will be delivered to your door and neighborhood meetings are being scheduled.

We recognize that Barron Park is a unique area and that you have fought long and hard to retain its special, rural-like character. We interpret your vote to annex to the City as a vote of confidence in the City and an expression of faith in the City's willingness to help preserve that character while providing a higher level of service than the County was able to offer.

The City Council has adopted several policies concerning Barron Park. They are: (1) that the City supports in principle the desire of Barron Park to preserve and enhance Barron Park as a residential community made up predominantly of single-family homes by keeping present R-1 zoning intact (Council motion of May 11, 1973); and (2) that the intent of this City Council is that no street widening or street construction will be undertaken in Barron Park except for resurfacing 19 of the 49 streets in order to restore them to a sound condition for maintenance, and reconstruction of a small stretch of Paradise Way; that no curbs, gutters or sidewalks will be required on already dedicated streets; and that before Barron Park zoning is comprehensively reviewed, no denser land use than that which is already acceptable under present county zoning will be allowed (Council motion, April 21, 1975). Barron Park will be incorporated into Palo Alto's Comprehensive Plan, which is currently undergoing review by the Planning Commission.

In conclusion, we welcome Barron Park to Palo Alto and we agree with the proposition that Barron Park should keep its own special identity.

Sincerely,



STANLEY R. NORTON  
Mayor

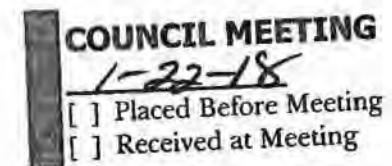


# Evaluation of Berkeley Tax on sugar - sweetened beverages

## Changes in prices, sales, consumer spending, and beverage consumption one year after a tax on sugar-sweetened beverages in Berkeley, California, US: A before-and-after study

Lynn D. Silver , Shu Wen Ng , Suzanne Ryan-Ibarra, Lindsey Smith Taillie, Marta Induni, Donna R. Miles, Jennifer M. Poti, Barry M. Popkin

Published: April 18, 2017 • <https://doi.org/10.1371/journal.pmed.1002283>



### Abstract

#### Background

Taxes on sugar-sweetened beverages (SSBs) meant to improve health and raise revenue are being adopted, yet evaluation is scarce. This study examines the association of the first penny per ounce SSB excise tax in the United States, in Berkeley, California, with beverage prices, sales, store revenue/consumer spending, and usual beverage intake.

#### Methods and findings

Methods included comparison of pre-taxation (before 1 January 2015) and first-year post-taxation (1 March 2015–29 February 2016) measures of (1) beverage prices at 26 Berkeley stores; (2) point-of-sale scanner data on 15.5 million checkouts for beverage prices, sales, and store revenue for two supermarket chains covering three Berkeley and six control non-Berkeley large supermarkets in adjacent cities; and (3) a representative telephone survey (17.4% cooperation rate) of 957 adult Berkeley residents.

Key hypotheses were that (1) the tax would be passed through to the prices of taxed beverages among the chain stores in which Berkeley implemented the tax in 2015; (2) sales of taxed beverages would decline, and sales of untaxed beverages would rise, in Berkeley stores more than in comparison non-Berkeley stores; (3) consumer spending per transaction (checkout episode) would not increase in Berkeley stores; and (4) self-reported consumption of taxed beverages would decline.

Main outcomes and measures included changes in inflation-adjusted prices (cents/ounce), beverage sales (ounces), consumers' spending measured as store revenue (inflation-adjusted dollars per transaction) in two large chains, and usual beverage intake (grams/day and kilocalories/day).

Tax pass-through (changes in the price after imposition of the tax) for SSBs varied in degree and timing by store type and beverage type. Pass-through was complete in large chain supermarkets (+1.07¢/oz,  $p = 0.001$ ) and small chain supermarkets and chain gas stations (1.31¢/oz,  $p = 0.004$ ), partial in pharmacies (+0.45¢/oz,  $p = 0.03$ ), and negative in independent corner stores and independent gas stations (-0.64¢/oz,  $p = 0.004$ ). Sales-unweighted mean price change from scanner data was +0.67¢/oz ( $p = 0.00$ ) (sales-weighted, +0.65¢/oz,  $p = 0.003$ ), with +1.09¢/oz ( $p < 0.001$ ) for sodas and energy drinks, but a lower change in other categories. Post-tax year 1 scanner data SSB sales (ounces/transaction) in Berkeley stores declined 9.6% ( $p < 0.001$ ) compared to estimates if the tax were not in place, but rose 6.9% ( $p < 0.001$ ) for non-Berkeley stores. Sales of untaxed beverages in Berkeley stores rose by 3.5% versus 0.5% (both  $p < 0.001$ ) for non-Berkeley stores. Overall beverage sales also rose across stores. In Berkeley, sales of water rose by 15.6% ( $p < 0.001$ ) (exceeding the decline in SSB sales in ounces); untaxed fruit, vegetable, and tea drinks, by 4.37% ( $p < 0.001$ ); and plain milk, by 0.63% ( $p = 0.01$ ). Scanner data mean store revenue/consumer spending (dollars per transaction) fell 18¢ less in Berkeley (-\$0.36,  $p < 0.001$ ) than in comparison stores (-\$0.54,  $p < 0.001$ ). Baseline and post-tax Berkeley SSB sales and usual dietary intake were markedly low compared to national levels (at baseline, National Health and Nutrition Examination Survey SSB intake nationally was 131 kcal/d and in Berkeley was 45 kcal/d). Reductions in self-reported mean daily SSB intake in grams (-19.8%,  $p = 0.49$ ) and in mean per capita SSB caloric intake (-13.3%,  $p = 0.56$ ) from baseline to post-tax were not statistically significant.

Limitations of the study include inability to establish causal links due to observational design, and the absence of health outcomes. Analysis of consumption was limited by the small effect size in relation to high standard error and Berkeley's low baseline consumption.

#### Conclusions

One year following implementation of the nation's first large SSB tax, prices of SSBs increased in many, but not all, settings, SSB sales declined, and sales of untaxed beverages (especially water) and overall study beverages rose in Berkeley; overall consumer spending per transaction in the stores studied did not rise. Price increases for SSBs in two distinct data sources, their timing, and the patterns of change in taxed and untaxed beverage sales suggest that the observed changes may be attributable to the tax. Post-tax self-reported SSB intake did not change significantly compared to baseline. Significant declines in SSB sales, even in this relatively affluent community, accompanied by revenue used for prevention suggest promise for this policy. Evaluation of taxation in jurisdictions with more typical SSB consumption, with controls, is needed to assess broader dietary and potential health impacts.

#### Author summary

##### Why was this study done?

- Berkeley passed the first large (one cent per ounce) tax on sugar-sweetened beverages (SSBs) in the United States in November 2014, affording a unique opportunity for evaluation.

- It was unknown to what extent people would change beverage purchasing in response to a tax, especially in a relatively prosperous community.
- Few high-quality evaluations from other countries existed; studies of Mexico's tax (implemented starting January 2014) found substantial but not complete "pass-through" of the tax to consumers for taxed beverages, a 6% reduction in sales in the first year, and a 9% decrease in sales to lower-income households.

#### What did the researchers do and find?

- Three before-and-after studies were carried out: one of store scanner records from 15.5 million checkouts in two chains of large groceries in Berkeley and comparison cities; one of 26 stores of various types in Berkeley; and one random digit dialing telephone survey of consumption by Berkeley residents.
- In the 15.5 million supermarket checkouts studied, 67% of the amount of the tax was passed on to consumers across all SSBs, and the tax was fully passed through for sodas and energy drinks; in the 26-store survey, the tax was more than fully passed on in Berkeley large and small chain groceries and gas stations, especially for carbonated beverages; partially passed on in pharmacies; and not passed on in small independent gas stations and corner stores.
- Sales in ounces of taxed SSBs fell by 9.6% in relation to predicted sales in the absence of the tax, while sales of untaxed beverages rose 3.5% and total beverage sales rose in Berkeley. Consumer spending per transaction (average grocery bill) did not increase, nor did store revenue fall more in Berkeley, while SSB sales rose 6.9% in comparison cities.
- Berkeley residents were low consumers of SSBs at baseline (consuming only 34% of the national average of SSBs). Dietary intake surveys found shifts of -19.8% ( $p = 0.49$ ) in mean daily SSB intake (grams) and -13.3% ( $p = 0.56$ ) in mean calories from SSBs that were not statistically significant, while caloric intake of untaxed beverages (milk and other dairy-based beverages) increased.

#### What do these findings mean?

- Berkeley's innovative tax on SSBs was mostly, though not uniformly, passed through to consumers, and sales of SSBs declined significantly, consistent with published price elasticity estimates.
- There was no evidence in studied chains of higher grocery bills for consumers, loss of gross revenue per transaction for stores, or decreases in overall beverage sales for stores. While telephone respondents did not report changes in shopping location, scanner data were consistent with some increased purchasing of SSBs in neighboring cities.
- The findings of this study, while limited by its observational design, suggest that SSB taxes may be effective in shifting consumers to purchase healthier beverages without causing undue economic hardship and while raising revenue for social objectives.
- Population-based findings on SSB consumption were not definitive, and consumption should be further evaluated in more typical communities and with larger samples.

**Citation:** Silver LD, Ng SW, Ryan-Ibarra S, Taillie LS, Induni M, Miles DR, et al. (2017) Changes in prices, sales, consumer spending, and beverage consumption one year after a tax on sugar-sweetened beverages in Berkeley, California, US: A before-and-after study. PLoS Med 14(4): e1002283. <https://doi.org/10.1371/journal.pmed.1002283>

**Academic Editor:** Claudia Langenberg, University of Cambridge, UNITED KINGDOM

**Received:** November 9, 2016; **Accepted:** March 10, 2017; **Published:** April 18, 2017

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**Data Availability:** Data are from the UNC-PHI Berkeley Evaluation of SSB Tax study. Datasets from the de-identified telephone survey and from the 26 store survey can be made fully available without restriction upon request. The retail scanner data set is available in aggregate form combined across chains due to confidentiality restrictions required when obtaining voluntary data sharing from stores. The databases and accompanying documentation are available at: <http://globalfoodresearchprogram.web.unc.edu/research-in-the-united-states/u-s-policy-evaluations/Berkeley-SSB-Tax>

**Funding:** Funding for this study came primarily from the Bloomberg Philanthropies, with support from the Carolina Population Center and its NIH Center grant (P2C HD050924) at The University of North Carolina at Chapel Hill. Funders had no role design and conduct of the study; collection, management, analysis, and interpretation of the data; preparation, review, or approval of the manuscript; and decision to submit the manuscript for publication.

**Competing interests:** BMP is on an NAS committee focused on preschool beverage consumption, chairs the Choices International Foundation scientific committee, has been a co-investigator of one random controlled trial funded by Nestle's Water USA, but has never consulted for them. BMP presented a paper on SSB global trends in a symposium at the British Nutrition Society symposium sponsored by Danone Waters. LDS is a volunteer board member of the Center for Science in the Public Interest and has worked as a consultant, both paid and volunteer, for the World Health Organization, and organizations which have advocated for sugar sweetened beverage taxes. LDS has also donated to Berkeley's Measure D and advocated for its approval. SWN is on the expert advisory committee for the Philadelphia sweetened beverage tax evaluation project that is being conducted by researchers at University of Pennsylvania and Harvard University.

**Abbreviations:** CPI, Consumer Price Index; SSB, sugar-sweetened beverage

## Introduction

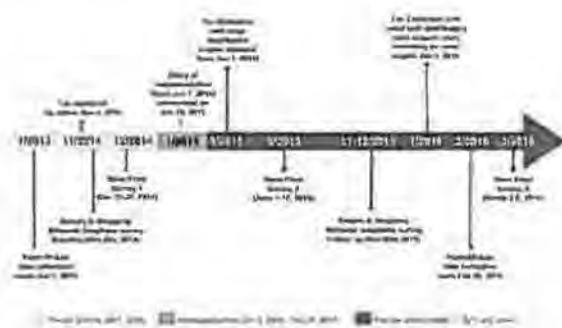
Sugar-sweetened beverage (SSB) consumption is linked to increased body weight, diabetes, cardiovascular risk factors, and dental caries, amongst other conditions [1,2]. Significant SSB taxes have been proposed and increasingly adopted as part of a comprehensive approach to obesity and diabetes prevention [3–5] with extensive potential health and social benefits [2,5–7]. Over 20 countries have passed strengthened SSB taxes of varying sizes, with a growing emphasis on larger excise taxes [6,8–10].

