DOCUMENTS IN THIS PACKET INCLUDE:

LETTERS FROM CITIZENS TO THE
MAYOR OR CITY COUNCIL

RESPONSES FROM STAFF TO LETTERS FROM CITIZENS

ITEMS FROM MAYOR AND COUNCIL MEMBERS

ITEMS FROM OTHER COMMITTEES AND AGENCIES

ITEMS FROM CITY, COUNTY, STATE, AND REGIONAL AGENCIES

Prepared for: 9/10/2018

Document dates: 8/22/2018 – 8/29/2018

Set 1

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

Brettle, Jessica

From: Karen Porter <porter.k10@gmail.com>
Sent: Monday, August 27, 2018 1:54 PM
To: Council, City
Subject: 2018 Zero Waste Plan on 8/27/18 Agenda

Dear Council,

The City's "Zero Waste" objectives are laudable, and the proposed plan includes many good ideas. I have two comments that I ask you to consider.

1) Require more transparency re final disposition of blue-container recyclables, e.g., where and how plastic, glass, paper, etc. are transported after sorting at GreenWaste's facilities and how they are recycled and re-used; and

2) Require analysis and planning to develop a waste-to-energy facility (anaerobic digester or other technology) to process yard waste, food and other compostables on site of the former dump near Byxbee park that voters set aside in 2011 for this purpose; this will avoid having to truck green waste miles down the freeway and pay someone else to process, can produce biogas energy, and can provide a local compost source (the new sewage sludge plant is a good start but not a complete solution).

Thank you,

Karen Porter
Greer Road, Palo Alto

Brettle, Jessica

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Thank you,

Karen Porter
Greer Road, Palo Alto

Brettle, Jessica

From: Wendy Hopfenberg <wendyhop@sbcglobal.net>
Sent: Sunday, August 26, 2018 8:03 PM
To: Council, City
Subject: Support for Request to Modify 2018 Zero Waste Plan and GreenWaste Contract Negotiations

Dear Council Members,
I fully support Bob Wenzlau's thoughtful letter below for council consideration. I was concerned to learn of some of the endpoints for all our tremendous efforts toward recycling assuming it was all for good ends.
Thank you,
Wendy Hopfenberg

---------- Forwarded message ----------
From: **Bob Wenzlau** <bob@wenzlau.net>
Date: Sun, Aug 26, 2018 at 1:34 PM
Subject: Request to Modify 2018 Zero Waste Plan and GreenWaste Contract Negotiations
To: "Council, City" <city.council@cityofpaloalto.org>

Honorable Council Members,

I request that you amend Item 9237 "Acceptance of the 2018 Zero Waste Plan" now on the consent calendar for August 27, 2018 to make the following important adjustments:

1. Council should insert into the proposed upcoming negotiations with GreenWaste a contract amendment to audit and report on the disposition of recovered materials within six months in order to validate cradle-to-grave whether the disposition of diverted materials are acceptable to environmental and social norms.
2. Council should request an update within six months to the Zero Waste plan that corrects diversion rates in order not to accept as "diverted" any waste materials where the management falls short of environmental or social norms.

As the press has reported, China no longer accepts our papers or plastics driven primarily by the high levels of contamination. Countries like Vietnam, Indonesia and India have become the new receiving destinations. Recently Vietnam stopped receiving after becoming glutted. "One-dollar-a-day" workers in developing countries hand-sorting contamination from our separated paper and plastic is expected by GreenWaste. Ecology Action of Berkeley recently reported that bales of paper and plastic are now incinerated or dumped in the sea. As the recycling service for the City of Berkeley, they cleverly placed GPS trackers inside bales and tracked their fate.

Our recovery facility GreenWaste does not audit the final disposition of recovered materials, and instead is grappling with the flow to keep materials flowing after the collapse of the Chinese market. We basically do not know where our materials go and the conditions along the way.

A this time we do not know the fate of nearly 50% of our diverted recovered materials - the paper and plastics - and this must be factored into both our future contract with GreenWaste to

close this knowledge gap, and then into our Zero Waste Plan to reflect the findings of any audit of the disposition of waste, and then plan accordingly.

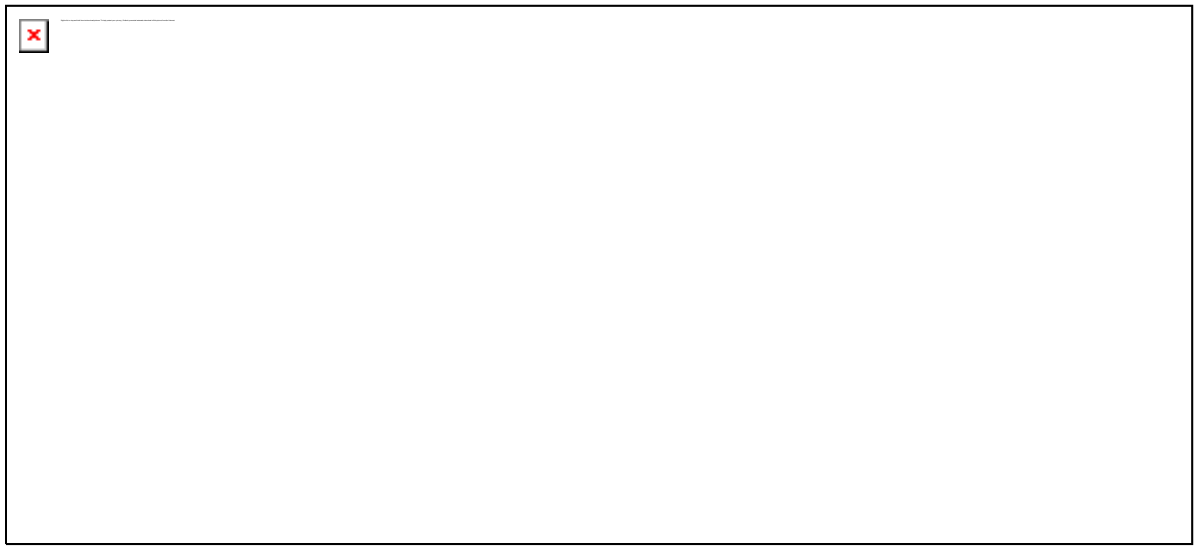
GreenWaste Contract Negotiation. As stated above, please modify the contract negotiation with GreenWaste to close the knowledge gap the disposition of materials "cradle-to-grave" monitoring any processing step for environmental and social impact as they finally arrive to end use. This is properly a duty of our contractor that represents proper environmental and social management of Palo Alto's diverted materials.

For example, the current practice in a foreign country could include several steps: the mixed paper might be hand sorted to remove contaminants, then be processed to make a paper pulp, then the pulp ingested to make a consumer paper product. Environmental and social monitoring would be appropriate at each step. While the economic circumstances of developing economies are different, there are minimal work conditions that Palo Alto must require GreenWaste prove. Equally, environmental measures must be shown to be acceptable. Our recovered paper and plastic should not be burned in dirty incinerators, dumped at sea, or be processed where water pollution is generated. International norms already developed in the garment and e-waste that should be extended to material diversion.

GreenWaste would trigger an audit upon selection of a new destination of our materials, and occur annually thereafter. While GreenWaste would reasonably claim that the knowledge of destination is a business asset providing competitive advantage, these concerns can be mitigated with third party auditors and nondisclosure agreements. This obviously would be easier as other customers of GreenWaste would demand the same, and as this became a norm in our state. However, Palo Alto can take the lead here.

Zero Waste Plan. While it is likely prudent to adopt the update to the Zero Waste Plan, I would request that an update be generated concurrent with the findings about the fate of our waste. There is urgency if our wastes are in fact being handled in a manner that would not meet our standards for environmental and social justice. Some of the repercussions to the Zero Waste Plan are as follows:

1. **Adjust our Zero Waste performance to be true to the actual fate of the recovered materials.** If paper or plastics are burned or dumped in the sea, this does not constitute zero waste. We must have a ZW plan that rather than showing a line always tipping to greater recovery, is in fact valid to environmentally sound disposition of these materials. A chart below shows where we might be if the outcome is that our current materials are not actually being recovered.



2. **Inform our community of what is not recyclable so we can adjust our purchasing and sorting.** For example, single film plastic (salad bags etc.) now are 10 percent by weight of the municipal stream, and these are waste - they are not recycled. We tell residents to put them in the blue bin, but the fowl the recovery operations as well as have a disposition as waste. Our communication and zero waste performance must match what is actually being recovered.
3. **Work with our Assemblyman Berman to ask that all recovery operations validate the end use of validated and environmentally sound management.** This must affect all communities and all businesses operating. Now the “markets” are proprietary and hidden. Staff certainly should lift this issue up to neighboring communities also using the same facility for processing our blue bin ingredients.
4. **Begin collaborating with our region to develop alternative processes for plastics and waste papers.** The days of relying on global markets may have ended. Unfortunately the scale of our waste production will likely demand a strategy of energy recovery. In our sister cities like Linköping, we have seen efficient recovery systems that generate heating and electricity.
5. **Adjust our climate action plan to reflect the reality of our current waste management system**. We should not have a climate report that does not factor the footprint of our diverted materials.

I am confident that given the direction to Staff they can return with a valid zero waste plan as this is a value our community holds. I appreciate all of Staff's interest and support on this topic, but equally I felt a role as a community member to push an issue that had not been adequately highlighted.

I hope you will consider these thoughts.

Sincerely yours,

Bob Wenzlau

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Bob Wenzlau
bob@wenzlau.net
650-248-4467

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Brettle, Jessica

From: herb <herb_borock@hotmail.com>
Sent: Sunday, August 26, 2018 5:39 PM
To: Council, City; Clerk, City
Subject: August 27, 2018, Council Meeting, Item #7: Animal Shelter Operating Agreement with Pets in Need

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

August 27, 2028

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

AUGUST 27, 2018, CITY COUNCIL MEETING, AGENDA ITEM #7
ANIMAL SHELTER OPERATING AGREEMENT WITH PETS IN NEED

Dear City Council:

The City of Palo Alto and Pets in Need have different objectives.

The City's objective as stated in the first paragraph of the first page of the staff report (ID #8778) under "Background" is to "provide animal control and sheltering services for the purpose of ensuring the safety of people and animals, providing for the proper care and sheltering of abandoned or neglected domestic animals, licensing domestic animals and providing humane disposal of animals when necessary."

"The mission of Pets In Need is to advance the no-kill movement, reduce pet homelessness, and find every dog and cat a loving home ... by rescuing cats and dogs from public shelters in the Bay Area and beyond when they are in danger of being euthanized due to space or financial limitations." (http://www.petsinneed.org/our-story/)

You need to ensure that any City funds spent for the proposed Animal Shelter Operating Agreement with Pets in Need is for the purpose of the local Palo Alto objective of fulfilling the State of California requirement for cities and counties stated above, and not for Pets in Need's narrow mission that is for "the Bay Area and beyond".

Animal control is a general government function. It is misleading to describe General Fund money used for the animal control as a "subsidy".

The General Fund money used for the Airport is a subsidy, but I have never seen staff describe that transfer of funds as a subsidy, although the

transfer of money from the General Fund to the Airport benefits a smaller number of users, most of whom are not from Palo Alto, than the General Fund money used for the Animal Shelter that benefits all Palo Alto residents whether they own a pet or not, except for services to residents of Los Altos and Los Altos Hills that are paid for by those government agencies.

When did the City issue Honda a Conditional Use Permit for the lease of City-owned land zoned PF?

When did the Architectural Review Board review the parking lot design for Honda's parking lot on City-owned land zoned PF?

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

Brettle, Jessica

From: Suzanne Keehn <dskeehn@pacbell.net>
Sent: Monday, August 27, 2018 3:30 PM
To: Council, City
Subject: Animal Shelter

To our City Council,

I hope you will approve of the partnership with Pets in Need to keep our animal shelter. Working together does save quite a bit of money. Also Pets in Need is an organization, a caring and well run organization, with a very long track record. I believe it is a Win Win for our city. We need a full service animal shelter in the mid-Peninsula.

Suzanne Keehn,

4076 Orme St.
94306

Brettle, Jessica

From: IdaRose Sylvester <idarose@siliconvalleylink.com>
Sent: Monday, August 27, 2018 11:43 AM
To: Council, City
Cc: Hwangbo, Sachi; Washington, Jeannette; Macartney, Cody
Subject: The Time is NOW: Palo Alto Animal Services + Pets in Need

Dear Palo Alto City Council

I urge you to move forward tonight on the Palo Alto Animal Services + Pets in Need partnership.

I am a Mountain View resident, impacted over the last seven years by Mountain View's move to SVACA. I am also an active PAAS volunteer, having fostered over two dozen kittens in the last year, and have adopted several of my wonderful animals from PAAS.