Berkeley, California, is the first US jurisdiction to successfully place a substantial excise tax on SSB distributors, with the dual goals of reducing consumption and raising revenue for efforts to prevent obesity and diabetes. The tax, approved by voters in November 2014, is one penny per fluid ounce ( $1\text{¢}/\text{oz}$ ) on beverages with added caloric sweeteners. In theory, the tax might add  $68\text{¢}$  to the price of a 2-l (68-oz) bottle of soda, typically priced a little over \$2 before the tax, or  $12\text{¢}$  to a 12-oz can, sold for around \$1. In late January 2015, the city delayed the original 1 January 2015 implementation until 1 March 2015 among the 38 largest beverage distributors [11]. Tax collection from small retailers obtaining their own supplies ("self-distributors") only began 1 January 2016. In 2016, other US jurisdictions, including three large cities—Philadelphia (Pennsylvania), San Francisco (California), and Oakland (California)—and Cook County (Illinois), which encompasses Chicago's metro area, as well as two smaller cities—Boulder (Colorado) and Albany (California)—followed suit, with similar measures at tax levels from  $1\text{¢}/\text{oz}$  to  $2\text{¢}/\text{oz}$ .

The Berkeley tax therefore offered a unique opportunity to evaluate this policy. This study sought to examine (1) whether and how the tax was passed through to beverage prices, (2) whether the volume of beverages sold changed, (3) whether store revenues/consumer spending per transaction within these stores changed, and (4) whether beverage consumption changed. This study evaluates changes in the first year of implementation (March 2015–February 2016).

## Methods

Three data collection approaches were employed to measure beverage prices, volume sold, store revenue (or, conversely, consumer spending), and beverage intake. Fig 1 illustrates the tax implementation and study data collection timeline. Key elements of analyses were determined prospectively; however, some adjustments were required, particularly as we received and analyzed store scanner data.



**Fig 1. Berkeley sugar-sweetened beverage tax implementation and evaluation timeline.**

<https://doi.org/10.1371/journal.pmed.1002283.g001>

This study was approved by institutional review boards of the Public Health Institute and the University of North Carolina at Chapel Hill.

**Setting.** The city of Berkeley, located in California's Bay Area, had an estimated 121,000 inhabitants in 2015 and covers only 10.5 square miles. Residents are 55% non-Hispanic white, 19% Asian, 11% Hispanic or Latino, 10% African-American, and 21% foreign-born. Berkeley is home to a large public university and a very highly educated population, with 71% of those over age 25 y holding a bachelor's degree or higher. Nevertheless, it has a high percentage of residents in poverty (20.4% versus 15.3% for California and 13.5% nationwide), though the median income of \$66,237 is about 10% above the median for the state as a whole and 23% above the US median [12].

**Store price surveys.** Store price surveys were conducted in December 2014 (pre-tax), June 2015 (4 months post-tax), and March 2016 (13 months post-tax, and 2 months into self-distributor tax collection) among a targeted sample of large supermarkets, small chain supermarkets, chain and independent gas stations, pharmacies (drugstores), and independent corner stores located in Berkeley, California ( $n = 26$ ). Six top stores were identified from the telephone survey (described below), and the remainder were selected randomly within their type. Store price surveys collected 744 prices in December 2014, 798 prices in June 2015, and 633 prices in March 2016 for a standard panel of 70 beverages, which included 45 taxed and untaxed branded beverages in a variety of sizes. It was possible to collect 313 prices for 55 of the 70 products in the standard panel in all three rounds in the same stores. S1 Text provides details on the store price survey design.

**Point-of-sale data.** Point-of-sale electronic scanner data were requested using personal outreach to all large supermarkets in Berkeley, as well as to pharmacies, small supermarkets, ethnic markets, convenience stores, and gas stations with scanner systems, and with extensive follow-up as needed to owners or corporate headquarters. Ultimately, two chains of large supermarkets with three of the city's nine large groceries provided electronic data covering 1 January 2013 through 29 February 2016 (26 months pre-tax; 12 months post-tax). They also provided data on six Bay Area control stores. Data covered 118.8 million barcode scans from 15.5 million transactions (checkout episodes), with 16.2 million barcode scans involving beverages (16,769 unique barcodes), of which 10.8 million barcode scans (5,631 unique barcodes) are included here. S2 Text describes the point-of-sale study design and the stores and beverage products included in our analyses. The tax status of each beverage was classified using the Berkeley law [13], nutrition data from product websites, and ingredient data from Mintel [14].

**Dietary and shopping behavior surveys.** These telephone surveys were conducted November–December 2014 (pre-tax/baseline) and November–December 2015 (post-tax/follow-up). The sample was identified using dual frame (landline/cellular) random digit dialing that oversampled lower income census blocks (>50% of households with annual gross household income <\$100,000) in Berkeley. Only Berkeley residents were interviewed. Oral informed consent was obtained from all participants. Trained interviewers used standardized questionnaires and computer-assisted telephone interviews to collect information on beverage shopping locations and behaviors, demographics, and 24-h recall of beverage intake [15]. To adjust for typical daily intake, a second 24-h beverage recall interview was collected 3–7 d later from consenting respondents.

Sampling weights were calculated using iterative proportional fitting (raking) [16] to adjust the data to demographic proportions for Berkeley, California, obtained from the United States Census Bureau for 2010 [12]. Details on the sample design, other methods, and response rates are found in S5 Text. Caloric intake from beverages consumed was calculated using nutrition data from product websites, nutrition facts panel data from Mintel [14], and US Department of Agriculture databases [17,18].

#### Analytical approaches

#### Changes in prices.

Prices were calculated based on prices paid, excluding sales tax and California Redemption Value bottle fee. Inflation-adjusted prices were derived by applying the US Bureau of Labor Statistics Consumer Price Index (CPI) for the monthly average price of non-alcoholic beverages [19] to price measures, using January 2013 as the base. To measure changes in price after imposition of the tax, known as "pass-through," using prices from the store price surveys, we compared the mean prices in cents/ounce of beverage products collected across the 26 stores in Berkeley at three time points (December 2014, June 2015, and March 2016) using paired *t*-tests. Data were analyzed using only beverages that could be matched for product and size across all three rounds, reflecting same product prices, rather than total consumer experience. For details see S1 Text.

Point-of-sale data included repeated measures of beverages sold (at barcode level) at both Berkeley and non-Berkeley stores, during both pre-tax and post-tax periods (see S2 Text for details). We used a fixed effects approach using the price (cents/ounce) of taxed beverages per barcode-month-store as the outcome, controlling for month-year (relative to January 2013) and potential underreporting due to data that were missing completely at random because of technical (data storage) issues for some stores on random days that contributed to the monthly value. For model specifications, see S3 Text. From the models, adjusted beverage prices (cents/ounce) in Berkeley versus non-Berkeley stores overall and by beverage category were derived. Since the tax implementation timeline was altered, the January–February 2015 period was ambiguous with regards to tax implementation and price change, so we compared prices from March–December in 2016 to the same 10-month period in earlier years. All analyses were conducted in Stata 13 [20].

#### Changes in sales and store revenue (consumer spending).

Store-day data on the volume of taxed and untaxed beverages (ounces per transaction) and average daily store revenues (CPI-adjusted dollars per transaction) from all sales were the key outcomes and were modeled separately. We examined whether there were differences in these outcomes in non-Berkeley stores by distance from Berkeley. Comparison stores were classified into zones: zone 1, adjacent to Berkeley (two stores in two cities); zone 2, San Francisco (one store); and zone 3, ≥20 miles (three stores in three cities) (see map in S4 Text). Since the beverage volume distributions (and their residuals) were skewed, outcomes were log-transformed to normalize distributions. For the volume outcomes, ordinary least squares models were used, with controls for store ID, day of week, holiday and holiday eve, month, year, number of transactions (linear and quadratic), a post-tax indicator, and interactions of store ID with the post-tax indicator, month, and year, correcting the standard errors by clustering the analyses at the city level. A similar model was used for revenue per transaction (a measure of the gross revenue for the stores as well as customer's spending in these stores), excluding number of transactions as a control.

To test whether the post-tax trend in sales differed significantly from the pre-tax trend, we predicted taxed and untaxed beverage sale volume and store revenue per transaction if the post-tax indicator = 0 during March 2015–February 2016 (i.e., a "counterfactual" for if the tax had not been implemented [9]) and compared these predicted values to the adjusted volumes observed during the post-tax period. For detailed specifications, see S4 Text.

#### Changes in usual intake of beverages.

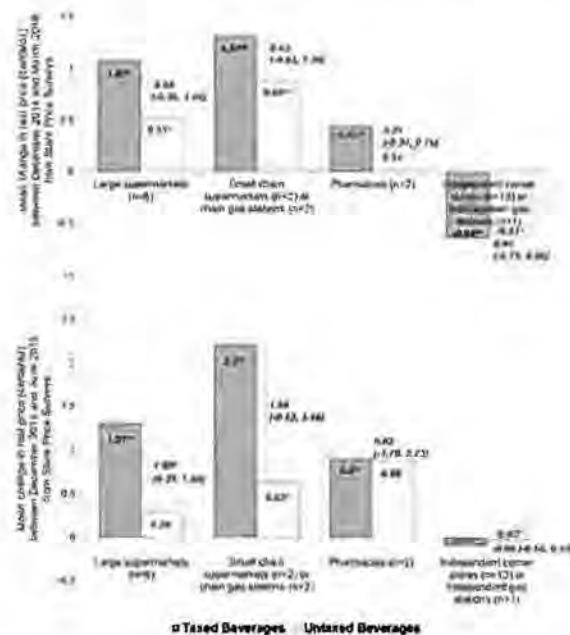
Using a repeated cross-sectional approach, the National Cancer Institute method was used to estimate the usual intake distribution (kilocalories/day and grams/day) of taxed and untaxed beverages in each year, controlling for age, gender, race/ethnicity, education, income, weekend (including Friday), and recall sequence [21,22]. To account for the large proportion of nonconsumers

for taxed beverages, a two-part probability-amount nonlinear mixed model was fitted [23,24], while a one-part nonlinear mixed model was fitted for untaxed beverages. Standard errors were estimated via bootstrapping, with 200 replications. The primary outcomes of interest were change in calories and grams consumed from taxed beverages, using a two-sided test with statistical significance set at  $p < 0.05$ . For modeling approach, see S6 Text.

## Results

### Store price survey prices

Prices of taxed beverages collected in all three time points across large supermarkets showed increases from December 2014 (pre-tax) to June 2015 (1.31¢/oz), which continued for December 2014 to March 2016 (1.07¢/oz). Taxed beverages in small chain supermarkets and gas stations also had price increases from December 2014 to June 2015 (2.20¢/oz) that continued through March 2016 (1.31¢/oz). Price increases were comparatively lower in pharmacies for both intervals (0.90¢/oz and 0.45¢/oz) and were not seen in independent corner stores and gas stations (-0.09¢/oz and -0.64¢/oz) (S3 Table). The difference between prices of taxed and untaxed beverages (cents/ounce) increased in all store types between December 2014 and March 2016, except for beverages sold in independent corner stores and gas stations (Fig 2).



**Fig 2. Store price survey mean (95% CI) beverage price changes (cents per ounce) in Berkeley stores.**

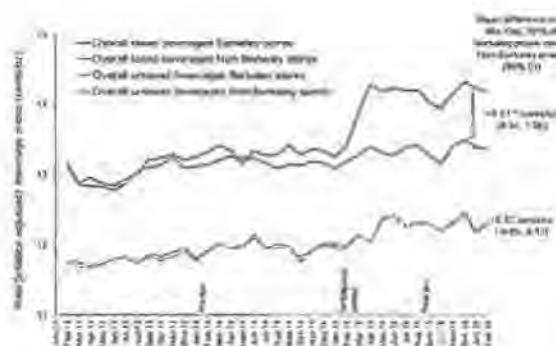
Top: price change between December 2014 (round 1) and March 2016 (round 3). Bottom: price change between December 2014 (round 1) and June 2015 (round 2). Sample limited to 55 product types with 313 prices across stores that were collected in all three rounds of the store price survey; of these, 56% were prices for taxed beverages and 44% for untaxed beverages. Prices account for inflation. Values in bold italics show the price difference between taxed and untaxed beverages.

\*Statistically significant difference between prices in later round (March 2016 or June 2015) compared to December 2014 at  $p < 0.05$  using paired *t*-tests. \*\*Statistically significant difference between prices in later round (March 2016 or June 2015) compared to December 2014 at  $p < 0.01$  using paired *t*-tests. †Statistically significant difference of price of taxed beverages compared to untaxed beverages at  $p < 0.05$  (unpaired *t*-tests since taxed and untaxed beverage items are different). Source: store price survey data collected by Public Health Institute.

<https://doi.org/10.1371/journal.pmed.1002283.g002>

#### Point-of-sale prices from two supermarket chains

Fig 3 shows the model adjusted sales-unweighted beverage prices in Berkeley and non-Berkeley stores, illustrating the price differential for taxed versus untaxed beverages and change in prices of taxed beverages over time. Among taxed beverages, there were visible price increases in Berkeley stores after January 2015, but it was not until around April 2015 that prices stabilized. Specifically, among the Berkeley stores, taxed beverages had price change of +0.83¢/oz ( $p < 0.001$ ), while this was only +0.16¢/oz ( $p < 0.001$ ) in non-Berkeley stores, for a net difference of +0.67¢/oz ( $p < 0.001$ ). Meanwhile, there were no statistically significant differences in the prices of untaxed beverages between Berkeley and non-Berkeley stores in the post-tax period. Sales-unweighted pass-through was complete among sodas and energy drinks (+1.09¢/oz), but incomplete for the other taxed beverage groups (S8 Table). Sales-weighted price changes for taxed beverages was similar, at +0.69¢/oz (S9 Table).



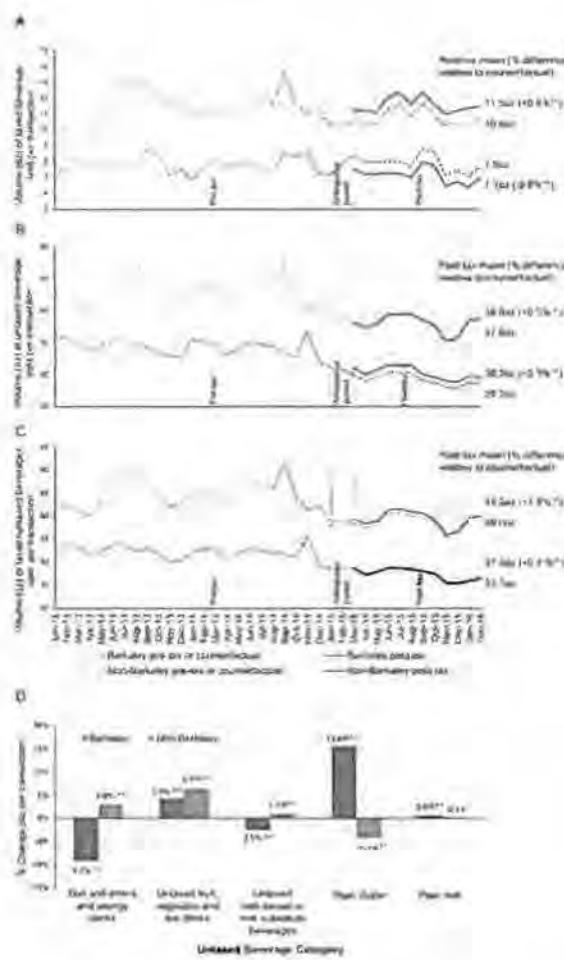
**Fig 3. Point-of-sale model adjusted beverage prices (cents per ounce) in Berkeley versus non-Berkeley stores (sales unweighted).** Fixed effects models account for the month-year (indicator variables), store located or not located in Berkeley, interaction of Berkeley store and month-year, and an indicator variable of underreported sales data from each store in particular month. Prices account for inflation. Vertical lines demarcate the pre-tax period (January 2013–December 2014), the ambiguous period (January–February 2015), and the post-tax period (March 2015–February 2016). Full sales-unweighted results can be

found in S8 Table. Full sales-weighted results can be found in S9 Table. \*\*Statistically significant difference between the Berkeley and non-Berkeley prices for March–December 2015 at  $p < 0.01$ . Source: point-of-sale data from two chains of large supermarkets in the Bay Area obtained by the Public Health Institute.

<https://doi.org/10.1371/journal.pmed.1002283.g003>

#### Point-of-sale volume sold in two supermarket chains

The volume of untaxed beverages sold was consistently higher than for taxed beverages in all locations January 2013–February 2016 (Fig 4), and both types of sales were consistently and markedly lower in Berkeley than in comparison stores overall, and most notably in neighboring zone 1 stores, suggesting lower baseline purchasing of SSBs and of beverages in general.



**Fig 4. Point-of-sale adjusted mean daily volume of beverages sold (ounces per transaction) in Berkeley versus non-Berkeley stores.**

(A) Point-of-sale taxed beverage volume sold (ounces per transaction). (B) Point-of-sale untaxed beverage volume sold (ounces per transaction). (C) Point-of-sale taxed and untaxed beverage volume sold (ounces per transaction). (D) Percent change in post-tax untaxed beverage sales (ounces per transaction) in relation to counterfactual in Berkeley and non-Berkeley stores. Models account for store ID, month, year, day of week, holiday and holiday eve, number of transactions (linear and quadratic), a post-tax indicator, and interactions of store ID with the post-tax indicator, month, and year variables, correcting the standard errors by clustering the analyses at the city level. Back-transformation uses Duan smearing. Model  $n = 10,152$ . Vertical lines demarcate the pre-tax period (January 2013–December 2014), the ambiguous period (January–February 2015), and the post-tax period (March 2015–February 2016). To derive the counterfactuals, we predicted the volume of taxed and untaxed beverages sold if the post-tax indicator = 0 for March 2015–February 2016. Full results can be found in

S10 and S11 Tables. \*Statistically significant difference between the counterfactual and observed volumes sold during the entire post-tax period at  $p < 0.05$ . \*\*Statistically significant difference between the counterfactual and observed volumes sold during the entire post-tax period at  $p < 0.01$ . Source: point-of-sale data from two chains of large supermarkets in the Bay Area obtained by the Public Health Institute.

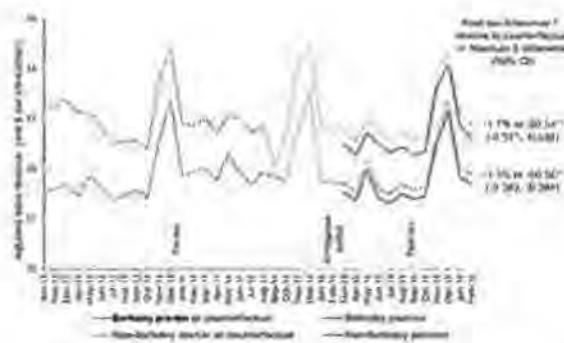
<https://doi.org/10.1371/journal.pmed.1002283.g004>

Focusing on the post-tax period, our model adjusted estimates show that compared to their counterfactuals, volume (ounces/transaction) of taxed beverages sold fell significantly by 9.6% in Berkeley stores, but rose by 6.9% in non-Berkeley stores (Fig 4A), sales of untaxed beverages rose by 3.5% in Berkeley stores and 0.5% in non-Berkeley stores (Fig 4B), and sales of all study beverages increased by 0.7% and 1.5% in Berkeley and non-Berkeley stores, respectively (Fig 4C). In Berkeley, sales of untaxed water rose by 15.6%; untaxed fruit, vegetable, and tea drinks, by 4.37%; and plain milk, by 0.63%. Sales of diet soft drinks and energy drinks declined by 9.2% compared to their counterfactuals (Fig 4D).

S10 Table provides the absolute (ounces/transaction) and relative (percent) differences between the counterfactual and post-tax monthly beverage sales in Berkeley versus non-Berkeley stores overall and in the three non-Berkeley zones. Neighboring non-Berkeley stores (zone 1) had the highest increase in sales of taxed and untaxed beverages, whereas sales of taxed beverages declined in more distant zone 3. S11 Table shows the results by untaxed beverage category for Berkeley versus non-Berkeley stores.

#### Point-of-sale store revenue (consumer spending) per transaction in two supermarket chains

Over the first year of the SSB tax, across both comparison and Berkeley stores, there was a small reduction in revenue in CPI-adjusted dollars per transaction from all sources (not just beverages). Mean store revenue per transaction fell by 18¢ less in Berkeley stores ( $-\$0.36, p < 0.001$ ) compared to non-Berkeley stores ( $-\$0.54, p < 0.001$ ) (see Fig 5).



**Fig 5. Point-of-sale adjusted mean store revenue/consumer spending (dollars per transaction) in Berkeley versus non-Berkeley stores.**

Models account for store ID, month, year, day of week, holiday and holiday eve, a post-tax indicator, and interactions of store ID with the post-tax indicator, month, and year variables, correcting the standard errors by clustering the analyses at the city level. Revenues account for inflation. Vertical lines demarcate the pre-tax period (January 2013–December 2014), the ambiguous period (January–February 2015), and the post-tax period (March 2015–February 2016). To derive the counterfactuals, we predicted the volume of taxed and untaxed beverages sold if the post-tax indicator = 0 in March 2015–February 2016. \*\*Statistically significant difference between the Berkeley and non-Berkeley store revenues during the post-tax period at  $p < 0.01$ . Source: point-of-sale data from two chains of large supermarkets in the Bay Area obtained by the Public Health Institute.

<https://doi.org/10.1371/journal.pmed.1002283.g005>

#### Usual intake of beverages from self-reports

At baseline (November–December 2014), 649 of 3,721 eligible and contactable Berkeley residents age  $\geq 18$  y participated (17.4% cooperation), of whom 253 completed a second 24-h beverage recall. At follow-up (November–December 2015), 654 Berkeley residents participated, and 462 completed a second 24-h beverage recall; 346 (53.3%) of the 2015 respondents had completed the baseline survey. After exclusion due to missing values on self-reported race/ethnicity, age, education, income, and monthly intake of SSBs, the final analytic sample included 623 at baseline and 613 at follow-up.

S12 Table provides details on beverage subcategories by tax status and percent consumers within subcategory before and after the tax. The Berkeley sample had lower per capita and per consumer mean caloric intake from both taxed and untaxed beverages relative to the general US population (S13 Table). At baseline, 29% of the Berkeley sample consumed SSBs, substantially below the 58% of consumers in the US population estimated in the National Health and Nutrition Examination Survey. Daily usual taxed beverage intake was 121 g/d pre-tax and 97 g/d post-tax ( $-13.3\%$ ,  $p = 0.49$ ), while mean caloric intake of taxed beverages went from 45 kcal/d to 39 kcal/d ( $-19.8\%$ ,  $p = 0.56$ ) (Table 1); neither difference is statistically significant. From the pre- to post-tax period, mean volume of untaxed beverage intake went from 1,839 g/d to 1,897 g/d ( $+3.2\%$ ,  $p = 0.21$ ). Reported mean caloric intake of untaxed beverages rose from 116 kcal/d to 148 kcal/d ( $+27.6\%$ ,  $p = 0.02$ ). The increase in untaxed calories appeared to be mainly from increased milk intake and also “other” beverages (which included dairy-based beverages such as yogurt smoothies and milkshakes). Neither juice nor diet soda intake increased. There was no significant change in reported beverage shopping location: “in Berkeley” was 90% at baseline versus 94% at follow-up ( $p = 0.17$ ).