As a Mountain View resident, the service I have received as a Mountain View resident from SVACA during time sensitive emergencies has been bad over the last seven years. When I reported a dog locked in a hot car, I was told it would take hours for someone to arrive, which was way beyond the time the dog would survive. When I reported a coyote kill in the middle of the road, so that the public hazard could be cleaned up, and the poor pet scanned for a chip, I was told that they would "try" to roll a truck that day, and it was only noon. Perhaps because Mountain View sits at the edge of the territory, or perhaps because the agency hasn't expanded staff adequately to absorb a new city, we do not get what we need in the moment of extreme need.

As a volunteer, PAAS runs an exemplary program that values the LOCAL community. PAAS supports its service district children doing community service, Scouts doing major projects, retirees who want to give their time but would be burdened by driving far, and the other local community members who care about our animals, and people, in OUR area. The closeness of the shelter enables local community involvement, and the staff is incredibly dedicated to accepting a wide range of volunteers, creating a win win situation for both sides.

As an adopter, I have noted the incredible personalized attention PAAS gives pets. PAAS knows each animal, and works hard to make the best match between adopter and pet. PAAS also does remarkably well with "special needs" pets, never giving up on older pets, those with handicaps, or even those who need to be adopted in groups. Our community benefits from the attention and care only a shelter for our community can do.

I have had the pleasure to meet the Pets in Need team, and they are dedicated, incredibly experienced in shelter management, and passionate about working with PAAS to support our community. The fit is right, and the time is NOW to act to move this agreement forward.

Thank you,

IdaRose Sylvester
Mountain View resident

Carnahan, David

From: Jo Hamilton <johamilton46@icloud.com>
Sent: Thursday, August 23, 2018 12:18 AM
To: DuBois, Tom; Filseth, Eric (Internal); Fine, Adrian; Holman, Karen; Kniss, Liz (internal); Kou, Lydia; Scharff, Gregory (internal); Tanaka, Greg; Wolbach, Cory; Council, City
Subject: Palo Alto Animal Shelter

To the members of the Palo Alto City Council

Hello. My name is Jo Hamilton. Although I am not a Palo Alto resident, I have had over 20 years of experience working closely with both Palo Alto Animal Services (PAAS) and Pets in Need (PIN) as a member through the years of several rescue groups. I am also a recipient of the Jefferson Award from KPIX TV. I write because I feel that having PIN take over from PAAS would be a huge disservice for the animals and the residents in Palo Alto, and surrounding communities and because I think the City Council has not been made fully aware of all the ramifications of the decision of PIN taking over PAAS.
For reasons I will explain below, I believe that Palo Alto would lose these services if the operation of Animal Services were turned over to PIN:

- the low cost spay/neuter clinic that cares for animals in a timely manner. Any rescue group, especially at this time of the year, is overwhelmed with baby animals, especially kittens. Before these young animals can be adopted, all the rescue groups, as well as the larger shelters, require that the animals be spayed and neutered. There is a 6 to 8 week wait to get an appointment for spay/neuter if you can get through to a person at PIN. That is too long a wait time for rescue animals especially kittens. People are looking to adopt animals when they are little and cute. PAAS is wonderful about working with rescue groups to get the animals spayed and neutered as expeditiously as their schedule permits.

Rescue groups are not the only beneficiaries of the low cost spay/neuter clinic and the Wednesday vaccination clinics. The low income residents in the area want to protect their pets too but going to a veterinary hospital is often cost prohibitive. I called a couple of pet hospitals in the area and found the cost of a dog spay ranges from $500 to over $900 and there would be an office visit (between $60- $80) as well. Most people want to be responsible and not allow their animals to bring unwanted animals in to the world but they can't afford the vets prices.

Feral cats are also beneficiaries of the PAAS spay/neuter clinic. The shelter program helps keep the feral cat population under control. PIN does not spay/neuter feral cats. I called and asked. All the rescue groups are fighting every year to rescue, and find homes for kittens born to feral Moms and to TNR (trap,neuter and release) the adults. Female cats can have up to 3 litters averaging 2 to 4 kittens per litter per year. Feral cats help keep the rodent population in check. Imagine the population explosion if the feral cats are not spayed or neutered in a timely manner.

- taking in and caring for all kinds of animals (not just dogs and cats) that are strays or owner-surrenders that come to their doors. PIN does not accept stray animals, owner surrenders, or animals that had previously

been adopted from PIN, as their phone message states. Rabbits, guinea pigs, rats, birds are never accepted at PIN. They are sent to PHS. or somewhere else as long as they become someone else's problem.

- the low cost vaccination clinics every Wednesday Noon–1:00, where people are lined up out the door. On Wednesday, June 20th, the vaccination clinic saw at least 35 people with their animals for low cost vaccinations and lasted much longer than the one hour that was scheduled. I know because I was there! PIN has never offered such a program.

I also know that PAAS shelter staff have made upgrades to the shelter (eg the dog play yard and the rabbit cages) and for the animals, out of their own pockets or from citizens' donations because the city manager wouldn't budget funds.

As a rescue person, I am a long-time, active user of PAAS' spay/neuter clinic, the low cost vaccination clinic and we've also worked with PAAS to help long term shelter dogs who were being overlooked at the shelter find their family at our Adoption Fairs. Look at the pictures on the highlight wall. Several are the result of the co-operation between our rescue group and the shelter. Many dogs have been rescued from other overcrowded shelters where they would have been euthanized. We count on those services that PAAS currently provides. We are not the only rescue group in this position. All these services will be gone if PIN takes over the shelter.

I have worked with Pets In Need which is a private adoption agency with a shelter building. They have to report to no one in the community about what they do, what animals they help and don't help or what they do with those animals. I know people who have brought animals to Pets In Need because they can no longer care for them or that they found wandering the streets, only to be told they had to take them to Peninsula Humane Society because PIN doesn't take "stray" animals or "owner surrender" (even if originally adopted from PIN!). They "cherry pick " the most adoptable dogs and cats from shelters so their adoption stats look good and all the others "be damned". What about all the other animals, rabbits, birds, ducks, turtles, snakes, etc. that Animal Services cares for but PIN doesn't accept? Will they just be euthanized, rereleasted, shipped out of the county to be someone else's problem?

For quite a while, local shelters were not releasing animals to PIN because of PIN's unhealthy medical practices such as bringing in animals and mixing them with the general population without an isolation period. I know of at least two outbreaks of distemper within PIN where many dogs died needlessly. No dogs would have died had all the dogs in PIN been vaccinated for distemper before the sick dogs had arrived or if the incoming dogs had been in isolation for two weeks before joining the general population. PIN calls itself a no-kill shelter but that is not true—talk to the vets. They have euthanized for space.

As a member of a rescue group, I went into PIN to get a copy of a spay certificate for a dog who had been spayed at PIN and was subsequently surrendered to us. Had I called on the phone as I had done several times earlier, I would still be waiting. The staff had no way of finding the spay certificate except by manually going through binders, page by page to find the name of the animal. None of the community spays had been entered into a computer data base. Not having those records accessible electronically in this day and age is unforgivable. After at least an hour, the certificate was found. I asked for a copy of the doctor's notes about the surgery. I was told that they would have to ask the doctor. I'm still waiting. What were they trying to hide by not releasing the surgical notes?

I have sat and watched with the hopes that the members of the City Council would come to realize that having PIN take over the PAAS shelter would be a dreadful mistake both for the City and the animals it has been serving. Residents of Palo Alto have said they want the shelter to continue but that will not continue if PIN takes over. PAAS will become an extension of the ineptly run private business of Pets In Need.

I met a woman on the Palo Alto City Council just outside The Pet Place recently. We got to talking about animals and she told me about the plans for PIN to take over PAAS. She said PAAS was never open on Saturday and Sunday because they couldn't afford to open it on the weekends. She was in total disbelief when I told her the shelter is open every Saturday except holidays, and has been for years. She had no idea that the shelter did the low cost vaccination clinics every Wednesday from Noon–1pm (and usually longer because so many people came). She said PIN was the only applicant who came forward to take over the shelter [as if that was a really good reason to turn the shelter over to a less than responsible, knowledgeable business]. If the only applicant who came to look after your children was a homeless, drug addict who had been convicted of theft and neglect, would it be okay to leave your children with that person? I'm sure you would say "No!" Then why is it acceptable to turn over the care and wellbeing of the four-footed residents of Palo Alto to a less than competent private business because they were the only ones who applied when the residents of the community have said that they wanted the Animal Services to continue?

That same Council member told me that everyone she had spoken to had said how wonderful it would be to have PIN running the shelter. I know there were many people who spoke at the Council meetings and with messages on line and articles in the newspaper in 2016 and 2017 to say what a mistake turning PAAS over to PIN would be. How can someone who is unaware of the workings of PAAS, who obviously did not attend Council meetings or read the minutes of those meetings or read the newspaper, vote on its future? How many other council members are misinformed about PAAS?

I have watched Jim Keene, Palo Alto city manager, work diligently for at least the past six years to close the shelter because it "costs too much to operate." I have watched as he collected his six-figure salary while never putting a line item in any of the last (at least) six city budgets for upgrades and improvements to the Animal Services facility, and very little for maintenance and salaries, or to replace staff. I have watched him come in at successive Council meetings with larger and larger amounts the shelter was costing the City because the previous amount didn't sway the Council members to close the shelter. Meanwhile he brought no ideas or did he work to find other ways to reduce costs and made no effort to work with other cities to share the costs. I have watched as this same person accepted pay raises for himself and his staff and hand out thousands of dollars for a mobile home park for low-income residents, the Children's Museum and Zoo, to help fund a workforce housing project and to remodel the City Council Chambers. I understand he found $60,000 for Pets In Need to do a feasibility study. Those funds could have been used to get new contracts with neighboring cities and to upgrade the shelter. PIN asked for at least $5 million from Palo Alto to renovate the shelter. Now $3 million dollars is being set aside for affordable housing. But he couldn't find the funds to help the shelter due to contracts that he allowed to lapse and didn't put any real effort into restoring them and making PAAS the shining star of the city that it should be.

Why is a city manager who left his last two positions under the cloud of withholding and manipulating pertinent information from the people he was serving, being allowed to force the destruction of such a valuable city

service? For one of the richest cities in the Bay area, to allow this to happen is a travesty and the Council members should be embarrassed.

Pets In Need is **not** up to the task of (and is frankly not interested in) providing many essential services that Palo Alto Animal Services provides. Turning over Animal Services' operations will likely result in many animals being shuffled off to other agencies, euthanized or worse. And it need not be so: at least some council members are perhaps unaware of the number and level of services offered by PAAS, of the low quality of work done by PIN and of the possibility of contracting with neighboring cities. PAAS is a city service just like roads and housing and I urge the Council to give it the place it deserves when prioritizing funds. It's not too late to do right by the animals!

Sent from my iPad

Brettle, Jessica

From: Bridget Mckenna <bridgetofthebridge@gmail.com>
Sent: Monday, August 27, 2018 9:55 AM
To: Council, City
Subject: A Anti- displacement ordinance

Hello my name is Bridget Duffy, journalist and political candidate. I have been chronicling an unfolding humanitarian crisis, in regard to unreasonable, unjustifiable and inhumane rent increases and no fault evictions in San Mateo County, currently the richest county in the U.S., and the most expensive place to rent.

It is now common that hard working, law abiding, tax payers are sleeping under bushes and living out of their cars while property owners make unprecedented profits off of their properties, many of which were confiscated from the public during the '08 financial crisis, which was entirely man made and proven to be criminal.

This is a civil rights issue now.

Public officials have been acting in defense of private property rather than defending the rights of citizens, in violation to the oath they have taken to defend the constitution, which clearly does NOT mention any obligation to protect private sector profits.

It is my suggestion that law makers simply do the job they signed on to do, defend the public's right to life, liberty and the pursuit of happiness, all of which starts with a safe, secure, place to live.

The Anti- displacement Act does not infringe on private property rights. It simply states that rent increases and no fault evictions that imperil civilians lives or livelihoods, by causing displacement, will not be backed up legally by the law.
It doesn't tell property owners what they can or can not do, it just indicates that the state will not be backing up the landlords legally anymore (in such cases that apply), thus stemming the tide of homelessness, a condition caused directly by aggressions rent increases and no fault evictions.

We live at a precipice. On one side is a revived and inclusive republic. On the other side a heartless empire. Which side are you on?
Those among us now, you and I, will determine how this story ends. Many people have died and bled for this Republic, won't you use the authority given to you, to please, please help us, the citizens, we are lost and dying for lack of affordable shelter.