	Pre-tax (2014–2015)		Post-tax (2015–2016)		Percent change, consumers
	Mean	SD	Mean	SD	
<b>Overall mean caloric intake (kcal/d)</b>					
Total consumers	45.1	19.7	39.7	19.6	$-13.3\%$ , $p = 0.49$
Other categories	17.1	10.8	17.8	10.8	$+4.1\%$ , $p = 0.56$
Percent of consumers reporting					
Total consumers	29.0	10.7	26.2	10.7	$-8.9\%$ , $p = 0.02$
Other categories	11.9	7.9	11.8	7.9	$-0.1\%$ , $p = 0.88$
Unadjusted percentages					
Total consumers	90.0	7.4	94.0	7.4	$+4.0\%$ , $p = 0.17$
Other categories	90.0	7.4	94.0	7.4	$+4.0\%$ , $p = 0.17$

Percent change in total consumers, overall mean caloric intake, and percent consumers reporting. Taxed consumers only are represented in columns that include “Other categories.” Percent change in total consumers, overall mean caloric intake, and percent consumers reporting. Taxed consumers only are represented in columns that include “Other categories.” \*Statistically significant difference in mean caloric intake between pre-tax and post-tax period. \*\*Statistically significant difference in percent of consumers reporting taxed beverages between pre-tax and post-tax period.

**Table 1. Usual intake (kilocalories/capita/day and grams/capita/day) of beverages among adult residents of Berkeley, California, pre- and post-**

tax.

<https://doi.org/10.1371/journal.pmed.1002283.t001>

## Discussion

A year following SSB tax implementation in Berkeley, California, there was heterogeneous pass-through of Berkeley's SSB excise tax across store and beverage types. SSB sales in Berkeley fell significantly in two chains of large supermarkets, while sales of untaxed beverages, especially water, and of all beverages increased. From the available data, there was no evidence of higher consumer spending, nor was there a greater reduction in store revenue per transaction in relation to comparison sites. Changes in self-reported SSB intake were not statistically significant.

For taxes to directly affect consumption, beverage distributors (upon whom the tax is levied) have to pass the tax on to retailers, and retailers likewise need to pass the tax on to consumers. Tax pass-through in the store price survey was predominant in larger and chain stores but varied in degree and implementation speed by store type, possibly reflecting delayed implementation for "self-distributing" stores. Focusing on large supermarkets, scanner data from two chains showed that the tax was partially passed through for SSBs and that pass-through varied across SSB types, being highest for carbonated beverages. This may have been due to confusion on what products were taxed, and how distributors and retailers responded to the tax based on market shares of their beverages. These findings resemble findings in Mexico [10] and France [25], where pass-through was complete on carbonated SSBs and lower on noncarbonated products. Falbe et al. [26] examined pass-through in Berkeley and comparison cities in the first 3 months post-tax, with similar findings. Cawley and Frisvold [27] examined pass-through also after only 3 months of the tax—9 months prior to full implementation of the tax in small retailers—and for a smaller panel of products (five products in several sizes each), and found lower pass-through than Falbe et al.; however, they did not have an adequate sample size of small non-chain stores [27]. The present study examined a larger group of beverage products over a full year, including the second stage of tax implementation in the third store price survey. Pass-through may still evolve, as some price changes emerged later in the year. Consumers also saw greater price differentials between taxed and untaxed beverages across all store types. Jurisdictions may wish to include recommendations to retailers in future policies to pass through the tax to SSBs. Cook County, Illinois, included a requirement to do so in their measure [28].

Despite incomplete pass-through of the SSB tax in the two chains of large supermarkets, the volume of SSBs sold fell by 9.6% in Berkeley stores. The volume of beverages sold per transaction as a whole rose in Berkeley, and shopping location did not change. This study was also unique in permitting examination of overall consumer spending at the stores studied, which did not increase, a concern widely cited by opponents of SSB taxes [29]. This study found that consumer spending, measured as store revenue per transaction, declined slightly, falling less in Berkeley stores than in comparison stores, despite increasing overall beverage sales in Berkeley. This appears to belie, at least in the chains studied, beverage industry arguments that such policies will raise grocery bills in general or that they will hurt local business. The volume of SSBs bought in stores nearest to Berkeley rose, consistent with either potential shifts to buying SSBs outside Berkeley (not reported in the telephone survey) or increasing consumption by residents of the non-Berkeley cities, as found by Falbe et al. [30]. When taxes are implemented in very small geographical areas such as Berkeley, shifts in shopping location may be a greater risk. Recent approval of similar policies in three neighboring cities may reduce or displace any shifting. Since Berkeley has on average higher education and median income and lower baseline SSB

consumption compared to the US in general, it was unclear whether the tax would be high enough to change demand. In Berkeley, the post-tax sales of SSBs declined to a greater degree than in Mexico, where the decline was 6% over the first year, and this decline is consistent with earlier estimates that a 10% increase in soft drink prices would reduce consumption by 8%–12% [31,32]. The decline may be due to concomitant high rates of residents in poverty.

Using a 3- to 10-min street intercept survey of low-income residents in Berkeley and control cities, Falbe et al. found a significant 21% decline in the frequency of SSB intake in Berkeley [30]. Our telephone study used calories and grams of reported intake rather than frequency; our finding on change in mean daily SSB intake across the general population lacked statistical significance, although it was of similar magnitude to that found by Falbe et al., with a 19.8% reduction in grams. Falbe et al. examined only water consumption for untaxed beverages [30], while the present study asked about most untaxed beverages. The higher calories from untaxed beverages in our self-reported post-tax survey came predominantly from two sources: milks and “other” untaxed beverages, which included higher-fat beverages such as yogurt smoothies, milkshakes, atole, horchata, and eggnog. These findings contrast with the substitution pattern seen in our Berkeley point-of-sale data, which showed an increase in water sales and smaller but still significant increases in sales of plain milk and untaxed fruit, vegetable, and tea drinks, as well as a significant decline in untaxed diet drinks. Prior evidence suggests that when individuals substitute beverages in the wake of increased SSB prices, they are likely to choose water or diet soft drinks or fruit drinks [33], of which only fruit drinks would add calories. Our point-of-sale data are consistent with regard to increases in sales of water, and possibly fruit drinks, but not diet drinks. Since the point-of-sale data do not show that sales of these “other” untaxed beverages rose meaningfully, perhaps there was an increase in the intake of these beverages at home (prepared from fruit and plain yogurts or milks) or at food-service locations. It is unclear whether consumption changes can be attributed to the tax, and we do not want to speculate since the self-reported beverage intake component of our study did not sample non-Berkeley residents, so we are unable to tell if the increase in the self-reported intake of “other” untaxed beverages was a secular trend or specific to Berkeley. Nonetheless, our results are consistent with Falbe et al.’s findings of small increases for frequency of SSB intake in control communities, no change in location of SSB shopping, and an increase in frequency of water intake in Berkeley [30].

In this comparatively low-SSB-consuming city, the city’s tax revenue over the first year of the SSB tax was \$1,416,973 (approximately \$12 per capita) [34], roughly four times the 2015 per capita amount in the federal Prevention and Public Health Fund. Proceeds are being used for child nutrition and community health programs [35]. This suggests that SSB taxes can provide significant revenue for prevention or other societal goals.

#### Limitations

This observational study cannot establish causal links between the SSB tax implementation and changes in measured outcomes, nor did it assess health outcomes. It cannot distinguish the longer-term effects of education and intensive media debate on SSBs in the communities surrounding the San Francisco Bay as a result of tax and other preexisting campaigns in both Berkeley and San Francisco in 2014, although, in contrast to Falbe et al.’s work, baseline store price survey and consumption data were collected after those campaigns but before tax implementation, mitigating this issue somewhat. Our selection of comparison sites used cities that had been exposed to similar educational campaigns and to the Bay Area tax media campaigns (both for and against), so that the difference-in-difference analysis more purely reflects the effects of the tax itself. The alternative of a more distant control would have better captured the combined effects of the campaigns and the tax itself.

This study also cannot clarify whether distributors, retailers, and/or consumers altered their behaviors in anticipation of the SSB tax or to what degree changes in these various parties' behaviors were associated with changes in prices and sales. The 26-store survey sample was less representative of small and independent stores than of larger groceries. Analysis of consumption was limited by the small effect size in relation to high standard error and Berkeley's low baseline consumption, leading to an underpowered sample, and by the absence of a comparison community, suggesting the need for a larger, controlled sample, optimally with higher SSB consumption, more reflective of national consumption patterns. Obtaining such a sample in Berkeley proved unfeasible using the random digit dialing approach and available resources in the time-sensitive 6-wk window between passage of the tax and the original implementation date of 1 January 2015, when baseline survey data were collected.

Despite the large number of transactions, while many grocers were invited, scanner data were limited to two chains of large supermarkets and are not generalizable to all stores or store types. Independently owned small corner stores, in particular, are very different, did not exhibit price changes in our data, and may not have reliable records on their sales. Consequently, Berkeley consumers may have shifted their SSB purchases to independent stores, but our data are unable to determine this. The differential pass-through also warrants further investigation. However, in separate descriptive analyses of food purchases for the Bay Area from the 2014 Nielsen Homescan data [36,37], about 50% of the volume of beverages purchased is from chain groceries (with  $\geq 10$  locations nationwide), and only about 2% from independent stores (<10 locations nationally) (per our own calculations) [36]. For this reason, chain groceries likely constitute the most significant consumer SSB purchasing setting.

Strengths of this study include an intimate understanding of the local implementation process, the ability to sample large and small stores and chains, and the large volume of transactions studied. These strengths allow us to begin learning where and to what degree the tax was implemented as well as to observe changes in prices, volume sold, and store revenue.

#### Conclusions

These findings suggest that implementing a SSB excise tax was feasible and SSB sales fell concomitantly, while the tax captured revenue for obesity prevention and other societal goals. Whether observed changes in sales were related to enactment of the tax or other local activities cannot be definitively determined due to the observational design. However, the observation of price increases for SSBs in two distinct data sources, the timing of those increases, and the patterns of change in taxed and untaxed beverage sales suggest that the observed changes may be attributable to the tax. Assessment of newly approved SSB taxes in a number of other cities/counties in the US at 1–2¢/oz will be important, and associations of taxation with substitutions in beverage sales and intake should be further assessed in settings with more typical consumption and using larger samples.

#### Supporting information

##### S1 Fig. Point-of-sale mean monthly unadjusted sales (ounces/transaction) of beverages in Berkeley versus non-Berkeley stores.

<https://doi.org/10.1371/journal.pmed.1002283.s001>  
(DOCX)

**S1 STROBE. STROBE checklist for observational studies.**

<https://doi.org/10.1371/journal.pmed.1002283.s002>  
(DOCX)

**S1 Table. Panel of 70 beverage items by beverage and taxation categories collected in the store price surveys conducted in December 2014, June 2015, and March 2016.**

<https://doi.org/10.1371/journal.pmed.1002283.s003>  
(DOCX)

**S2 Table. Number of prices collected across all stores for the standard panel of 70 beverages in the store price surveys, by store and beverage type.**

<https://doi.org/10.1371/journal.pmed.1002283.s004>  
(DOCX)

**S3 Table. Mean (95% CI) store price survey change in beverage prices (cents/ounce) by store type in Berkeley that were collected in all three rounds.**

<https://doi.org/10.1371/journal.pmed.1002283.s005>  
(DOCX)

**S4 Table. Mean (standard error) store price survey change in beverage prices (cents/ounce) by store type in Berkeley based on paired comparisons.**

<https://doi.org/10.1371/journal.pmed.1002283.s006>  
(DOCX)

**S5 Table. Neighborhood characteristics of Berkeley and non-Berkeley grocery stores providing scanner data.**

American Community Survey 5-y estimates (2009–2013).  
<https://doi.org/10.1371/journal.pmed.1002283.s007>  
(DOCX)

**S6 Table. Number of barcode scans, unique barcodes, and transactions included in the point-of-sale study.**

<https://doi.org/10.1371/journal.pmed.1002283.s008>  
(DOCX)

**S7 Table. Beverages included and excluded from point-of-sale study.**

<https://doi.org/10.1371/journal.pmed.1002283.s009>

(DOCX)

**S8 Table. Point-of-sale mean (95% CI) sales-unweighted differences in beverage prices (cents/ounce) in Berkeley versus non-Berkeley stores by beverage group from fixed effects models.**

<https://doi.org/10.1371/journal.pmed.1002283.s010>  
(DOCX)

**S9 Table. Point-of-sale mean (95% CI) sales-weighted differences in beverage prices (cents/ounce) in Berkeley versus non-Berkeley stores by beverage group from fixed effects models.**