Sent from my iPad

Brettle, Jessica

From: Peter Brewer <peter@brewerfirm.com>
Sent: Monday, August 27, 2018 9:58 AM
To: Council, City
Subject: AGAINST Just Cause Eviction and Mandatory Relocation Payments

I regret that I am out of town and unable to attend this evening's meeting. I would like to express my opposition to the proposed Just Cause Eviction and Mandatory Relocation Payment ordinances. Please don't let Palo Alto become the next Bezerkley. Nothing in our democracy was intended to attempt to make all persons' lifestyles and living accommodations equal. Some people work hard, get educated, and apply themselves with vigor. Those persons should enjoy the rewards of their hard work and ambition. The Government should not attempt to bestow equality on those who have not contributed equally. That is no way and nowhere the job of the Government. Peter Brewer

Peter N. Brewer, Esq.
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Real Estate Law – From the Ground Up®

Brettle, Jessica

From: Pilar Lorenzana <pilar@siliconvalleyathome.org>
Sent: Monday, August 27, 2018 2:46 PM
To: Council, City
Cc: Lait, Jonathan; Clerk, City
Subject: Re: Agenda Item 8: Consideration and Adoption of an Ordinance and Emergency Ordinance
Attachments: SVH_Letter_Final.pdf

Dear Mayor Kniss, Vice Mayor Filseth, and Councilmembers DuBois, Fine, Holman, Kou, Scharff, Tanaka, and Wolbach:

We write today to urge the City **Council's support for the staff recommendation to adopt an urgency ordinance** that covers evictions and tenant relocation assistance. In addition to taking swift action to adopt an urgency ordinance this evening, we respectfully request that the Council set the stage future conversations around the following potential strategies:

- **Incorporate a grace period.** The ordinance should include a meaningful grace period prior to residents' being evicted to provide families ample opportunities to find commensurate housing in a severely constrained housing rental market.
- **Project size threshold.** We urge the Council to consider expanding applicability of the ordinance to residential developments of 10 units or more – a threshold reflected in ordinances in neighboring jurisdictions.
- **Conversion ordinance.** We urge the Council to consider adopting a conversion ordinance to define a process and expectations prior to the conversion of multi-family residences from rental to ownership or from residential to non-residential uses.

SV@Home is a nonprofit housing policy and advocacy organization dedicated to creating affordable housing opportunities in the high-cost Silicon Valley. We know that as a region we are not producing enough new homes to meet demand, and that the resulting undersupply of housing is responsible for rising rents, displacement, and gentrification. But we also know that even as we add units, we are losing them. Two steps forward, one step backwards.

The urgency ordinance was precipitated by the proposed conversion of the President Hotel Apartments from residential use to a luxury boutique hotel, an action that will eliminate 75 naturally affordable homes in the heart of Palo Alto. The increased relocation payments proposed in the ordinance are a step up from the current situation faced by the tenants. As we have heard directly from those impacted, this conversion will cause major hardship as they seek to find affordable options in one of the most expensive housing markets in the nation.

This is just the latest proposal to cause displacement. Palo Alto recently took action to avoid the potential loss of the Buena Vista Mobilehome Park, which is home to 400 residents. Having policies in place to protect residents from displacement and to adequately compensate those who eventually are displaced is critically important. Palo Alto does not have a significant source of affordable housing. Every affordable and naturally affordable home should be protected.

We urge you to act tonight to preserve and protect vulnerable rental households and communities and we look forward to working with you in the coming days and weeks to strengthen and improve tenant protections in the City.

Thank you for your consideration.

Sincerely,

Pilar Lorenzana
Deputy Director
pilar@siliconvalleyathome.org
(510) 255-1253

sv@home

350 W Julian St. #5, San Jose, CA 95110
Website I Facebook I Twitter I LinkedIn I Become a Member!

sv@home

TRANSMITTED VIA EMAIL

August 27, 2018

Honorable Mayor Kniss and Members of the City Council
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Dear Mayor Kniss, Vice Mayor Filseth, and Councilmembers DuBois, Fine, Holman, Kou, Scharff, Tanaka, and Wolbach:

Re: Agenda Item 8: Consideration and Adoption of an Ordinance and Emergency Ordinance

We write today to urge the City **Council's support for the staff recommendation to adopt an urgency ordinance** that covers evictions and tenant relocation assistance. In addition to taking swift action to adopt an urgency ordinance this evening, we respectfully request that the Council set the stage future conversations around the following potential strategies:

- **Incorporate a grace period.** The ordinance should include a meaningful grace period prior to residents' being evicted to provide families ample opportunities to find commensurate housing in a severely constrained housing rental market.
- **Project size threshold.** We urge the Council to consider expanding applicability of the ordinance to residential developments of 10 units or more – a threshold reflected in ordinances in neighboring jurisdictions.
- **Conversion ordinance.** We urge the Council to consider adopting a conversion ordinance to define a process and expectations prior to the conversion of multi-family residences from rental to ownership or from residential to non-residential uses.

SV@Home is a nonprofit housing policy and advocacy organization dedicated to creating affordable housing opportunities in the high-cost Silicon Valley. We know that as a region we are not producing enough new homes to meet demand, and that the resulting undersupply of housing is responsible for rising rents, displacement, and gentrification. But we also know that even as we add units, we are losing them. Two steps forward, one step backwards.

The urgency ordinance was precipitated by the proposed conversion of the President Hotel Apartments from residential use to a luxury boutique hotel, an action that will eliminate 75 naturally affordable homes in the heart of Palo Alto. The increased relocation payments proposed in the ordinance are a step up from the current situation faced by the tenants. As we have heard directly from those impacted, this conversion

350 W. Julian Street, Building 5, San José, CA 95110
408.780.2261 • www.svathome.org • info@siliconvalleyathome.org

will cause major hardship as they seek to find affordable options in one of the most expensive housing markets in the nation.

This is just the latest proposal to cause displacement. Palo Alto recently took action to avoid the potential loss of the Buena Vista Mobilehome Park, which is home to 400 residents. Having policies in place to protect residents from displacement and to adequately compensate those who eventually are displaced is critically important. Palo Alto does not have a significant source of affordable housing. Every affordable and naturally affordable home should be protected.

We urge you to act tonight to preserve and protect vulnerable rental households and communities and we look forward to working with you in the coming days and weeks to strengthen and improve tenant protections in the City.

Thank you for your consideration.

Sincerely,

Pilar Lorenzana
Deputy Director

350 W. Julian Street, Building 5, San José, CA 95110
408.780.2261 • www.svathome.org • info@siliconvalleyathome.org

Brettle, Jessica

From: Liza Vernazza <liza@lizavernazza.com>
Sent: Monday, August 27, 2018 1:32 PM
To: Council, City
Subject: Emergency Ordinance

Dear Council Members,
It has been brought to my attention that you will be voting on an Emergency Ordinance Amending Chapter 9.68 of the Municipal Code to Require, for Multifamily Housing Developments of 50 Units or More: Relocation Assistance for No-Fault Evictions or Cause for Eviction and Relocation Assistance for No-Fault Evictions.
As a property owner, investor and an advocate for my investor clients, I would like to urge you to vote **NO** on this Ordinance. I believe the relocation assistance for No-Fault Evictions is excessive and will invite abuse by the tenant communities. It's a shame when a landlord cannot effectively evict a tenant who has proven to consistently not pay rent in a timely fashion, not allow the landlord access to the unit and has proven to be a nuisance to the other tenants. And now the landlord will have to pay them to move out. That is just not right.

Thank you for your attention to this matter. I agree that housing is a serious issue in our community, however, rent control and excessive relocation assistance is not the answer.
With all the smart people we are surrounded with, I am certain a solution will present itself, but this is not it.

Regards,
Liza

COUNCIL MEETING
08/20/2018
☑Received Before Meeting
8

Carnahan, David

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

Dear City Councilmembers:

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

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

Now is the time to act!

Sincerely,

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

Committee

Brettle, Jessica

From: Colette Harp <harpathome@gmail.com>
Sent: Monday, August 27, 2018 12:58 PM
To: Council, City
Subject: Emergency Relocation Payments

To Palo Alto City Council

I'm not sure why this would be the responsibility of landlords...most of us have paid for our buildings, taxes, repairs, everything a home owner has to do....and we've paid for 30 years. I have great sympathy for tenants and have had the same tenants for over 20 yrs, and now the daughter who was raised in the back unit lives in our front unit. So we have a very good record with tenants and I'm wondering how this would affect us moving forward. We don't allow pets, but our newest tenant decided because she knows us so well, without our consent proceeded to get a dog. It's in the original lease no pets, but that lease was over after a year, so if we decided to ask her to leave for just cause would she be our responsibility from here on out? Maybe someone could get back to me on that....I'd appreciate some reasonable input to this question if it's not too much trouble. As landlords we are now very concerned about the outcome of these meetings that different counties are having and what affect it may have on us in the future.

Thanks for your consideration

Sincerely

Colette Harp

Brettle, Jessica

From: Rushton, Jeremy <Jeremy.Rushton@cbnorcal.com>
Sent: Monday, August 27, 2018 12:37 PM
To: Council, City
Subject: Emergency Relocation Payments

Dear Council members,

Hopefully this message finds you all well. I'd like to take this opportunity to voice my opposition to the rental regulations that are to be disused tonight. It is a gross overreach of government to tell a property owner they don't have the right exercise the expiration of a lease that was *voluntarily signed by adults.*

Leasing regulations such as these make the housing crisis worse. Rent control/eviction regulations simply create more competition for new vacancies and thus mean higher prices. There isn't a single example of a rent controlled California city with an equitable rental market. Whenever a local government adopts additional leasing regulations, it gives owners more incentive to discriminate against tenant profiles who most would assume intend to stay put longer than a year or so. (such as families)

Living in Palo Alto is not a right, but owning property is. Please don't take it upon yourselves to put a damaging Band-Aid on a broad issue like housing affordability. The evidence of failure is right in front of us all. Feelings are not the foundation for good policy. You'll see tonight that feelings is all the tenant activists have to offer.

Best regards,

Jeremy Rushton

Brettle, Jessica

From: Larry and April Alton <lalton@pacbell.net>
Sent: Monday, August 27, 2018 11:53 AM
To: Council, City
Subject: evictions and mandatory relocation payments for no-fault evictions.

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

Sincerely,

Larry Alton

Brettle, Jessica

From: G.K. Young <ypmanagement@outlook.com>
Sent: Monday, August 27, 2018 9:20 AM
To: Council, City
Cc: G.K. Young
Subject: RE: JUST CAUSE EVICTION ORDINANCES AND RELOCATION PAYMENTS

Dear Mayor Kniss and Members of the City Council,

I urge you to reject the staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

I am grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, I am concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

I recommend the city work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

Gordon K Young, CCRM

YP MANAGEMENT
PO BOX 50846
PALO ALTO, CA 94303-0670
650/740-2624

Brettle, Jessica

From: Claire Carew <clairecarew@yahoo.com>
Sent: Saturday, August 25, 2018 4:15 PM
To: Council, City
Subject: Just Cause Eviction Ordinances and Relocation Payments - REJECT THIS PROPOSAL

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

The council rejected rent control and just cause eviction at its meeting in October 2017; however, the proposal you are considering on Monday, August 27, 2018, will have consequences similar to enacting rent control and just cause eviction. If the City Council wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements. Instead, the city and local housing providers should work together to explore a more balanced and targeted approach.

Sincerely,

Claire Carew
1606 Edgewood Dr.
Palo Alto CA 94303

Brettle, Jessica

From: Keller, Jeff <jeff@jkeller.com>
Sent: Monday, August 27, 2018 9:59 AM
To: Council, City
Subject: JUST CAUSE EVICTION

Dear Sirs:

Please do not pass the "Just Cause Eviction" regulation. The housing shortage is caused by the imbalance between jobs and housing. It is not caused by individual property owners.

The "Just Cause Eviction" regulation will make housing more expensive for those least able to afford it ... renters. The regulation does not encourage more rental properties. It discourages investment in rental properties.

The "Just Cause Eviction" passes on the cost of a government policy to individuals who are already helping to provide more housing through their investments. This policy is akin to trying to reduce the cost of food by taxing grocery stores.

Please stop the "Just Cause Eviction" regulations.

Jeff Keller
2075 Louis Rd
Palo Alto, CA 94303

Brettle, Jessica

From: Beverly Brockway <bev@bbrockway.com>
Sent: Sunday, August 26, 2018 9:56 PM
To: Council, City
Subject: Just Cause Evictions

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

I am grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, I am concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council's wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

We recommend the city to work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

Beverly Brockway
Robert Healy
1140 Hamilton
Palo Alto, CA

Brettle, Jessica

From: Jim Massey <jimmasters8@gmail.com>
Sent: Monday, August 27, 2018 1:24 PM
To: Council, City
Subject: Just cause on agenda

I urge you to hold off on this item until more review and study is done. Do not do a Ready, Fire, Aim Thank you

Brettle, Jessica

From: Ken <lowdown1@comcast.net>
Sent: Friday, August 24, 2018 8:17 PM
To: Council, City
Subject: just cause evictions

I urge you to not past the emergency eviction bill that was inappropriately drafted behind closed doors. I am familiar with the results on small landlords in SF and it has stiffed the small guy. What is the rational and cause behind such a proposal? why was it done behind closed doors?

Thank you for your consideration

Brettle, Jessica

From: pmcrent@aol.com
Sent: Monday, August 27, 2018 2:35 PM
To: Council, City
Subject: Just cause/Manditory relocation on agenda

Please do not implement the Just cause/ relocation policy without public discussion and study and resident's input. A knee jerk reaction in setting policy without proper public input is not productive.

Paul McCarthy
3265 Kipling Street
Palo Alto, Ca

Brettle, Jessica

From: Jim King <1988rth@gmail.com>
Sent: Sunday, August 26, 2018 11:34 PM
To: Council, City
Subject: Palo Alto City Council Considers Just Cause Eviction Ordinances and Relocation Payments

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

I am grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, I am concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council's wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

We recommend the city to work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

David Wasserstein

Brettle, Jessica

From: Jimmy Lee <jilee2552@gmail.com>
Sent: Sunday, August 26, 2018 11:28 PM
To: Council, City
Subject: Palo Alto City Council Considers Just Cause Eviction Ordinances and Relocation Payments

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

I am grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, I am concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council's wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

We recommend the city to work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

Jimmy Lee

Brettle, Jessica

From: Betty Schink <bettys@sbcglobal.net>
Sent: Saturday, August 25, 2018 11:18 AM
To: Council, City
Subject: Proposal regarding just cause evictions and mandatory relocation payments

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

I am grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, I am concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council's wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

We recommend the city to work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

Betty Schink
620 Sand Hill Road
Palo Alto

Brettle, Jessica

From: JEFFREY RODGERS <jeffreyalanrodgers@gmail.com>
Sent: Sunday, August 26, 2018 8:19 AM
To: Council, City
Subject: Re: Just cause evictions

Dear Mayor Scharff and Members of the City Council,

We urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As local housing providers, we value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. We address our residents' concerns timely and remain responsive to their needs.

We are grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, we are concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council's wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

We recommend the city to work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

Janna & Jeffrey Rodgers
Property owners on University Ave.

Jeffrey A. Rodgers
Executive Managing Director
CA RE License #00942763

Newmark Cornish & Carey 2804 Mission College Blvd, Suite 120 Santa Clara, CA 95054
D 408.987.4143 F 408.988.6340 jrodgers@ngkf.com Profile

Brettle, Jessica

From: Anna Sklovsky <asklovsky@yahoo.com>
Sent: Saturday, August 25, 2018 10:10 AM
To: Council, City
Subject: Reject proposal to enact just cause evictions and mandatory relocation payments

Dear Mayor Scharff and Members of the City Council,

I urge you to reject staff's recommended proposal to enact just cause evictions and mandatory relocation payments for no-fault evictions.

As a local housing provider, I value the opportunity to provide safe, stable, and reliable housing for Palo Alto residents. I address my residents' concerns timely and remain responsive to their needs.

I am grateful that the council rejected rent control and just cause eviction at its meeting in October 2017. However, I am concerned that the current proposal you are considering Monday night will have similar consequences as enacting rent control and just cause eviction.

If the City Council's wants to protect residents displaced from large redevelopment or renovations, the ordinances before you do not specifically reach that goal.

Please avoid creating legal hurdles or administrative burdens on property owners who are not causing mass displacements.

We recommend the city to work with local housing providers to explore a more balanced and targeted approach.

Sincerely,

Anna Sklovsky

"Welcome those big, sticky, complicated problems. In them are your most powerful opportunities."
Ralph Marston

Brettle, Jessica

From: Jennifer Liu <jenliu_01@yahoo.com>
Sent: Saturday, August 25, 2018 12:00 AM
To: Council, City; DuBois, Tom; Filseth, Eric (Internal); Fine, Adrian; Holman, Karen; Kniss, Liz (internal); Kou, Lydia; Scharff, Gregory (internal); Tanaka, Greg; Wolbach, Cory
Subject: Say NO to Just Cause Eviction and Relocation Assistance!

Dear Council member,

I'm very shocked to know that Palo Alto is proposing to start Just Cause Eviction (JCE) and force landlords to pay Relocation Assistance for some apartments. I am against any form of Rent Control, including JCE.

1) JCE will make it almost impossible to evict problematic tenants, because it is extremely hard for landlords to prove in court that the tenants had done unlawful things, or had violated the lease. The end result is that bad tenants stay, and good tenants leave, and our neighborhood gets worse. In Bay Area, the cities with long JCE history are the ones with high crime rates: East Palo Alto, Oakland, San Francisco, Berkeley, etc.

2) JCE is the prelude for Rent Control. The two almost always come together, and is a violation of property rights. Last year, the city council has already rejected Rent Control. We should also reject JCE!

3) JCE and Relocation Assistance is unfair to landlords, and make it hard to do business in Palo Alto.

To keep Palo Alto to be a safe and business friendly city, please vote NO to Just Cause Eviction.

Thank you,

Jennifer Liu, a Palo Alto resident and voter

Brettle, Jessica

From: Manuel Grech <mandlgrech@yahoo.com>
Sent: Monday, August 27, 2018 12:45 PM
To: Council, City

Dear council member

We are writing this letter to let you know how we feel about the tenant protection measure being considered for renters

We are retired and on a fixed income , our monthly social security does not even come close to able us to stay in our home if it were not for our long term planning and hard work to purchase our rental property over twenty years ago we would have to move out.

We understand and empathize with renters in our city but we also feel that having mom and pop landlords pay for rent and relocation services is not fair and puts undue hardship on people like us who depend on our rental property for a decent living.

The rental problems are a county and statewide problem that can't be solved by singling out a group of people who did not create the problem in the first place, if the city wants to help renters by rent control or relocation expenses then it should be done by a tax on everyone including commercial properties since they are severely under charged because of prop 13 which allows them to keep the low tax rates even when properties are turned over to new owners.

Please consider the hardship you will cause small rental property owners before you act.

Thank You
Manuel & Leslie Grech
San Mateo Ca,

Brettle, Jessica

From: Katrina Edwards <katrina@triumphps.com>
Sent: Monday, August 27, 2018 10:43 AM
To: Council, City
Subject: VOTE NO Just Cause Eviction & Relocation Payments

Please do NOT vote to put these measures in place. You're going to hurt a lot of long time residents who are "mom and pop" landlords by limiting what they can do with THEIR properties. Just because one large entity might not be playing fair, doesn't mean you should punish everyone. Please vote no.

Talk soon!

Katrina Edwards
Triumph Property Services
Cell: 650-380-2180
Fax: 650-813-9413
BRE 01161252

www.TriumphPS.com

My goal is to help you meet your goals! Who do you know who needs my help right now?

New office address as of 9/1/2014:
530 Lytton Ave, 2nd Floor
Palo Alto, CA 94301

Reception hours: Monday through Friday, 9am to 5pm
Appointments recommended

Carnahan, David

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

Dear Palo Alto City Council Members:

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

1) infilling is a more efficient way of utilizing our space and facilities, especially transportation.
2) allowing an ADU could permit another family member - in this case I am a Great Aunt - to live in close proximity to family but still have some personal space.
In my case, I am fortunate to have a home with a separate enough bedroom and bath, and family with enough tolerance of my presence, and different enough living schedules (kitchen dances), so that I can live in the same space as my niece and her family. But not all homes, or family dynamics, would allow that.
3) allowing ADUs could potentially allow local teachers, firefighters and other community workers to actually live in the community whose work they do.
In my case, since my niece is a teacher in PAUSD, I feel fortunate that she and her family can live here with me, and bike or walk to work.

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

Sincerely,

Virginia Smedberg
441 Washington Ave
Palo Alto 94301

Brettle, Jessica

From: Sheri Furman <sheri11@earthlink.net>
Sent: Sunday, August 26, 2018 11:00 PM
To: Council, City
Subject: Aug 27 Council Meeting re Agenda Item 10
Attachments: ADU Updates Aug 26 2018.docx

Please see attached.

Agenda Item 10 Regarding Accessory and Junior Accessory Dwelling Units (ADU/JADU)

August 26, 2018

Dear City Council Members,

On behalf of Palo Alto Neighborhoods (PAN), we write to you to express our support and concerns over the several proposed changes to the ADU Ordinance that was originally passed by Council in 2017.

Although we agree that the ADU Ordinance has some merits, we believe there was no need to relax regulations in the original ordinance beyond those required by state mandates. By reaching beyond state mandates, we lose the opportunity to assess how the state mandated ADU process is working for Palo Alto. By exceeding the state mandate, we do not allow ourselves room for course correction in case the city's ordinance exceeds what is prudent at this time.

Why are we concerned?

Last year, the public was blindsided when Councilmembers made a motion incorporating multiple concessions and provisions when adopting the ADU ordinance without advance public discussion or notice of these concessions and provisions. This perhaps was an oversight, or it could have been the plan all along to surprise the public with enacting an ADU ordinance that went well beyond the bounds of what had been proposed. The Council should refrain from a similar travesty of the public process this time around. Please do not surprise residents with any last-minute motions relaxing ADU standards even further.

We continue to believe that having only 6 feet setbacks along the back and side yard property lines are problematic and should be increased, especially when allowing detached ADUs to have a height of 17 feet. Privacy and shade concerns are an issue when neighbors confront a 17-foot monolith overshadowing their home or garden.

We support the proposal to "**reduce the height limits for detached ADU's within identified Eichler tracts"**. It makes sense in these special Eichler neighborhoods, that ADU's should conform to those heights that are similar to those on the same property. To allow ADU heights beyond the main residence would destroy the neighborhood character and damage the sense of openness and privacy enjoyed by residents in these tracts. In fact, this limit should be applied to all detached ADUs. As they can only be one-story, there is no need for them to be 17 feet high. On smaller 5000-6000 square foot lots in particular, this is an intrusive presence when set only 6 feet from a fence, even with daylight plane rules. The 17-foot height also allows for illegal conversion to add loft space.

We do support both the staff report and the PTC's recommendation that **"no basements should be allowed in the rear yard setbacks."** Allowing basements in these areas would endanger our future groundwater sources, our precious trees and other important fauna and vegetation that are habitats for local species in our area. We are concerned with effects of construction on trees on adjoining properties and request that protection of neighboring trees be part of the ADU ordinance.

We also encourage you to retain the limitation of a maximum of 50% rear yard coverage. Additional impervious cover increases runoff, increases the "heat island" effect, and increases demands on our aging storm drain system.

Because the prohibition of expanded curb cuts is ineffective in those neighborhoods with rolled curbs, a prohibition of expansion of parking beyond supporting two vehicles side by side should apply. Furthermore, we encourage you to limit the issuance of Residential Parking Program permits to the number available to the primary residence, to be effective when the RPP software enables that regulation.

Sincerely,

Becky Sanders
Sheri Furman
PAN Co-chairs

Brettle, Jessica

From: Christine Czarnecki <czarnecki@sbcglobal.net>
Sent: Monday, August 27, 2018 12:10 PM
To: Council, City
Subject: Making the building of ADUs affordable in Palo Alto

To the members of the Palo Alto City Council:

In your meeting tonight and in your deliberations to come, please consider a significant reduction in the fees charged by the Palo Alto Planning Department required to build an ADU here.

A year ago, I took our house plans to the planning office to discuss the possibility of building an ADU in our existing carport area. Since our house was built in 2001 and its square footage maxed out for the lot, I wanted to make sure this would work and find out the costs. Since we are fully built out, we can only build an ADU of a maximum size of 175 sq. ft., and I am glad of it, but when I got estimates of what the different city fees would be in order to actually build, the total came to nearly $15,000. I find this a staggering amount, but was told that the fees assessed would be just the same as if we were proposing to build a new 6,000 square foot home in Palo Alto.

Please consider a drastic cut in these fees. How can a homeowner pay **nearly $86 per square foot in city fees** for a tiny ADU, before paying an architect for the design and not including one penny of the cost of labor and materials to actually build it?

Thank you for your consideration.

Christine Czarnecki

Carnahan, David

From: Ng, Judy
Sent: Thursday, August 23, 2018 2:56 PM
To: Council Members; Council Agenda Email; ORG - Clerk's Office
Cc: Keene, James; Shikada, Ed; De Geus, Robert; Flaherty, Michelle; Minor, Beth; Eggleston, Brad; Bobel, Phil; Swanson, Andrew; Magliocco, Gina; Wadleigh, James; Rupert, Hillary; Luong, Christine
Subject: 8/27 Council Agenda Questions for Items 3 & 4
Attachments: Item 3 - Attachment F of CMR 9439.pdf; Item 4 -Screenshot - Initial In-Kind Projections .png

Council Question Response

Dear Mayor and Council Members:

On behalf of City Manager Jim Keene, please find below in **bold** staff responses to inquiries made by Council Member Tanaka in regard to the August 27, 2018 council meeting agenda.