<https://doi.org/10.1371/journal.pmed.1002283.s011>  
(DOCX)

**S10 Table. Point-of-sale model adjusted monthly counterfactuals and observed sales of beverages in Berkeley versus non-Berkeley stores, and mean absolute (ounces/transaction) and relative (percent of counterfactual) differences.**

CF, counterfactual; NB, non-Berkeley.  
<https://doi.org/10.1371/journal.pmed.1002283.s012>  
(DOCX)

**S11 Table. Point-of-sale model adjusted counterfactuals and observed sales of untaxed beverage categories in Berkeley versus non-Berkeley stores, and mean absolute (ounces/transaction) and relative (percent of counterfactual) differences.**

CF, counterfactual; NB, non-Berkeley.  
<https://doi.org/10.1371/journal.pmed.1002283.s013>  
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**S12 Table. Weighted frequency of reported consumption rates of taxed and untaxed beverages by subcategory pre- and post-tax, Berkeley, California, 2014–2015.**

<https://doi.org/10.1371/journal.pmed.1002283.s014>  
(DOCX)

**S13 Table. Descriptive statistics of Berkeley sample in 2014 and 2015 compared to adult sample (age 18 y and older) in the National Health and Nutrition Examination Survey, 2011–2012.**

<https://doi.org/10.1371/journal.pmed.1002283.s015>  
(DOCX)

**S1 Text. Details on the store price survey sample design, data collection procedures, and price analysis.**

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(DOCX)

**S2 Text. Details on the point-of-sale data and price, volume sold, and store revenue analyses.**

<https://doi.org/10.1371/journal.pmed.1002283.s017>  
(DOCX)

**S3 Text. Point-of-sale price fixed effects models and predictions.**

<https://doi.org/10.1371/journal.pmed.1002283.s018>  
(DOCX)

**S4 Text. Point-of-sale volume sold difference-in-difference models and predicted outcomes.**

<https://doi.org/10.1371/journal.pmed.1002283.s019>  
(DOCX)

**S5 Text. Details on the dietary and shopping behavior survey.**

<https://doi.org/10.1371/journal.pmed.1002283.s020>  
(DOCX)

**S6 Text. Usual intake modeling approach.**

<https://doi.org/10.1371/journal.pmed.1002283.s021>  
(DOCX)

**S7 Text. References for supporting information.**

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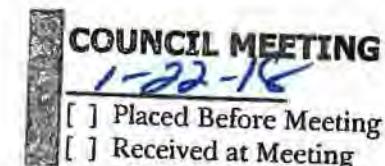
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A **sugary drink tax** or **soda tax** is a tax or surcharge designed to reduce consumption of drinks with added sugar. Drinks covered under a soda tax often include carbonated soft drinks, sports drinks and energy drinks.<sup>[1]</sup>

The tax is a matter of public debate in many countries and beverage producers like Coca-Cola often oppose it. Advocates such as national medical associations and the World Health Organization (WHO) promote the tax as an example of Pigovian taxation, aimed to discourage unhealthy diets and offset the growing economic costs of obesity.<sup>[2]</sup>

## Background



Type II Diabetes is a growing health concern in many developed and developing countries around the world, with 1.6 million deaths directly due to type II diabetes in 2015 alone.<sup>[3]</sup> Unlike sugar from food, the sugar from drinks enters the body quickly, which can overload the pancreas and the liver, leading to diabetes and heart disease over time.<sup>[4]</sup> A 2010 study said that consuming one to two sugary drinks a day increases your risk of developing diabetes by 26%.<sup>[5]</sup>

Heart disease is responsible for 31% of all global deaths<sup>[6]</sup> and although one sugary drink has minimal effects on the heart, consuming sugary drinks daily are associated with long term consequences. A study found that men, for every added serving per day of sugar-sweetened beverages, each serving was associated with a 19% increased risk of developing heart disease.<sup>[7]</sup> Another study also found increased risks for heart disease in women who drank sugary drinks daily.<sup>[8]</sup>

Obesity is also a global public and health policy concern, with the percentage of overweight and obese people in many developed and middle income countries rising rapidly.<sup>[9]</sup> Consumption of added sugar in sugar-sweetened beverages has been positively correlated with high calorie intake, and through it, with excess weight and obesity.<sup>[10]</sup> The addition of one sugar-sweetened beverage per day to the normal US diet can amount to 15 pounds of weight gain over the course of 1 year.<sup>[11]</sup> Added sugar is a common feature of many processed and convenience foods such as breakfast cereals,<sup>[12]</sup> chocolate, ice cream, cookies, yogurts and drinks produced by retailers.<sup>[13]</sup> The ubiquity of sugar-sweetened beverages and their appeal to younger consumers has made their consumption a subject of particular concern by public health professionals. In both the United States and the United Kingdom, sugar sweetened drinks are the top calorie source in

teenager's diets.<sup>[14][15]</sup>

Trends indicate that traditional soda consumption is declining in many developed economies, but growing rapidly in middle income economies such as Vietnam and India. In the United States, the single biggest market for carbonated soft drinks, consumers annual average per capita purchase of soda was 154 liters.<sup>[16]</sup>

Denmark began taxing soft drinks and juices in the 1930s. More recently, Finland reintroduced an earlier soft drink tax in 2011, while Hungary taxes sugary drinks as part of its 2011 public health product tax, which covers all food products with unhealthy levels of sugar. France introduced a targeted sugar tax on soft drinks in 2012.<sup>[17]</sup> At a national level similar measures have also been announced in Mexico in 2013 and in the United Kingdom in 2016. In November 2014, Berkeley, California was the first city in the U.S. to pass a targeted tax on sugary drinks.

## Tobacco taxes

Proponents of soda taxes cite the success of tobacco taxes worldwide when explaining why they think a soda tax will work to lower soda consumption.<sup>[18]</sup> Where the main concern with tobacco is cancer, the main concerns with soda are diabetes and obesity. The tactics used to oppose soda taxes by soda companies mimic those of tobacco companies, including funding research that downplays the health risks of its products.<sup>[19]</sup>

## Economics and Economic Theory of the tax

The U.S. Department of Health and Human Services reports that a targeted tax on sugar in soda could generate \$14.9 billion in the first year alone. The Congressional Budget Office (CBO) estimates that three-cent-per-ounce tax would generate over \$24 billion over four years.<sup>[20]</sup> Some tax measures call for using the revenue collected to pay for relevant health needs: improving diet, increasing physical activity, obesity prevention, nutrition education, advancing healthcare reform, etc.<sup>[21]</sup> Another area to which the revenue raised by a soda tax might go, as suggested by Mike Rayner of the United Kingdom, is to subsidize healthier foods like fruits and vegetables.<sup>[22]</sup>

The imposition of a sugar tax means that sellers of sugary drinks would have to increase the price of their goods by an amount P2 from the original price X, and then take on the rest of the tax themselves (P1) in the form of lower profit per unit sold. The tax burden on consumers (P2) makes it more expensive for consumers to buy sugary drinks and hence a higher proportion of their incomes would have to be spent to buy the same amount of sugary drinks. This decreases the equilibrium quantity of sugary drinks that will be sold. Whether the sugary drinks tax is imposed on the seller or consumer, in both cases the tax burden is shared between both.<sup>[23]</sup>

The way that the tax burden is divided upon the consumer and seller depends on the price elasticity for sugary drinks. The tax burden will fall more on sellers when the price elasticity of demand is greater than the price elasticity of supply while on buyers when the price elasticity of supply is greater than the price elasticity of demand. The price elasticity for sugary drinks is different from country to country. For instance, the price elasticity of demand for sugary drinks was found to be -1.37 in Chile while -1.16 in Mexico.<sup>[24][25]</sup> Hence if both of those results were realistic and the price elasticity of supply would be the same for both, the tax burden on consumers would be higher in Mexico than in Chile.<sup>[23]</sup>

## **The reason for implementing a sugar tax in microeconomic terms**

The reasons for a sugar tax are the negative externalities of consuming sugar. As the consumption of sugar causes health problems (external costs) such as obesity, type 2 diabetes and other diseases, the third party impacted by this is the 'public health system' that will need to deal with those issues. More demand for health services leads to higher costs for health care and hence this increased stress on the public health system is a negative consumption externality of sugar consumption.<sup>[26][27]</sup>

In economics terms, the marginal social benefit (MSB) of sugar consumption is less than the marginal private benefit (MB). This can also be illustrated in the following equation.  $MSB = MB - \text{Marginal External Cost (MXC)}$ . This is the case due to the fact that consumers think only of the benefit of sugar consumption to them (MB) and not the negative externalities to third parties (MXC) and so want to consume at the unregulated market equilibrium to maximize their utility. This means that there is overconsumption of sugar and a welfare loss is created.<sup>[28]</sup>

The sugary drinks tax is a way to correct the negative externality by regulating the consumption of sugary drinks.<sup>[24]</sup> Without a sugary drink tax, taxpayer money is used to pay for higher health care costs incurred from high consumption of sugar. Although this solution corrects the negative consumption externality, taxpayers that consume sugary drinks moderately and hence do not contribute to higher health care costs, still need to pay for this negative externality. Hence a sugary drinks tax may be a more appropriate solution as tax revenue that is collected from the sugar tax can be used to create childhood nutrition programs or obesity-prevention programs.<sup>[27]</sup> This is a solution that could also correct the negative externality of sugar consumption as well as is a way to make the parties that cause the negative externality pay their fair share.<sup>[28]</sup>

## Countries

### Colombia

A 2016 proposal for a 20% sugary drink tax, campaigned by Educar Consumidores, was turned down by the Colombian legislature despite popular support for it.<sup>[29]</sup> Soda is often less expensive than bottled water in Colombia.

### Denmark

Denmark instituted a soft drink tax in the 1930s (it amounted to 1.64 Danish krone per liter), but announced in 2013 that they were going to abolish it along with an equally unpopular fat tax, with the goal of creating jobs and helping the local economy.<sup>[30]</sup> Critics claimed that the taxes were notably ineffective; to avoid the fat and sugar taxes, local retailers had complained that Danes simply went to Sweden and Germany, where prices were lower to buy butter, ice cream and soda.<sup>[31]</sup> Denmark repealed the fat tax in January 2013 and repealed the tax on soft drinks in 2014.

### France

France first introduced a targeted tax on sugary drinks at a national level in 2012;<sup>[17]</sup> following introduction, soft drinks are

estimated to be up to 3.5% more expensive.<sup>[32][33]</sup> Analysis by the market research firm Canadean found that sales of soft drinks declined in the year following the introduction of the tax, following several years of annual growth.<sup>[34]</sup> However, the tax applies to both drinks with added sugars and drinks with artificial sweeteners,<sup>[34][35]</sup> possibly limiting its effects on the healthfulness of soda products.<sup>[35]</sup>

A 2016 study by Mazzochi has shown that the sugary drinks tax saw a 19 euro-cent per liter increase in price of non-pure fruit juices, a 16 euro-cent per liter increase for diet sodas and little impact on regular soft drinks prices. The study also estimated that the quantity consumed of the taxed drinks has decreased by 9 centiliters per week per person after the tax has been implemented.<sup>[36]</sup>

## Hungary

Hungary's tax, which came into effect in September 2011, has seen 22% of people reduce energy drink consumption and 19% of people reduce their intake of sugary-sweetened soft-drinks.<sup>[37]</sup>

## Ireland

In 2016, Ireland approved a soda tax set to start in April 2018, which is around the same time a similar soda tax takes effect in the United Kingdom.<sup>[38]</sup>

## Mexico

In September 2013, Mexico's president Enrique Peña Nieto, on his fiscal bill package, proposed a 10% tax on all soft drinks, especially carbonated drinks,<sup>[39][40]</sup> with the intention of reducing the number of patients with diabetes and other cardiovascular diseases in Mexico, which has one of the world's highest rates of obesity.<sup>[41]</sup> According to Mexican government data, in 2011, the treatment for each patient with diabetes cost the Mexican public health care system (the largest of Latin America) around 708 USD per year, with a total cost of 778,427,475 USD in 2010, and with each patient

paying only 30 MXN (around 2.31 USD).<sup>[42]</sup>

In September 2013, soda companies launched a media campaign to discourage the Mexican Chamber of Deputies and Senate from approving the 10% soda tax. They argued that such measure would not help reduce the obesity in Mexico and would leave hundreds of Mexicans working in the sugar cane industry jobless.<sup>[43]</sup> They also publicly accused New York City Mayor Michael Bloomberg<sup>[44]</sup> of orchestrating the controversial bill from overseas. In late October 2013, the Mexican Senate approved a 1 MXN per litre tax (around 0.08 USD) on sodas, along with a 5% tax on junk food.<sup>[45]</sup>