Item 3: Approval of Airport Contracts & Budget Amendments – CM Tanaka

Item 4: Approve 3 Vendor Contracts for Mobility on Demand FTA Grant – CM Tanaka

Item 3: Approval of Airport Contracts & Budget Amendments – CM Tanaka

Q. 1. Where will the minor expansion of facilities be? Is there a map of where the work will be done and where the expansion will happen? Are there any other animals besides owls that could be impacted?

A. 1. The apron reconstruction project is a multi-phased project. The minor expansion occurred in Phase I which was completed Summer 2018 (CMR 8127). All phases of the apron reconstruction work are represented in Attachment F of CMR 9439 (attached to email), however, to answer the specific question, the attachment shows a hash-marked area for the minor expansion. A habitat assessment was conducted as well as pre-construction surveys and no special status species were observed in the area of the minor expansion.

Q. 2. Why can't the airport fund start to repay the general fund in FY2018? How long will it take for the airport fund to fully repay the general fund?

A. 2. As part of the FY 2019 Adopted Budget, Council approved deferring the payment of the general fund loan in order to fund the 10% match requirement to be eligible to receive FAA grant funds to pay for 90% of Phase II of the Apron Reconstruction project. This multi-phase project was recognized as an important safety-related maintenance and modernization project which meets FAA design standards that corrects deficiencies and increases overall airport safety (CMR

8127). Council also approved funding to complete an Airport Business Plan as part of the FY 2019 Adopted Budget, and a contract award for this Plan is scheduled for later this Fall. The goal of this plan, in conjunction with a detailed facilities assessment study, will be to evaluate existing facility repairs and safety needs; establish business guidelines and strategies to allow the Airport to become a self-sustaining enterprise fund; and inform future operations and investments, including but not limited to repayment of the outstanding General Fund loan. Once the Airport Business Plan is complete, staff will be able to inform Council on the timeline for full repayment of the loan.

Q. 3. Has DeSilva Gates Construction LP done any work for the City of Palo Alto in the past? If not, has the city obtained any testimonials of their work?

A. 3. DeSilva Gates Construction was awarded and recently completed the construction contract for Phase I of the apron reconstruction project (See CMR 8127).

Q. 4. What are the contingencies to get the FAA grant to pay for 90% of the total project? Currently, it seems as if the FAA grant is paying about 40% of the project. Why doesn't the grant cover a higher percentage?

A. 4. Work must meet FAA Airport Improvement Program eligibility requirements. All work within Phase II of the apron reconstruction project, except Alternates 9 & 10, meet funding eligibility requirements and are eligible for 90% reimbursement. With the exception of Alternates 9 & 10 totaling $595,183 ($536,080 funded by the Wastewater Treatment Fund Capital Improvement Program and $59,103 funded by Airport Enterprise Fund), Phase II with 15% contingency is $14,216,415. $13,621,232 is eligible for 90% reimbursement or a total of $12,259,109.

Item 4: Approve 3 Vendor Contracts for Mobility on Demand FTA Grant – CM Tanaka

Q. 1. How is the feebate going to work?

A. 1. Feebate is a two-sided concept, where there is a fee and a rebate. A "feebate" system will simultaneously assess fees for Single Occupancy Vehicle (SOV) use (assigning a "fair value") and redirect the income received to fund incentives for use of alternative transportation modes, creating a self-sustaining commute program. While the feebate might be desirable for other pilot programs it may not be the best strategy for the City of Palo Alto pilot. Alternatively, the City of Palo Alto is exploring a "cashout" program where an incentive is paid to employees participating in the pilot who are non-SOV. There are different forms of incentives; most commonly taxable cash and/or tax-free transit passes. The "fee" part is the innovative mechanism used to generate income to sustain the cash out. While a pure cashout program would not address the "fee" part, it is highly likely that a cashout program would generate measurable reductions in car use by participating employees.

Q. 2. Where is the $271,250 taken from?

A. 2. The $271,250 is the overall "in-kind" match the project is required to meet per the Federal Guidelines. Each project vendor will contribute toward the 20% match and this requirement is built into the vendor contracts. The participating pilots will also contribute in-kind and this will be built into the Memorandum of Understanding (MOUs) as they are developed. The City of Palo Alto received the award and is running the project, as such, it will carry a higher proportion of the match. In alignment with its cooperative agreement with the Federal Transit Administration (FTA), the City will request monthly in-kind statements from the pilot partners and/or the City will request monthly in-kind information from the vendors when invoices are submitted for payment. The City will report this to the FTA on a monthly basis and the project manager will track this to ensure the match is being met. The initial in-kind projections are attached as a screenshot.

Q. 3. How much discretion will the city have compared to the FTA since they stated in the grant that they will be hands on in the project and could change the direction if they wanted to?

A. 3. This is a research and innovation project for the FTA's Office of Research, Demonstration and Innovation (TRI). This project is one of 11 selected grantees and projects in a Sandbox Mobility grant program that received a total of $8 million to use innovative public-private partnerships to deploy, demonstrate, and evaluate on-demand concepts in transit. This is also a co-operative agreement and because of the nature of this project, the City of Palo Alto has a fair amount of discretion over the project.

For example, last Fall, the City's project manager worked closely with the FTA's Sandbox Project Manager and the FTA's Director of Mobility Innovation to re-scope the project. It was a collaborative effort that resulted in several changes to the Statement of Work (which did not significantly change the project or scope) to more effectively structure the pilot demonstrations and provide more meaningful analysis.

The proposed changes to the Statement of Work included restructuring the number of participating locations in order to make the project more meaningful and demonstration attainable. The City first sought to restructure the number of pilot projects from exactly 11 to a range of 4 to 11. This is significant because it gave the City the ability to work more closely with each pilot site and ensure the project is manageable. The City also believed a restructure in pilots was a better approach to capture more useful data and provide a more meaningful analysis. The City also sought to restructure the gap analysis locations from 8 to a range of 1 to 3. These adjustments will enable the City to develop a deeper understanding of the gaps and potential solutions for first mile/last mile challenges; this in turn will enable the City to propose relevant solutions and strategies, based upon an in-depth analysis of current challenges. The overall project remained the same (including the equity and policy elements, which remain intact); the project was simply scaled to ensure it will be able to proceed to the demonstration phase of the program.

The City recommended this streamlined approach to the FTA in order to ensure a more successful project with more meaningful results, and to enable the City to

produce a better case study for other regions to utilize to adapt and scale these initiatives in their unique circumstances.

Throughout this process, the FTA remained engaged, supportive and flexible. At this point there is no reason to assume this relationship would be different in the future or that the FTA would change the project's direction.

Q. 4. What is the plan if the three companies cannot deliver on time?

A. 4. San Francisco Bay Area Planning and Urban Research Association (Spur) is a leading and well-respected non-profit that works to address some of the toughest challenges in our urban areas around mobility, sustainability & resilience, housing, economic development and other regional planning issues. They have remained engaged and supportive for the past 20 months as the City worked on putting the pieces in place for this project. There is no reason to believe they will not deliver on their contract.

RideAmigos is a leading cloud-based commuter management platform located in Los Angeles. They are currently licensed through Commute.org in San Mateo County and are the leading commuter management platform in San Mateo County. RideAmigos will develop software feature set enhancements to their existing platform and will roll out these updates throughout the duration of the grant. RideAmigos will also support the pilot projects for San Mateo County. RideAmigos has remained engaged and supportive for the past 20 months as the City worked on putting the pieces in place for this project. There is no reason to believe they will not deliver on their contract.

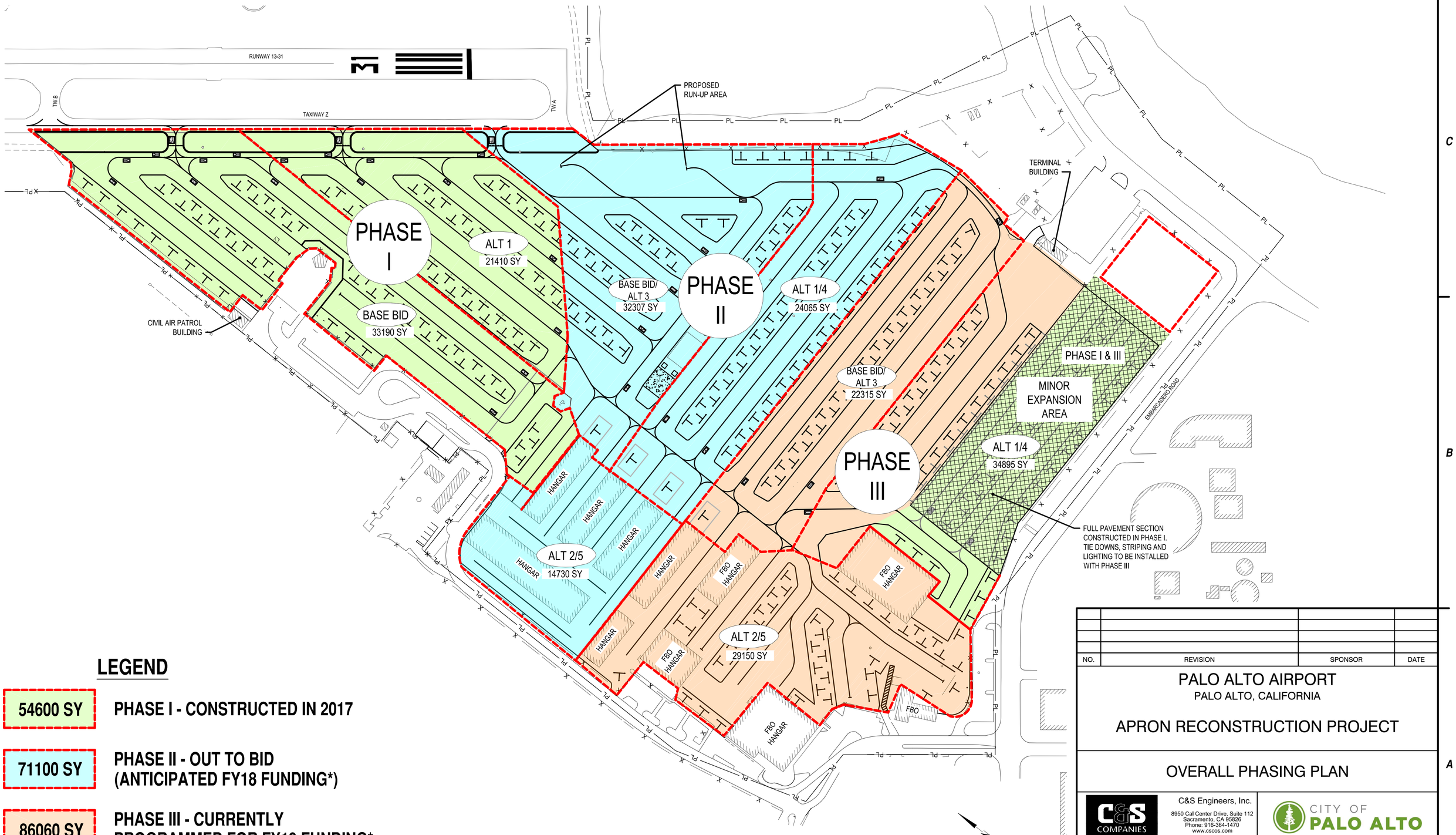
Luum is a cloud-based commuter management platform located in Seattle, WA. Luum will be the platform used for the pilots in Santa Clara County. Under the contract, Luum will develop the commute hubs and issue licenses for the pilot demonstrations in Santa Clara County. While Luum has been engaged on the project, the company is challenging to work with and has little experience working with the public sector. The company is also used to working with pro-transit communities and organizations. Luum has had very good success in Washington State but the City has not been able to come to contracting terms with this organization. If necessary the City will pursue a contingency plan, such as contracting with RideAmigos for the Santa Clara County pilots.