Research has shown that Mexico's sugary drinks tax reduced soft drink consumption.<sup>[46][47]</sup> According to a 2016 study published in *BMJ*, annual sales of sodas in Mexico declined 6% in 2014 after the introduction of the soda tax.<sup>[46]</sup> Monthly sales figures for December 2014 were down 12% on the previous two years.<sup>[46]</sup> Households with the fewest resources had an average reduction in purchases of 9% in 2014, increasing to 17% by December.<sup>[46]</sup> Furthermore, purchases of water and non-taxed beverages increased by about 4% on average.<sup>[46]</sup> Whether the imposition of the tax and the resulting 6% decline in sales of soft drinks, will have any measurable impact on long-term obesity or diabetes trends in Mexico has yet to be determined.<sup>[46]</sup> The authors of the study urged the Mexican authorities to double the tax to further reduce consumption.<sup>[46]</sup>

A 2016 study published in *PLoS Medicine* suggested that a 10% excise tax on soda "could prevent 189,300 new cases of Type 2 diabetes, 20,400 strokes and heart attacks, and 18,900 deaths among adults 35 to 94 years old" over a ten-year period.<sup>[47]</sup> The study also included that "the reductions in diabetes alone could yield savings in projected healthcare costs of \$983 million."<sup>[47]</sup>

A 2017 study in the *Journal of Nutrition* found a 6.3% reduction in soft drink consumption, with the greatest reductions "among lower-income households, residents living in urban areas, and households with children. We also found a 16.2% increase in water purchases that was higher in low- and middle-income households, in urban areas, and among households with adults only."<sup>[48]</sup>

## Norway

Norway has had a generalized sugar tax measure on refined sugar products since 1922, introduced to boost state income rather than reducing sugar consumption.<sup>[49]</sup> Non-alcoholic beverages have since been separated from the general tax, and in 2017, the tax for sugary drinks was set to 3.34 kroner per litre.<sup>[50]</sup>

## Philippines

In the taxation reform law dubbed as the **Tax Reform for Acceleration and Inclusion Law (TRAIN)** signed by Philippine President Rodrigo Duterte in December 2017. It includes taxation on sugar-sweetened drinks which will be implemented the following year, as an effort to increase revenue and to fight obesity.<sup>[51]</sup> Drinks with caloric and non-caloric sweeteners will be taxed ₱6.00 per liter, while those using high-fructose corn syrup, a cheap sugar substitute, will be taxed at ₱12 per liter.

Exempted from the sugar tax are all kinds of milk, whether powdered or in liquid form, ground and 3-in-1 coffee packs, and 100-percent natural fruit and vegetable juices, meal replacements and medically indicated drinks, as well as beverages sweetened with stevia or coco sugar. These drinks, especially 3-in-1 coffee drinks which are popular especially among lower-income families, are to be taxed as initially proposed by the House of Representatives version of the bill<sup>[52]</sup>, but were exempted in the Senate version<sup>[53]</sup>.

## South Africa

South Africa proposed a sugar-sweetened beverages tax in the 2016 South African national government budget.<sup>[54]</sup>

## United Arab Emirates

On October 2017, the United Arab Emirates introduced a 50% tax on soft drinks and a 100% tax on energy drinks, to curb unhealthy consumption of sugary drinks that can lead to diabetes; it also added a 100% tax on cigarettes.<sup>[55]</sup>

## United Kingdom

In the 2016 United Kingdom budget, the UK Government announced the introduction of a sugar tax, officially named the "Soft Drinks Industry Levy". Planned to come into effect in 2018, beverage manufacturers will be taxed according to the volume of sugar-sweetened beverages they produce or import. The tax will be imposed at the point of production or importation, in two bands. Drinks with total sugar content above 5g per 100 millilitres will be taxed at 18p per litre and drinks above 8g per 100 millilitres at 24p per litre. The measure is estimated to generate an additional £1 billion a year in tax revenue which will be spent on funding for sport in UK schools.<sup>[56][57]</sup>

It is proposed that pure fruit juices, milk-based drinks and the smallest producers will not be taxed. It is expected that some manufacturers will reduce sugar content in order to avoid the taxation.<sup>[58]</sup>

Notable research on effect of excess sugar in modern diets in the United Kingdom includes the work of Professor John Yudkin with his book called, "Pure, White and Deadly: The Problem of Sugar" first published in 1972.<sup>[59]</sup> With regard to a proposed tax on sugar-sweetened beverages, a study published in the British Medical Journal on 31 October 2013, postulated that a 20% tax on sugar-sweetened beverages would reduce obesity in the United Kingdom rates by about 1.3%, and concluded that taxing sugar-sweetened beverages was "a promising population measure to target population obesity, particularly among younger adults."<sup>[60]</sup>

Campaigners want the sugar tax extended to include confectionary and sweets to help tackle childhood obesity.<sup>[61]</sup>

## Criticism

The decision to impose the tax has been criticised by UK-based drinks producers and was described by Member of Parliament Will Quince as, "patronising, regressive and the nanny state at it's worst."<sup>[62]</sup>

Professor Robert Lustig of the University of California, San Francisco School of Medicine, stated that the UK tax measure may not go far enough and that, "juice should be taxed the same way as soda because from a metabolic standpoint juice is the same as soda."<sup>[63]</sup> The UK sugar tax proposal announced by the government in early-2016 is narrow in scope and does not target pure fruit juices and milk-based drinks.<sup>[64]</sup>

A study by the University of Glasgow, which sampled 132,000 adults, found that focusing on sugar in isolation misleads consumers as reducing fat intake is also crucial to reducing obesity.<sup>[65]</sup>

## United States

The United States does not have a nationwide soda tax, but a few of its cities have passed their own tax and the U.S. has seen a growing debate around taxing soda in various cities, states and even in Congress in recent years.<sup>[66]</sup> A few states impose excise taxes on bottled soft drinks or on wholesalers, manufacturers, or distributors of soft drinks.<sup>[67]</sup>



Supermarket chilled beverage selection

Medical costs related to obesity in the United States alone were estimated to be \$147 billion a year in 2009. In the same year, the American Heart Association reported that the soft drinks and sugar sweetened beverages are the largest contributors of added sugars in Americans' diets. Added sugars are sugars and syrups added to foods during processing or preparation and sugars and syrups added after preparation. Excessive intake of added sugars, as opposed to naturally occurring sugars, is implicated in the rise in obesity.<sup>[68]</sup>

### American localities with a soda tax

Philadelphia and Berkeley are the first two cities to pass a tax on sugary drinks in the U.S. Berkeley's tax of 1 cent/oz of sugary drink has seen a decline in soda consumption by more than 20 percent. Philadelphia's tax of 1.5 cents/oz took effect

on January 1, 2017.<sup>[69]</sup>

### Berkeley, California

The Measure D soda tax was approved by 76%<sup>[70]</sup> of Berkeley voters on 4 November 2014, and took effect on 1 January 2015 as the first such tax in the United States.<sup>[71]</sup> The measure imposes a tax of one cent per ounce on the distributors of specified sugar-sweetened beverages such as soda, sports drinks, energy drinks, and sweetened ice teas but excluding milk-based beverages, meal replacement drink, diet sodas, fruit juice, and alcohol. The revenue generated will enter the general fund of the City of Berkeley.<sup>[72]</sup> A similar measure in neighboring San Francisco received 54% of the vote, but fell short of the supermajority required to pass.<sup>[73]</sup> In August 2015, researchers found that average prices for beverages covered under the law rose by less than half of the tax amount. For Coke and Pepsi, 22 percent of the tax was passed on to consumers, with the balance paid by vendors.<sup>[74]</sup> UC Berkeley researchers found a higher pass-through rate for the tax: 47% of the tax was passed-through to higher prices of sugar-sweetened beverages overall with 69% being passed-through to higher soda prices.<sup>[75]</sup> In August 2016, a UC Berkeley study showed a 21% drop in the drinking of soda and sugary beverages in low-income neighborhoods in its city.<sup>[76]</sup>

A study from 2016 compared the changing intake of sugar sweetened beverages and water in Berkeley versus San Francisco and Oakland (which did not have a sugary drink tax passed) before and after Berkeley passed its sugary drink tax. This analysis showed a 26% decrease of soda consumption in Berkeley and 10% increase in San Francisco and Oakland while water intake increased by 63% in Berkeley and 19% in the two neighboring cities.<sup>[77]</sup> A 2017 before and after study has concluded that one year after the tax was introduced in Berkeley, sugary drink sales decreased by 9.6% when compared to a scenario where the tax was not in place.<sup>[78]</sup> This same study was also able to show that overall consumer spending did not increase, contradicting the argument of opponents of the Sugary Drink Tax.<sup>[78]</sup> Another 2017 study results were that purchases of healthier drinks went up and sales of sugary drinks went down, without overall grocery bills increasing or the local food sector losing money.<sup>[79]</sup>

### Philadelphia, Pennsylvania

Democratic Philadelphia mayor Jim Kenney proposed a citywide soda tax that would raise the price of soda at three cents per ounce. At the time, it was the biggest soda tax proposal in the United States. Kenney promoted using tax revenue to fund universal pre-K, jobs, and development projects, which he predicted would raise \$400 million over five years, all the while reducing sugar intake by decreasing the demand for sugary beverages.<sup>[80]</sup> Kenney's soda tax proposal was brought to the national spotlight and divided key members of the Democratic Party. Presidential hopeful Bernie Sanders argued in an op-ed that the tax would hurt the poor.<sup>[81]</sup> His opponent, Hillary Clinton, on the other hand, said that she was "very supportive" of the idea.<sup>[82]</sup> The American Beverage Association (ABA), funded by soda companies and distributors, ran local television, radio, and newspaper advertisements against the idea, claiming that the tax would disproportionately hurt the poor.<sup>[83]</sup> The ABA spent \$10.6 million in 2016 in its effort against the tax.<sup>[84]</sup> The American Medical Association, American Heart Association, and other medical and public health groups support the tax.<sup>[85]</sup>

The Philadelphia City Council approved a 1.5-cents-per-ounce tax on 16 June 2016. As part of the compromise legislation that passed, the tax is also imposed on artificially sweetened beverages, such as diet soda. The law became effective on 1 January 2017.<sup>[86]</sup> It was reported after two months of the tax that Philadelphia supermarkets and beverage distributors are planning layoffs because sugary beverage sales are down between 30 and 50 percent.<sup>[87]</sup>

After the tax took effect, Kenney said it was "wrong" and "misleading" for businesses to pass the tax on to their customers in the form of higher soda prices.<sup>[88]</sup> In February 2017, soda manufacturers and retailers announced sales declines of 30-50% in Philadelphia and announced job cuts and layoffs. Kenny characterized the layoffs as evidence of greed among manufacturers.<sup>[89]</sup> In the first four months of the soda tax \$25.6 million was collected, which is lower than predicted.<sup>[90]</sup> The revenue is intended to pay for a pre-K program (49% of tax revenue), government employee benefits and city programs (20%), and rebuilding city parks and recreation centers.<sup>[91]</sup> A recent study from 2017 found that Philadelphia's tax has decreased sugary beverage consumption in impoverished youth by 1.3 drinks/week.<sup>[92]</sup> Langellier et al. also found that when paired with the pre-K program, attendance increases significantly, a finding that is likely to have longer term positive effects than a sugary drink tax alone.<sup>[92]</sup>

In March 2017, Pepsi laid off between 80 and 100 employees at two distribution plants in Philadelphia and one plant in

nearby Wilmington, Delaware. The company blamed the layoffs on the tax, an assertion rejected by the city government.<sup>[93]</sup>

In September 2016, the American Beverage Association, Philadelphia business owners, and other plaintiffs filed a lawsuit against the soda tax, alleging that the tax violated the "Tax Uniformity Clause" of the state constitution.<sup>[94][84]</sup> The legal challenge was dismissed by the Court of Common Pleas in December 2016, and in June 2017 the Commonwealth Court of Pennsylvania (in a 5-2 decision) affirmed that ruling. The ABA is appealing the decision to the Pennsylvania Supreme Court.<sup>[95][96]</sup>

### San Francisco, California

A one-cent-per-ounce soda tax (Prop V) passed with over 61% of the vote on 8 November 2016 and will apply to distributors of sugary beverages on 1 January 2018.<sup>[97]</sup> Exemptions for the tax include infant formulas, milk products, supplements, drinks used for medical reasons, and 100% fruit and vegetable juices.<sup>[98]</sup> The soda industry spent almost \$20 million in its unsuccessful push to defeat the soda tax initiative, a record-breaking amount for a San Francisco ballot initiative.<sup>[99]</sup>

In 2014, the first referendum on a soda tax, Proposition E, was voted down by San Francisco; the 2014 referendum received the support of 55 percent of voters, short of the two-thirds required for a referendum directing money to a specific item (the referendum proposed directing the revenue raised to children's physical education and nutrition programs, and in San Francisco such earmarking requires a two-thirds vote to pass).<sup>[100]</sup> In that referendum campaign, the soda industry spent about \$10 million in opposition to the proposed tax.<sup>[99]</sup>

### Oakland, California

A one-cent-per-ounce soda tax (Measure HH) passed with over 60% of the vote on 8 November 2016. The tax went into effect on 1 July 2017.<sup>[97]</sup>

### Albany, California

A one-cent-per-ounce soda tax (Prop O1) passed with over 70% of the vote on 8 November 2016.<sup>[97]</sup>

#### Boulder, Colorado

A two-cents-per-ounce soda tax (Measure 2H) passed with 54% of the vote on 8 November 2016.<sup>[97]</sup> The tax takes effect on July 1, 2017, and revenue will be spent on health promotion, general wellness programs and chronic disease prevention that improve health equity, and other health programs especially for residents with low income and those most affected by chronic disease linked to sugary drink consumption.<sup>[101]</sup> The tax is exempted at the University of Colorado, Boulder, campus as school officials survey what types of drinks students wish to have. The University was not aware it would be involved in the soda tax, and would have to pay as much as \$1 million a year to purchase it.<sup>[102]</sup>

#### Cook County, Illinois

A one-cent-per-ounce soda tax passed on November 10, 2016, by a 9-8 vote, board President Toni Preckwinkle breaking the 8-8 tie, of the Cook County Board of Commissioners; Cook County includes Chicago and the county's population is nearly 5.2 million. This was the most populous jurisdiction with a soda tax in the U.S.<sup>[103]</sup> The campaign to introduce the tax was heavily funded by Mike Bloomberg.<sup>[104]</sup>

On June 30, 2017, a Cook County judge granted a temporary restraining order filed by the Illinois Retail Merchants Association and several Cook County-based grocers that prohibits the tax from being put into effect until at least July 12.<sup>[105]</sup> It went into effect on August 2. Due to a conflict with the Supplemental Nutrition Assistance Program, this soda tax does not apply to any soda purchases made with food stamps, used by over 870,000 people.<sup>[104][106]</sup> Controversially, the tax affected diet drinks but not sugar-packed fruit juices.<sup>[104]</sup>

On October 10, 2017, the Board of Commissioners voted to repeal the tax in a 15-1 vote. The tax stayed in effect up until December 1st.<sup>[107]</sup> The tax was highly unpopular and seen mainly as an attempt to plug the county's \$1.8 billion budget deficit, rather than a public health measure.<sup>[104]</sup>

## Portland, Oregon

The Coalition for Healthy Kids and Education is currently campaigning to get a soda tax on the May 2018 ballot. Their aim is to implement a 1.15 cents per ounce tax on sugary drinks. There are 18,000 signatures required by December 15, 2017 in order for the tax to be voted on in May.<sup>[108]</sup>

## Seattle, Washington

On June 5, 2017, Seattle's City Council voted 7-1 to pass a 1.75 cents per ounce tax on sugary drinks that will be paid by distributors; the tax does not include diet drinks.<sup>[109]</sup>

## Scientific studies

Coca-Cola has been under fire since 2015 when emails revealed that funding for scientific studies sought to influence research to be more favorable to soda.<sup>[110]</sup> Research funded by soda companies are 34 times more likely to find soda has no significant health impacts on obesity or diabetes.<sup>[111]</sup>

Taxing soda can lead to a reduction in overall consumption, according to a scientific study published in the *Archives of Internal Medicine* in March 2010. The study found that a 10 percent tax on soda led to a 7 percent reduction in calories from soft drinks. These researchers believe that an 18 percent tax on these foods could cut daily intake by 56 calories per person, resulting in a weight loss of 5 pounds (2 kg) per person per year. The study followed 5,115 young adults ages 18 to 30 from 1985 to 2006.<sup>[112][113]</sup>

A 2010 study published in the medical journal *Health Affairs* found that if taxes were about 18 cents on the dollar, they would make a significant difference in consumption.<sup>[114][115]</sup>

Research from Duke University and the National University of Singapore released in December 2010 tested larger taxes and determined that a 20 percent and 40 percent taxes on sugar-sweetened beverages would largely not affect calorie intake because people switch to untaxed, but equally caloric, beverages. Kelly Brownell, a proponent of soda taxes, reacted by

stating that "[t]he fact is that nobody has been able to see how people will really respond under these conditions."<sup>[116]</sup> Similarly, a 2010 study concluded that while people would drink less soda as a result of a soda tax, they would also compensate for this reduction by switching to other high-calorie beverages.<sup>[117]</sup> In response to these arguments, the American Public Health Association released a statement in 2012 in which they argued that "Even if individuals switch to 100% juice or chocolate milk, this would be an improvement, as those beverages contribute some nutrients to the diet."<sup>[118]</sup>

A 2011 study in the journal *Preventive Medicine* concluded that "a modest tax on sugar-sweetened beverages could both raise significant revenues and improve public health by reducing obesity".<sup>[119]</sup> It has been used by the Rudd Center for Food Policy and Obesity at Yale to estimate revenue from a soda tax, depending on the state, year and tax rate.<sup>[120]</sup>

A 2012 study by Y. Claire Wang, also in the journal *Health Affairs*, estimates that a penny per ounce tax on sugared beverages could prevent 2.4 million cases of diabetes per year, 8,000 strokes, and 26,000 premature deaths over 10 years.<sup>[121]</sup>

In 2012, just before the city of Richmond began voting on a soda tax, a study was presented at a conference held by the American Public Health Association regarding the potential effects of such a tax in California. The study concluded that, given that soda's price elasticity is such that taxing it would reduce consumption by 10–20 percent, that this reduction "...is projected to reduce diabetes incidence by 2.9–5.6% and CHD by 0.6–1.2%."<sup>[122]</sup>

A 2013 study in the *American Journal of Agricultural Economics* concluded that a 0.5-cent-per-ounce tax on soft drinks would reduce consumption, but "increase sodium and fat intakes as a result of product substitution," in line with the Duke University study mentioned above.<sup>[123]</sup>

A 2014 study published in the *American Journal of Public Health* concluded that Sugar-Sweetened Beverages (SSBs) don't have a negative impact on employment. Even though job losses in the taxed industry occurred, they were offset by new employment in other sectors of the economy.<sup>[124]</sup>

A 2016 modelling study estimated that a 20% tax on SSBs would decrease the consumption of SSBs in Australia by 12.6%. The tax could decline the prevalence of obesity in the Australian population, which could lead to gains in health-adjusted life

years. The results showed an increase of 7.6 days in full health for a 20-24-year-old male and a 3.7 day increase in longevity for their female peers.<sup>[125]</sup>

## Proposals

There have been a number of proposed taxes on sugary beverages, including:

- In 1914, U.S. President Woodrow Wilson proposed a special revenue tax on soft drinks, beer and patent medicine after the outbreak of World War I caused a decline in imports and a corresponding decline in credit created by import tariffs.<sup>[126]</sup> This proposed taxation measure was not however linked to the anticipated health outcomes of reduced sugar sweetened beverage consumption.
- In 1994, one of the first instances where the idea of a targeted tax on sugar sweetened drinks with a link to anticipated beneficial health outcomes, was proposed by Kelly D. Brownell, Director of the Rudd Center for Food Policy and Obesity at Yale.
- In a 2009 "Perspective" piece in the *New England Journal of Medicine*, Kelly D. Brownell, Director of the Rudd Center for Food Policy and Obesity at Yale, and Thomas R. Frieden, Director of the U.S. Centers for Disease Control and Prevention, argue for taxing sugared beverages. The authors propose that sugared beverages may be the single largest cause of the obesity epidemic. They state that an excise tax of one cent per ounce would reduce consumption by more than 10%.<sup>[127]</sup>
- Maryland and Virginia are two of 33 states that levy sales taxes on soda. Maryland taxes soda at a rate of 6%, while Virginia's rate is 1.5%. Virginia is also one of six states that impose a state excise tax on soda in addition to a sales tax.<sup>[128]</sup>
- In 2009, the Obama Administration explored levying an excise tax on sweetened beverages as part of health care reform efforts, but the proposal was abandoned after heavy lobbying by the beverage industry.<sup>[129]</sup>
- In 2010, New York State considered a soda tax, however opposition from the soda industry and economists made a strong antitax campaign, spending at least double of the tax supporters, so the plan failed.<sup>[130]</sup>

- In 2012, the City Council of Richmond, California placed the soda tax on the November 2012 ballot along with an advisory measure asking voters how they would like to spend the tax revenue.<sup>[131]</sup> This proposal was rejected by the voters with 67% voting no and 33% voting yes.<sup>[132][133]</sup>
- In the California State Legislature, soda tax proposals have been introduced several times, but have not passed.<sup>[134]</sup> In 2013, California state senator Bill Monning proposed a soda tax,<sup>[135]</sup> but the bill died in committee.<sup>[136]</sup> In 2014, a 1-cent-per-ounce statewide soda tax was proposed in the legislature, but was defeated amid opposition by the California Beverage Association, a business lobbying group.<sup>[137]</sup> In 2016, Assemblymen Richard Bloom and Jim Wood introduced a bill to create a "health impact fee" of 2-cent-per-ounce on sugary drinks, with the revenue collected from the tax to go toward programs for making drinking water safe, promoting oral health, and preventing obesity and diabetes.<sup>[137]</sup> However, the proposal again faced strong opposition from industry groups, and the bill's proponents withdrew the proposal without a vote after it became clear that it lacked the votes to pass.<sup>[134]</sup>
- In June 2013, the city of Telluride, Colorado proposed a penny-per-ounce soda tax;<sup>[138]</sup> however, it was rejected in November, with 68% of voters voting against it.<sup>[139]</sup>
- In July 2014, U.S. Representative Rosa DeLauro of Connecticut, proposed a national soda tax bill in the House of Representatives.<sup>[140]</sup>
- In November 2014, voters in San Francisco and Berkeley, California voted on soda tax ballot measures.<sup>[141]</sup> The measure was approved in Berkeley<sup>[142]</sup> and received 55% of the vote in San Francisco, which was short of the needed 2/3 supermajority.<sup>[143]</sup>
- In November 2016, Santa Fe began considering a tax on all sugar-sweetened beverages, including soda, sports drinks, and iced tea, to fund early childhood education.<sup>[144]</sup> However, voters rejected the proposal in a May 2017 special election.<sup>[145]</sup>

## Public support

A 2016 poll by Morning Consult-Vox finds Americans split on their support of a soda tax.<sup>[146]</sup> Attitudes seem to have shifted

a lot since 2013 when a poll concluded that "respondents were opposed to government taxes on sugary drinks and candy by a more than 2-to-1 margin."<sup>[147]</sup> In California, however, support for a tax has been high for a few years. According to a Field Poll conducted in 2012, "Nearly 3 out of 5 California voters would support a special fee on soft drinks to fight childhood obesity."<sup>[148]</sup> Support for a soda tax in New York was higher when pollsters say the money will go towards health care. A Quinnipiac University poll released in April 2010 found that New Yorkers opposed a state tax on soda of one penny per ounce by a 35-point margin, but opposition dropped to a margin of one point when respondents were told the money would go towards health care.<sup>[149]</sup> A Thompson Reuters poll released in the same month found that 51 percent of Americans opposed a soda tax, while 33 percent supported one.<sup>[150]</sup>