Q. 5. Where are attachments C, D, E which is supposed to describe in detail what the three vendors are going to do?

A. 5. The contracts are still being negotiated.

Thank you,
Judy Ng

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



LEGEND

54600 SY	PHASE I - CONSTRUCTED IN 2017
71100 SY	PHASE II - OUT TO BID (ANTICIPATED FY18 FUNDING*)
86060 SY	PHASE III - CURRENTLY PROGRAMMED FOR FY19 FUNDING*

* Refers to Federal Funding Years

NO.	REVISION	SPONSOR	DATE

PALO ALTO AIRPORT
PALO ALTO, CALIFORNIA

APRON RECONSTRUCTION PROJECT

OVERALL PHASING PLAN

C&S Engineers, Inc.
8950 Cal Center Drive, Suite 112
Sacramento, CA 95826
Phone: 916-364-1470
www.cscos.com

CITY OF PALO ALTO

DESIGN:	DRAWN:
CHECK:	DATE: AUGUST 2017

The preparation of this document may have been supported, in part, through the Airport Improvement Program financial assistance from the Federal Aviation Administration (Project Number Unassigned) as provided under Title 49 U.S.C., Section 47104. The contents do not in any way constitute a commitment on the part of the United States to participate in any development depicted therein nor does it indicate that the proposed development is environmentally acceptable or would have justification in accordance with appropriate public laws.

PH-1

A1 OVERALL PHASING PLAN
SCALE: 1" = 100'

100' 100 0 100 200FT.

In Kind Contribution Amount Needed to Meet FTA Requirements (20% of $1,356,250)	**$**	**271,250**
Contributing Partner Program Professional Hours:	**Estimates:**	
Pilot 1: City of Palo Alto (50h/mo @$125/h)	**$**	**73,645**
Pilot 2: City of Mt. View (10h/mo @$100/h)	**$**	**12,000**
Pilot 3: City TBD (10h/mo @$100/h)	**$**	**12,000**
Pilot 4: City of Menlo Park (10h/mo @100/h)	**$**	**12,000**
Pilot 5: Google (TBD)	**-**	
Pilot 6: TBD	**-**	
Luum (20% of cotract value)	**$**	**20,200**
Ride Amigos (20% of contract value)	**$**	**20,800**
SPUR (20% of contract value)	**$**	**20,000**
Prospect SV (20% of contract value)	**$**	**40,000**
Downtown Palo Alto Transit Management Association (10h/mo@$175/h)	**$**	**31,500**
Commute.org (10h/m@$100/h) + quarterly fee for county-wide license (TBD)	**$**	**18,000**
VTA (10h/mo@$100/h)	**$**	**18,000**
Sub Total	**$**	**278,145**

Carnahan, David

From: Roy, Alyssa <ARoy@rutan.com>
Sent: Monday, August 27, 2018 4:50 PM
To: Kniss, Liz (internal); Council, City; Clerk, City
Cc: Lanferman, David; Tim Franzen; Alex Stanford; Stump, Molly; Keene, James; 'Andrew Zacks'
Subject: 8/27/18 City Council Meeting Agenda Item # 8
Attachments: 20180827164450325.pdf

Please see attached correspondence from David Lanferman regarding tonight's Agenda Item # 8.

Thank you.

Alyssa Roy
Rutan & Tucker, LLP
Five Palo Alto Square, 3000 El Camino Real, Ste. 200
Palo Alto, CA 94306
ARoy@rutan.com
www.rutan.com
RUTAN

RUTAN
RUTAN & TUCKER, LLP

David P. Lanferman
Direct Dial: (650) 320-1507
E-mail: dlanferman@rutan.com

August 27, 2018

VIA E-MAIL and HAND DELIVERY

Honorable Mayor Liz Kniss
and Members of the City Council of Palo Alto
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

City Clerk
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

Re: CITY COUNCIL MEETING – August 27, 2018

Agenda Item # 8:

Consideration of an "Emergency Ordinance" and a non-emergency Ordinance to Amend PAMC Chapter 9.68 to Require—for Multifamily Housing Developments of 50 Units or More—Relocation Assistance and Other Restrictions (Cause for Eviction) on Termination of Tenancies and Evictions.

SUMMARY OF OBJECTIONS TO PROPOSED ACTIONS

Dear Mayor Kniss and Members of the City Council:

On behalf of our client, AJ Capital Management LLC ("AJ Capital"), we respectfully object to the proposed actions and request these matters be rejected.[1] The staff report confirms that these new ordinances are being rushed for adoption, at least in part, in reaction to objections from some of the tenants being required to vacate the President Hotel building at 488 University Avenue, which AJ Capital is now planning to aesthetically restore and return to its historic and intended use as a hotel. Since the tenants of the President Hotel have previously been served with notices requiring that they vacate the premises by mid-November, none of the proposed new ordinances could be lawfully applied—retroactively—to impair the existing leases or notices of non-renewal—even if adopted by Council this evening.

This agenda item unquestionably involves very important housing issues that deserve appropriate and thoughtful consideration by the City Council and the entire Palo Alto community. Unfortunately, however, this item is being unnecessarily rushed to the Council without adequate

[1] We refer collectively to both the proposed "Emergency Ordinance" and the substantively identical non-emergency "Ordinance" to require relocation assistance payments, as well as the alternative variant of the proposed emergency and non-emergency ordinances to require "just cause" for evictions as the "Action," unless otherwise stated.

public notice, without critical analysis or evidence, and without providing sufficient time for members of the Council—or members of the public—to consider or respond to the very significant issues raised by this proposed legislation. The significant issues, and potential long-term impacts, raised by the proposed new ordinances will not lawfully apply to AJ Capital.

While it may understandably be tempting for the City to consider some new form of governmental intervention in the private rental marketplace, it is very questionable whether the proposed ordinances would effectively, or lawfully, promote the City's stated housing goals. At the same time, they would create new burdens that are likely to further drive up rents and discourage the creation of more rental housing and dis-incentivize the improvement and maintenance of the existing housing supply.

There are many procedural and substantive legal grounds for objection to the proposed actions, including (without limitation) those summarized below. Since the Staff Report was not provided until late Thursday August 23, 2018, there has only been limited time to review, analyze, and respond to these proposals, and the points summarized below are consequently abbreviated.

(1) **The ordinances would violate constitutional rights to due process of law, especially if applied retroactively to the existing tenancies or to previously-served notices of non-renewal:** It is fundamental that newly-adopted legislation operates prospectively, and that constitutional principles of Due Process would preclude the retroactive application of the new ordinances (even if adopted) to impair existing rights or contractual relationships, or previously-commenced proceedings for reclaiming possession of rental properties. (U.S. Const., art. I, § 10; Cal. Const., art. I, § 9; *De Anza v. Palm Springs Rent Review Commission* (1989) 209 Cal.App.3d 116 [court of appeal held that local rent adjustment guidelines could not be retroactively effective to bar a property owner from relying on the law as it had existed at the time of his previous application of a rent increase].)

(2) **The proposed new ordinances would violate and be preempted by State law governing residential tenancies and notices of non-renewal:** State law governs, and preempts the relevant subject matter including termination of residential tenancies, notices, and evictions. (E.g., *Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129 [Supreme Court struck down that portion of a local ordinance that imposed additional procedural requirements on landlords attempting eviction] and *TriCounty Apartment Assn. v. City of Mountain View* (1987) 196 Cal.App.3d 1283 [state laws govern many aspects of the landlord/tenant relationship; a local ordinance purporting to require a longer period of notification to tenant of increasing rent than required by state law was preempted and declared invalid].)

(3) **The proposed new ordinances would violate the Ellis Act:** Similarly, State law—*i.e.*, the Ellis Act (Gov. Code, §7060 et seq.)—limits the terms and conditions that municipalities may impose on property owners seeking to cease residential rental operations at their properties. "A public entity may not impose an inevitable and undue burden . . . on a

landlord's exercise of its right under the Ellis Act to exit the residential rental business." (*San Francisco Apartment Assn. v. City and County of San Francisco* (2016) 3 Cal.App.5th 463, 479, 482 [an ordinance is preempted and void if it amounts to a substantive limit on a landlord's right to exit the rental market].) If applied to those owners seeking to exit the residential rental market, the proposed ordinances and new requirements for relocation assistance payments are invalid under the Ellis Act. (*Coyne v. City and County of San Francisco* (2017) 9 Cal.App.5th 1215; *Channing Properties v. City of Berkeley* (1992) 11 Cal.App.4th 88, 96-100.)

(4) **The proposed ordinances would not be limited to "affordable" or rent-controlled housing units:** While the Ellis Act may allow a city to impose reasonable measures to protect tenants of units withdrawn from rent under certain circumstances, it also provides that those measures only apply if the agency "has in effect any control or system of control on the price at which accommodations may be offered for rent or lease . . .." (Gov. Code, §§ 7060.2, 7060.4.) In the absence of an adopted rent control program, the City cannot lawfully approve the Action. In the "Survey of California Cities that Require Relocation Assistance Payments" included in the Staff Report, twelve of the thirteen cities cited have some form of rent control, and every jurisdiction that bases the amount of the relocation assistance payment on the size of the unit has rent control in place. The proposal to require payment of a relocation subsidy to tenants moving out of market rate housing would be inconsistent with the policies behind state and local law aimed at assisting residents of "affordable housing."

(5) **The ordinances would violate constitutional rights to equal protection of the laws, by arbitrarily discriminating against certain property owners, and irrationally subjecting only buildings with 50 or more units to burdens differing from those imposed on similarly situated property owners:** There is no evidence, substantial or otherwise, to justify the proposed arbitrary application of the new ordinances only to properties with 50 or more units, nor any evidence or rational basis for the discriminatory structure of the proposed ordinances. (*See, e.g., Walgreen Co. v. City & County of San Francisco* (2010) 185 Cal.App.4th 424, 434 [invalidating ordinance discriminating arbitrarily between pharmacies and general grocery stores]; and *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88 Cal.App.4th 451 [invalidating ordinance arbitrarily limiting eligible occupants of residential second units].) The City must provide a rational basis, supported by substantial evidence, to try to justify the discriminatory application of the ordinances. (*Fry v. City of Hayward* (N.D. Cal. 1988) 701 F.Supp. 179 [invalidating initiative ordinance on equal protection grounds].)

(6) **Failure to provide factual or legal justification for "emergency" legislation:** The Council may not lawfully adopt the proposed Emergency Ordinance because it does not contain the mandatory findings required by Government Code section 65858, or Palo Alto Municipal Code ("PAMC") section 2.04.270(d). Even if it had made the requisite findings, the City Council's action would still fail as there is no substantial evidence in the record to support the necessary declaration of an "emergency." To the contrary, the record acknowledges that the shortage of rental housing in Palo Alto has been a "prolonged" condition, i.e., not a sudden event

and not an "emergency."[2] Similarly, Government Code section 65858 does not provide any basis for "emergency" action as proposed. There is no evidence in the record showing that there is any study underway regarding changes to the City's Comprehensive Plan, specific plan(s), or zoning code that might warrant an "emergency" interim ordinance under section 65858 or otherwise.

(7) **An "emergency ordinance" may not lawfully be used to stifle or burden a specific development proposal:** A city ordinance cannot be enacted for the purpose of frustrating a developer's plans. (*Sunset View Cemetery Association v. Kraintz* (1961) 196 Cal.App.2d 115, 123-24. Here, as in that case, the staff report acknowledges (pp. 1, 3) that the proposed ordinances are in direct response to AJ Capital's proposal to restore the President Hotel to hotel use. To the extent that the proposed ordinances may be intended to frustrate a particular development proposal, they would be discriminatory, unlawful, and inapplicable to the targeted development. (*Stewart Enterprises v. City of Oakland* (2016) 248 Cal.App.4th 410; *Arnel Dev. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330; and *Kieffer v. Spence* (1984) 153 Cal.App.3d 954.)

(8) **The City must comply with the California Environmental Quality Act before taking any action on the proposed ordinances:** The proposed actions would clearly require compliance with the California Environmental Quality Act ("CEQA") before the City could lawfully adopt either ordinance. (Public Resources Code, §§ 21080, 21000, 21065.) There is no evidentiary basis for the proposed finding that "it can be seen with certainty" that the proposed actions "have no potential" for direct or indirect environmental consequences. (*See, e.g., Terminal Plaza Corp. v. City & County of San Francisco* (1986) 177 Cal.App.3d 892, 904-907 [City's failure to comply with CEQA before adopting hotel conversion ordinance was "illegal."].) To the contrary, it can be seen with near certainty that the proposed actions would have significant potential direct or indirect environmental consequences.

(9) **There is no legal or factual justification for the City to try to declare the proposed actions "categorically exempt" from CEQA review, and the City erroneously fails to consider the exceptions to any relevant categorical exemption:** There is no substantial evidentiary or legal support for the City to try to "exempt" these actions from any CEQA review, and such a claim of categorical exemption would plainly be unlawful. *(See, e.g., Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 705 [rejecting City's unsupported claim of categorical exemption from CEQA].) The City has the burden "to demonstrate with substantial evidence that the [proposed action satisfies the criteria of the claimed exemption]." (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 386.) A petitioner bears no

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[2] The Palo Alto "housing shortage" is not a new phenomenon, and is often attributed to the City's own policies. According to the City's own Comprehensive Plan (Table 5-1) the City only produced 1,063 total housing units between 2007- 2014, which was only 37 percent of its Regional Housing Needs Allocation. Of those, only 290 units—or 16 percent of the regional goal—were deemed "affordable."

burden to show a project will degrade the environment. (*Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 705.) In addition, the court of appeal has emphasized that a categorical "exemption can be relied on only if a factual evaluation of the agency's proposed activity reveals that it applies." (*Id.*) And the staff report fails to consider whether any "exceptions" to a categorical exemption might require CEQA compliance. An agency may not invoke a categorical exemption from CEQA without considering whether it is foreclosed by an exception. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1103.) The City cannot ignore the substantial probability of environmental consequences of this action, and the relevance of the "unusual circumstances" exception to any categorical exemption from CEQA (see below).