## Lobbying

Fighting the creation of soft drink taxes, the American Beverage Association, the largest U.S. trade organization for soft drink bottlers, has spent considerable money lobbying Congress. The Association's annual lobbying spending rose from about \$391,000 to more than \$690,000 from 2003 to 2008. And, in the 2010 election cycle, its lobbying grew to \$8.67 million. These funds helped to pay for 25 lobbyists at seven different lobbying firms.<sup>[151]</sup>

An industry group called "Americans Against Food Taxes," backed by juice maker Welch's, soft drink maker PepsiCo Inc, the American Beverage Association, the Corn Refiners Association, McDonald's Corporation and Burger King Holdings Inc used national advertising and conducted lobbying to oppose these taxes.<sup>[152]</sup> The group has characterized the soda tax as a regressive tax, which would unfairly burden the poor.<sup>[153]</sup>

## Arguments against the sugary drinks tax

- The criteria on what drinks are taxed may not include equally bad substitutes like fruit juice, energy-dense snacks and biscuits.<sup>[154]</sup>
- The tax is regressive since consumers on lower incomes will be more negatively impacted by higher prices than consumers on higher incomes.<sup>[154]</sup> This regressive effect of the sugary drinks tax can be counteracted if the collected tax

revenue is used to subsidize healthier foods.<sup>[155]</sup>

- Cross-border shopping can also be an easy way out for consumers to not pay the tax as they will buy sugary drinks from areas where they are not taxed.<sup>[154]</sup>

## Various Island Nations and Territories

Island nations and territories have been successful in passing soda taxes. Just like with tobacco taxes, smaller communities are often the first to pass a new type of tax.<sup>[156]</sup>

### Barbados

Barbados passed a soda tax in 2015.<sup>[157]</sup>

### Fiji

Fiji has an import tax and an excise tax on soda.<sup>[158]</sup>

### French Polynesia

French Polynesia implemented taxes on soft drinks in 2002.<sup>[158]</sup>

### Mauritius

Mauritius passed a soda tax in 2013.<sup>[159]</sup>

### Nauru

Nauru implemented a soda tax in 2007.<sup>[158]</sup>

## Samoa

Samoa passed a soda tax in 1984.<sup>[158]</sup>

## St Helena

In March 2014, the government of the island of St Helena, a British Overseas Territory in the South Atlantic, announced that it would be introducing an additional import duty of 75 pence per litre on sugar-sweetened carbonated drinks with more than 15 grams of sugar per litre.<sup>[160]</sup> The measure was introduced in May 2014 as part of a number of measures to tackle obesity on the island and the resulting high incidence of type 2 diabetes.

## Tonga

Tonga has a soda tax.<sup>[161]</sup>

## See also

- Meat tax
- Fat tax
- Tobacco tax
- Pigovian tax
- Sin Tax
- Liquid Candy
- List of countries by Body Mass Index (BMI)

- Sugary Drinks Portion Cap Rule

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## External links

- Rudd Center for Food Policy and Obesity at Yale University
- UNESDA Industry Opinion on a Soda Tax
- *Ounces of Prevention – The Public Policy Case for Taxes on Sugared Beverages* : "Perspective" piece in the *New England Journal of Medicine*, by Kelly Brownell and Tom Frieden
- *Want a Healthier State? Save Gov. Paterson's Tax on Sugar Soda* : Op-Ed in the *New York Daily News*, by Kelly Brownell
- *Rudd Report on Sugar-Sweetened Beverage Taxes: An Updated Policy Brief* : by the Rudd Center for Food Policy and Obesity at Yale

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Last edited 18 hours ago by an anonymous user

*1-22-18* Placed Before Meeting Received at Meeting

My name is David Shen and I live on Churchill Ave.

Last November near Thanksgiving, I heard about the project to upgrade Caltrain and the desire to upgrade the intersections that cross Alma and train tracks.

I would like to express my extreme disappointment at the communications to the community on this initiative. I found out after 2 meetings had already taken place, but managed to attend 2 following meetings.

I would urge the Council to direct staff working on this project to expand and improve community communications.

I also would like to comment that the meetings we had with staff were inadequate. I felt that the activities and questions they asked us to answer were leading and suggested that a direction was preferred already. The options that were discussed were also not broad enough to include all options and left out, without explanation, some obvious options.

I would urge the Council to direct staff to improve meetings with the community to better inform, involve, and not raise unnecessary anxiety.

On the note regarding raising unnecessary anxiety, I would request that the Council come to some clear direction regarding Churchill in an efficient, informed, and timely manner and not delay it.

On the note regarding being informed, I would urge the Council to perform better, more complete, and accurate research on the costs and

options. I personally reviewed the latest Circulation study and found it to be lacking and inaccurate in many areas. Others have reviewed the latest Financial study and found similar issues.

In addition, our community has been having meetings and has come up with some guiding principles and a position on what to do with the intersection at Churchill and Alma.

I would urge the Council to adapt these guiding principles when considering options to pursue:

1. Highest ROI on invested dollars and maximum use of existing infrastructure;
2. Making pedestrian and bicycle safety the highest priority;
3. Maintaining community neighborhoods' integrity;
4. Ensuring no eminent domain seizure of homes.

Our position on grade separation is:

1. We support any raised or lowered rail option while keeping Churchill at grade;
2. We are opposed to any raised or lowered option for Churchill Road, especially when considering the advantages of other options;
3. As an alternative to either mentioned, we also support keeping the Churchill Ave crossing at-grade but closing it on the West side, and implementing other measures to improve East-West traffic and improve pedestrian and cyclist safety and access.

Thank you.

RETURN ADDRESS:

Anna Markesky  
1240 Channing Ave.  
Palo Alto, CA 94301

I support Castilleja's proposal to increase enrollment and modernize its campus because... I love to learn and the new campus will create more opportunities for students. It's important for girls to get a good education so we can make the world a better place.



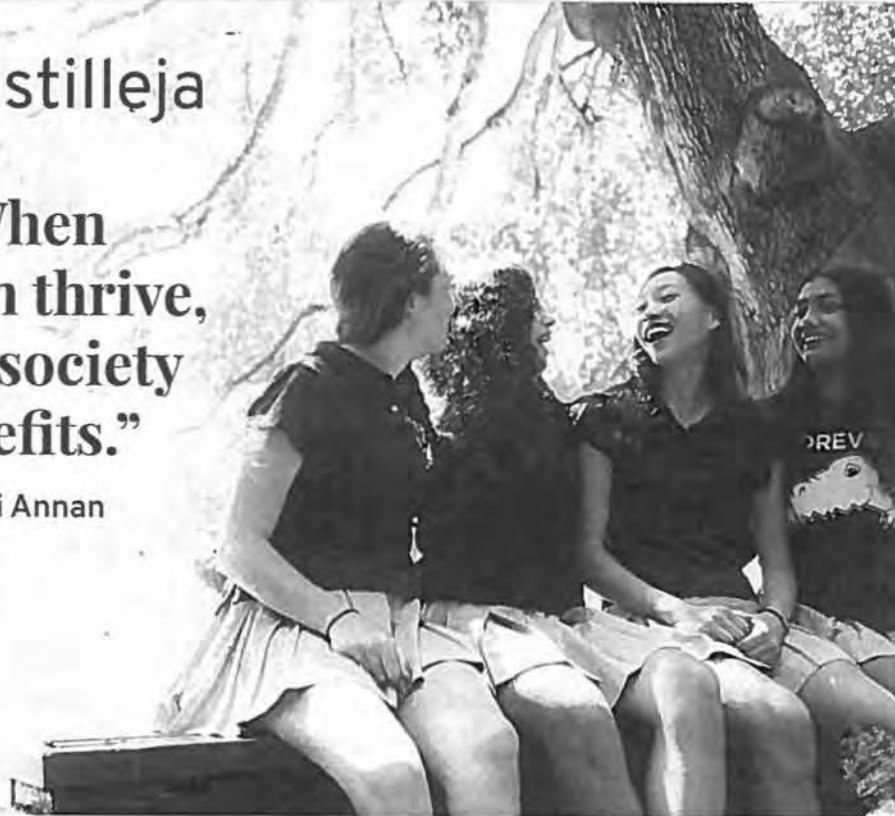
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 Castilleja

**“When  
women thrive,  
all of society  
benefits.”**

- Kofi Annan



RETURN ADDRESS:

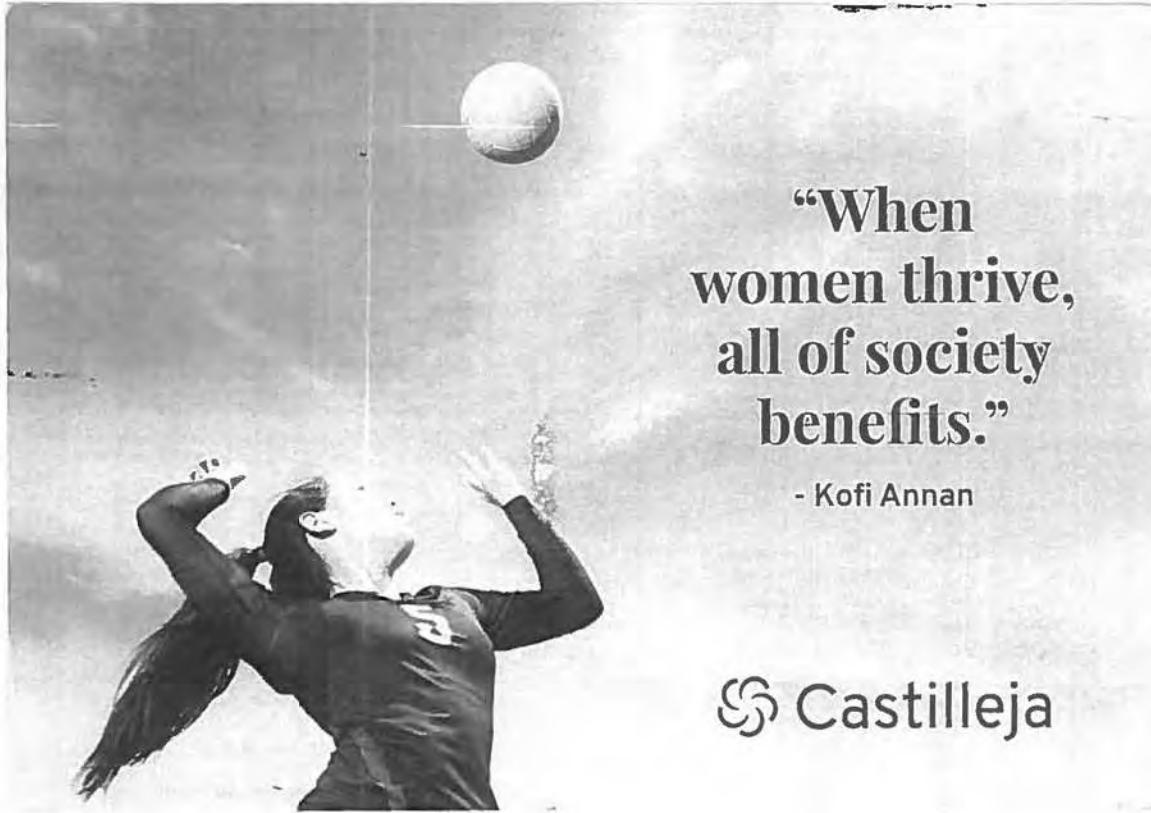
Eugenie Var Wyne  
1240 Channing Ave.  
Palo Alto, CA 94301

I support Castilleja's proposal to increase enrollment and modernize its campus because...

Our community will benefit from more girls having a Castilleja education that prepares them for leadership positions in an increasingly complex world. Updated facilities that leverage new technologies, foster collaboration and provide hands-on learning opportunities enhance the student experience.



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**“When  
women thrive,  
all of society  
benefits.”**

- Kofi Annan

Castilleja