(10) **It is reasonably foreseeable that adoption of the proposed ordinances will result in direct and indirect environmental consequences and well as adverse impacts on rents and housing supply:** The City cannot lawfully disregard the many possible environmental impacts, direct or indirect, of the ordinances. For example, if landlords are to be required to pay relocation assistance to outgoing tenants, they are likely to offset those new costs by increasing the rents charged to incoming tenants, or by reducing the amounts available for maintenance or improvements. By providing some displaced tenants with the windfall of "tenant relocation" assistance, the ordinances will inject new money into the market-rate rental market, thus inducing other landlords to demand higher rents. By making it more difficult and costly to remove tenants, the ordinances reduce the incentives to build or upgrade rental housing in Palo Alto, reducing both the supply and quality of rental housing, and creating an impediment to safety upgrades such as environmental remediation, seismic upgrades, and fire and life safety systems. This may result in significant urban decay impacts. *See, e.g., California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 188 ["When there is evidence . . . that economic and social effects caused by a project . . . could result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration, then the CEQA lead agency is obligated to assess this indirect environmental impact."].) In *Terminal Plaza Corp., supra,* 177 Cal.App.3d at 904-907, the court of appeal rejected a city's argument that its enactment of a hotel conversion ordinance imposing new burdens on owners of residential hotels was exempt from CEQA. The reasonably foreseeable indirect and negative environmental impacts of the ordinances must be analyzed before the Council acts on them.

(11) **Failure to refer the proposed new ordinances for study by the Planning & Transportation Commission:** The proposed actions should be referred to the Planning and Transportation Commission for review before any Council action, as required by Government Code section 65864, since the ordinances would, in effect, operate like new zoning ordinances applicable to certain properties.

(12) **The Action is not consistent with the City's Comprehensive Plan:** There is nothing in the record to indicate, much less demonstrate, how the proposed ordinances would be consistent with any aspect of the City's Comprehensive Plan or would promote any of the City's established housing goals and policies. As explained above, there is no articulated public policy reason cited in the record justifying the proposed new mandated subsidies targeted to benefit a select group of tenants residing in market-rate rental units.

****

In light of the serious questions, unstudied issues, and patent legal deficiencies inherent in the proposed actions, we respectfully urge the City Council to reject the proposed new ordinances. Adoption of the proposed Emergency Ordinances or Ordinances in the present form would lead to many adverse consequences and may needlessly expose the City to the risk of costly legal proceedings by many affected parties.

Thank you for your consideration.

Very truly yours,

RUTAN & TUCKER, LLP

David P. Lanferman

DPL:mtr

cc: Tim Franzen, AJ Capital
Alex Stanford, AJ Capital
Molly Stump, City Attorney
James Keene, City Manager
Andrew Zacks, Zacks, Freedman & Patterson, PC

Carnahan, David

From: Suzanne Keehn <dskeehn@pacbell.net>
Sent: Monday, August 27, 2018 5:12 PM
To: Council, City
Subject: ADUs

To the P. A. City Council,

Please dial back to the State Requirements, or to the original staff suggestions.

In the current proposal there is no tree protection for adjacent lots.

No basements for ADUs, also hurts trees, roots from the next residence.

There needs to be a 20ft. rear yard setback not 6, That will create tunnels of 12 feet between , and create 17 foot height tunnels at the property line.

Will ruin our back yard natural habitat.

Please , do not ruin our R1 neighborhoods.

And please no parking in the front, with out real designated spaces. Covering everything
with cement, smothers our earth.

Suzanne Keehn
4076 Orme St.
94306

Carnahan, David

From: Christine Czarnecki <czarnecki@sbcglobal.net>
Sent: Monday, August 27, 2018 11:34 AM
To: Council, City
Subject: Choices for Rail and Road intersections in Palo Alto

To the Palo Alto City Council members;

I would like to see scale drawings of what the different proposals will look like, looking east and looking west from the intersections and from Alma. It is my opinion that the cross sections shown are insufficient to understand the visual and sound impacts of the alternatives, especially the so-called hybrid option, where the train will be elevated about the street level.

If these drawings have not been commissioned, please do so and, once received, release them for public scrutiny and comment.

It it my strong preference to go with either the tunnel for the train, or the reverse hybrid option, where the train in lowered into a trench below grade.

We need to think of what will be the best choice for Palo Alto going into the future, not solely what will be the cheapest and most expedient solution for now.

Thank you.

Carnahan, David

From: D Martell <dmpaloalto@gmail.com>
Sent: Saturday, August 25, 2018 1:30 PM
To: Stump, Molly
Cc: Mello, Joshuah; Lauing, Ed; Council, City; Kniss, Liz (internal); Scharff, Gregory (internal); Keene, James; Minor, Beth; Lunt, Kimberly; Brettle, Jessica; Carnahan, David; Kleinberg, Judy; Bill Johnson; Jay Thorwaldson; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; AnnaEshoo@mail.house.gov; Anne.Ream@mail.house.gov; Senator.Hill@senate.ca.gov; Alex Kobayashi; Supervisor.Simitian@bos.sccgov.org; Micaela.Hellman-Tincher@bos.sccgov.org; VHS101 @yahoo.com; richard@alexanderlaw.com; Aram James; Andrew Pierce; Debra@firstpaloalto.com; Bear.ride@fprespa.org; CHamilton@da.sccgov.org; JRosen@dao.sccgov.org; Goodell, Erin; Jonsen, Robert
Subject: CPRA Request | LG obliterates FIVE downtown Handicap Zones

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

CALIFORNIA PUBLIC RECORDS ACT REQUEST (made this 25th day of August, 2018)

Dear Madame:

Pursuant to California Public Records Act Request (CPRA) (Govt. Code § 6250 et seq.), re the recent destruction of FIVE downtown Handicap Zones by Lytton Gardens Senior Communities (LG) on Lytton Street, I request the release of copies of the following documents:

1. All emails and communications that Transportation Division Official Joshuah Mello received on the topic.

2. All city communications with LG on the issue.

3. All City-LG issues going back 36 months.

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

Thank you very much.
I appreciate your time and help.

Respectfully,
-Danielle Martell
dmPaloAlto@gmail.com

Carnahan, David

From: marilynn holland <marilynn.holland@gmail.com>
Sent: Tuesday, August 28, 2018 9:47 AM
To: Council, City
Cc: Bobby Holland
Subject: El Camino parked vehicles

City Council,
This is my first letter to the City Council of Palo Alto.
It is quite distressing to see pretty beat up looking Mobile homes, not just parked, but jacked up for permanent stays. They line the street in front of our beautiful Stanford playing fields, and proceed for a mile down past Page Mill Road. They have been parked that way for over a year.

While I sympathize with whatever their circumstances may be, we all pay high taxes to live in our beautiful city of Palo Alto. These vehicles are an eyesore and not fair to other mobile home owners that pay to use facilities at a mobile home park.

Where will this end? Will our main streets become full of raggedy sleeping compartments that we look at everyday on our way to work or play?

Can there not be some limit to the time a vehicle can be parked on public streets?
Surely this is a problem that can effectively be solved.

Thank you for your service and consideration of this issue.

Marilynn Holland
30 year resident

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Wednesday, August 29, 2018 1:19 AM
To: gkirby@redwoodcity.org; council@redwoodcity.org; Kniss, Liz (internal); Jonsen, Robert; mdiaz@redwoodcity.org; stevendlee@alumni.duke.edu; paloaltofreepress@gmail.com; ibain@redwoodcity.org; dcbertini@menlopark.org; myraw@smcba.org; HRC; Constantino, Mary; Council, City; wilpf.peninsula.paloalto@gmail.com; molly.o'neal@pdo.sccgov.org; jrosen@da.sccgov.org; apardini@cityofepa.org; michael.gennaco@oirgroup.com; Binder, Andrew; chuckjagoda1@gmail.com; stephanie@dslextreme.com; roberta.ahlquist@sjsu.edu; Perron, Zachary; Stump, Molly; Kilpatrick, Brad; jalcaraz@cityofepa.org; cmartinez@cityofepa.org; scharpentier@cityofepa.org; mbuell@cityofepa.org
Subject: Ex-Texas police officer found guilty of murder in fatal shooting of black teenager

Ex-Texas police officer found guilty of murder in fatal shooting of black teenager https://www.cbsnews.com/news/roy-oliver-former-texas-police-officer-guilty-of-murder-in-fatal-shooting-of-black-teen-jordan-edwards/

Sent from my iPhone

Carnahan, David

From: Arlene Goetze <photowrite67@yahoo.com>
Sent: Friday, August 24, 2018 11:08 AM
To: Cindy Chavez; Councilmember Don Rocha
Subject: Facebook Fake News--Coconut oil good/bad?

There is a big ruckus on Facebook about coconut oil.
Harvard prof Dr Karin Michels is reported by the media to have claimed it is a 'poison' in a talk in German to Germans. She forgot to mention that coconut oil raises good cholesterol HDL more than bad cholesterol LDL in coconut oil. Perhaps that was lost in the translation by US social media. Below is one reputable response.
from Arlene Goetze, No Toxins for Children, photowrite67@yahoo.com

Many families with advanced cases of Alzheimer's praise organic coconut oil for improvement in their patients as does Dr Mary Newport, MD for her young husband.

Is coconut oil bad for your cholesterol??

Main points:
*** . . . coconut oil's overall effect raises good HDL while lowering triglycerides and small bad LDL cholesterol particles-- definitely a good thing.**
*** Carbs worsen blood levels of the even-chained saturated fats, which cause heart disease.**
***Recent U.S. Dietary Guidelines finally stopped recommending lowering cholesterol and dietary fat.**
*** Studies show saturated fat raises LDL but it improves the quality of the LDL and increases its size making it less likely to promote heart disease.**
*** It also raises HDL. On the other hand, sugar lowers HDL.**

by Dr Mark Hyman, *UltraWellness Center, Lenox, MA*

Ever since I started using coconut oil, my cholesterol has spiked," writes this week's house call. "I'm afraid coconut oil with all that saturated fat is creating more harm than good. Should I continue to use it?"

Since I expressed my love for medium-chain triglyceride oil or MCT oil, I've received this question several times.

I call MCTs (found in coconut oil) a super fuel for your cells because your body uses this kind of fat very efficiently. Your cells burn MCTs for energy while storing very little as fat, boosting your metabolism and supporting your immune system.
MCTs also help balance many hormones, including the ones that control your appetite. They keep you feeling full and satisfied. They actually improve your cholesterol profile.

They also help your body burn fat. One study found that consuming MCT oils helped reduce body fat and triglycerides more than omega 6 vegetable oils. After eight weeks, the experiment showed the MCT oil group lost more weight, body fat and subcutaneous fat, all while experiencing a 15 percent drop in triglycerides and LDL.

At the same time, as MCT-rich coconut oil becomes more popular, it also becomes a concern among some folks because of its high amounts of saturated fat and potential for raising cholesterol.

The reality is, cholesterol is not black and white. Classifying it as "good" or "bad" vastly oversimplifies this molecule, which among its duties helps synthesize vitamin D and hormones while maintaining cell structure.

Some fats do raise cholesterol, whereas others lower cholesterol. Even when saturated fat does raise your cholesterol, the type of cholesterol becomes more important than cholesterol itself.

As a doctor, I tell patients that abnormal cholesterol can become a problem when it is the small dense LDL particles, accompanied by high triglycerides. In fact small LDL particles actually triple your risk of heart disease. This is caused by high-carb, low-fat diets and is improved when you add fat back to the diet, including saturated fat.

Studies show saturated fat raises LDL (your so-called "bad" cholesterol) but it improves the quality of the LDL and increases its size making it less likely to promote heart disease. It also raises HDL ("good" cholesterol). On the other hand, sugar lowers HDL. Ultimately, the ratio of total to LDL cholesterol and particle number and size are a far bigger predictor of heart attacks than LDL itself.

That brings us back to coconut oil, which can contain up to 90 percent saturated fat. Interestingly, countries with the highest intakes of coconut oil have the lowest rates of heart disease.

While research shows coconut oil contains higher amounts of saturated fat and does increase total cholesterol, those amounts do not increase your heart attack or stroke risk.

In fact, one study among lean, heart disease- and stroke-free Pacific Islanders who consumed up to 63 percent of their calories from coconut fat found total cholesterol rose but so did their "good" HDL.

Other studies found lipid profiles improve on high-fat diets containing coconut oil. Researchers concluded it wasn't saturated fat from coconuts that negatively impacted cholesterol profile. **Instead, the coconut oil's overall effect raised HDL while lowering triglycerides and small LDL cholesterol particles, which is definitely a good thing.**

Coconut oil provides other benefits such as lowering insulin levels, protecting against heart disease. The predominant fatty acid in coconut oil is lauric acid, which provides antimicrobial, antibacterial and antiviral benefits.

There is a huge difference between quality saturated fat in coconut oil or MCT oils, as compared with what you get in a fast food cheeseburger. Lumping them all together becomes like putting cauliflower and a cupcake under the carbohydrate category.

Don't be afraid of saturated fat, but get it from healthy sources like coconuts and grass-fed beef, which automatically edges out unhealthy sources.
And total cholesterol is not an accurate predictor of heart disease or stroke. Inflammation is the culprit for most diseases, and coconut oil is highly anti-inflammatory.

To answer your question…if your doctor finds you have high cholesterol, ask him or her to dig deeper to see what's really going on. Ask the right questions and most importantly, get the right tests!

You should request a particle size test to check for cholesterol particle size and number. Other cholesterol tests are simply outdated. A routine, regular cholesterol test won't reveal particle size.

The tests you'll want to ask for are either an NMR Lipid Panel from LabCorp or the Cardio IQ Test from Quest Diagnostics. Those are the only tests to really know what's going on with your cholesterol. Optimal results will show plenty of safe, light, fluffy, big particles with minimal small, dense, artery-damaging particles.

Combine healthy fats with a no-added-sugar diet and you have an effective strategy to normalize cholesterol while reducing your risk for heart disease, obesity, type 2 diabetes

and numerous other chronic conditions. Eliminating refined carbs and sugar and adding adequate omega 3 fats means saturated fat should not be a problem.

In one interventional trial, researchers showed even on a low-carb diet that was higher in saturated fats, blood levels of saturated fat were lower. That's because dietary saturated fats do not raise dangerous blood saturated fats – sugar and refined carbs do! They also found people on a higher saturated-fat diet had lower levels of inflammation and oxidative stress, as well as a better cholesterol profile.

Other studies confirm **carbs worsen blood levels of the even chained saturated-fats, which cause heart disease.** These carbs drive your liver to create more fat in your blood, a process called lipogenesis triggered by alcohol, soda, sugar-sweetened drinks, starches and sugars. Whole, healthy-fat foods like butter, meat or cheese do not increase this process.

Note, too, that recent U.S. Dietary Guidelines finally stopped recommending lowering cholesterol and dietary fat. In fact, the new guidelines don't emphasize any limit on total dietary fat or cholesterol, which is a complete reversal on governmental advice from 35 years ago. Better late than never!

If you're curious to learn more, I dive deep into the benefits of coconut oil and saturated fat while busting cholesterol and other myths in my new book, **Eat Fat, Get Thin.**

Simply put, the real villain that robs our health and increases our waistlines is sugar and anything that breaks down to sugar like refined carbohydrates. Quality fats like coconut oil and more anti-inflammatory omega 3 fats help edge out those sugars and inflammatory refined omega 6 fat vegetable oils.

Wishing you health & happiness,

Mark Hyman, MD

Mark Hyman MD is the Director of Cleveland Clinic's Center for Functional Medicine, the Founder of The UltraWellness Center, and a ten-time #1 New York Times Bestselling author.
If you are looking for personalized medical support, we highly recommend contacting Dr. Hyman's UltraWellness Center in Lenox, Massachusetts today.

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Monday, August 27, 2018 11:27 AM
To: Loran Harding; dennisbalakian; David Balakian; Dan Richard; Doug Vagim; esmeralda.soria@fresno.gov; paul.caprioglio; Mark Standriff; Mayor; beachrides; bearwithme1016 @att.net; Cathy Lewis; Council, City; huidentalsanmateo; robert.andersen; blackstone@blastfitness.com; Leodies Buchanan; bballpod; Chris Field; Daniel Zack; fmerlo@wildelectric.net; Raymond Rivas; hennessy; steve.hogg; Joel Stiner; jerry ruopoli; kfsndesk; kwalsh@kmaxtv.com; kclark; leager; Tom Lang; Mark Kreutzer; mthibodeaux@electriclaboratories.com; mmt4@pge.com; scott.mozier; nick yovino; nchase@bayareanewsgroup.com; newsdesk; pavenjitdhillon@yahoo.com; popoff; russ@topperjewelers.com; Steve Wayte; terry; Mark Waldrep; yicui@stanford.edu
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires

---------- Forwarded message ----------
From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Aug 27, 2018 at 10:44 AM
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires
To: Loran Harding <loran.harding@stanfordalumni.org>

Monday, Aug. 27, 2018

To all- I have received my home owner's insurance policy for the year starting Oct. 5, 2018. The premium is 5.1% higher than it was for the year beginning Oct. 5, 2017. I do not think that I live in a fire-prone area in NW Fresno, but see the discussion in the attached about that. If you live in California you are subject to wildfires, Cal-Fire is saying.

Prop. 103, passed in 1988, is saving us from the insurance Cos. recovering, **in one year**, the billions of dollars the 2017 wildfires in California are costing them. The wine country fire alone is costing them $12 billion. I remember well when 103 was passed, and it barely passed. The insurance industry spent big money fighting it and really hates it. Info. re Prop. 103:

https://www.cnbc.com/2017/12/07/californias-big-fire-losses-in-2017-wont-mean-huge-insurance-hikes-in-2018.html

So if you do not live in a fire prone area, brace for maybe a 5% hike in your next home insurance premium. I hate to think what owners in fire prone areas will now pay, but I did not buy a home in the woods. To some tiny extent, wildfires are foreseeable and have been burning thousands of homes to the ground for many years now in California. Unless government officials take steps, they will continue. See the attached for some ideas I suggest. I do not understand why **I** have to make these suggestions. Where is government here? Do you see speeches in Congress by Senator Diane Feinstein, our other U.S. Senator, Kamala Harris, and by members of the House from California re the wildfires we are having and offering ideas to limit the damage? I do not.

Jerry Brown is a smart guy. Why can't he develop ideas to limit the wildfire damage? He can call on every employee of the State of California for ideas and on every expert outside of government. He stood at a news conference recently regarding the fires and said that we have to change where we build homes and how we build them. We need more ideas than that, **and I offer some good ones in the attached.** Implementing those and others will take money, but we just passed a DOD budget of $716 billion for the next year, and Trump crowed that it is the largest ever. It will enable

the people of Europe, Japan, Korea to live the good life and let young Americans to fight their wars for them, but we desperately need that money for things here at home. The American suckers are gouged to pay 70% of the cost of NATO.

We should recommend that Germany, France, Spain, Italy, Japan, etc. draft two million 20 year-olds, hand them a gun, house them in barracks, and train them to fight wars. At present, they are languishing in coffee bars with their good-looking girlfriends, attending free universities, enjoying wonderful national health care systems, riding extensive, beautiful high speed rail systems, while the traitors in Washington, D.C., screw the American people in every way they can. I think they have forgotten history.

Not one idea regarding the wildfires from our elected officials, local, State or federal. They are all too busy out shopping, I guess.

L. William Harding
Fresno, Ca.

---------- Forwarded message ----------
From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Sun, Aug 19, 2018 at 4:09 PM
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires
To: Loran Harding <loran.harding@stanfordalumni.org>, dennisbalakian <dennisbalakian@sbcglobal.net>, David Balakian <davidbalakian@sbcglobal.net>, Dan Richard <danrichard@mac.com>, Doug Vagim <dvagim@gmail.com>, esmeralda.soria@fresno.gov, "paul.caprioglio" <paul.caprioglio@fresno.gov>, Mark Standriff <mark.standriff@fresno.gov>, Mayor <mayor@fresno.gov>, beachrides <beachrides@sbcglobal.net>, bearwithme1016@att.net, Cathy Lewis <catllewis@gmail.com>, "city.council" <city.council@cityofpaloalto.org>, huidentalsanmateo <huidentalsanmateo@gmail.com>, "robert.andersen" <robert.andersen@fresno.gov>, blackstone@blastfitness.com, Leodies Buchanan <leodiesbuchanan@yahoo.com>, bballpod <bballpod@aol.com>, Chris Field <cfield@ciw.edu>, Daniel Zack <daniel.zack@fresno.gov>, fmerlo@wildelectric.net, Raymond Rivas <financialadvisor007@gmail.com>, hennessy <hennessy@stanford.edu>, "steve.hogg" <steve.hogg@fresno.gov>, Joel Stiner <jastiner@gmail.com>, jerry ruopoli <jrwiseguy7@gmail.com>, kfsndesk <kfsndesk@abc.com>, kwalsh@kmaxtv.com, kclark <kclark@westlandswater.org>, leager <leager@fresnoedc.com>, Tom Lang <tlang@aquariusaquarium.org>, Mark Kreutzer <mlkreutzer@yahoo.com>, mthibodeaux@electriclaboratories.com, mmt4@pge.com, "scott.mozier" <scott.mozier@fresno.gov>, nick yovino <npyovino@gmail.com>, nchase@bayareanewsgroup.com, newsdesk <newsdesk@ksee.com>, pavenjitdhillon@yahoo.com, popoff <popoff@pbworld.com>, russ@topperjewelers.com, Steve Wayte <steve4liberty@gmail.com>, terry <terry@terrynagel.com>, Mark Waldrep <mwaldrep@aixmediagroup.com>, yicui@stanford.edu

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

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

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

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

Sunday, Aug. 19, 2018

To all-

More information. KCBS this morning just after 11AM had a woman on from Cal-Fire. She said that we no longer have a "fire season" in California and that it is now a year-round phenom. Warmer temperatures, dryer conditions make for more wildfires and during more parts of the year. She is indicating that the people at Cal-Fire, at least, now believe that the climate has changed, at least in California and other western states. Climate change may be a hoax cooked up at Stanford, but something has changed to increase the frequency and severity of wildfires, at least in the opinion and experience of Cal-Fire.

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

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

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

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

www.readyforwildfire.org.

Thankfully, KCBS repeated it.

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

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

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

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

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

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

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

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

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

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

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

L. William Harding
Fresno

---------- Forwarded message ----------
From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Tue, Aug 14, 2018 at 2:34 AM
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires
To: Loran Harding <loran.harding@stanfordalumni.org>, Doug Vagim <dvagim@gmail.com>, Dan Richard <danrichard@mac.com>, Joel Stiner <jastiner@gmail.com>

---------- Forwarded message ----------
From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Aug 13, 2018 at 11:43 AM
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires
To: Loran Harding <loran.harding@stanfordalumni.org>, Doug Vagim <dvagim@gmail.com>, dennisbalakian <dennisbalakian@sbcglobal.net>, David Balakian <davidbalakian@sbcglobal.net>, Dan Richard <danrichard@mac.com>, Joel Stiner <jastiner@gmail.com>

---------- Forwarded message ----------
From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Aug 13, 2018 at 11:35 AM
Subject: Fwd: State Ins. Commissioner warns again re higher ins. costs from fires
To: Loran Harding <loran.harding@stanfordalumni.org>

---------- Forwarded message ----------
From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Mon, Aug 13, 2018 at 10:40 AM
Subject: State Ins. Commissioner warns again re higher ins. costs from fires
To: Loran Harding <loran.harding@stanfordalumni.org>

Here is a "good" review of the Calif. wildfires to date this year. October is the worst month.

https://www.mercurynews.com/2018/07/10/why-california-fire-season-is-off-to-worst-start-in-10-years/

I was looking for a map showing "fire prone areas" of Calif. to see who will get the huge premium hikes. This does not show it.

Mon. August 13, 2018

To all- Mighty KCBS SF, broadcasting the truth into the Central Valley, reported this morning that the Calif. State Insurance Commissioner warns again now the following:

Ins. Cos. may stop offering fire insurance for homes in fire prone areas of Calif. If they do offer it, it may cost more. They may cancel policies for homes in fire-prone areas. He said that this is not at a crisis level yet, but could get there.

https://www.thestate.com/news/business/article216586725.html

I guess we have to nose around and see if our home(s) are in a fire prone area. If it is, you may be paying more for coverage, if you can get it. Even if it is not, you may be paying more.

I'd be surprised if this is reported on local TV in Fresno, since it could be bad for business.

If Fresno City Hall plans to approve 50,000 new homes to the east getting near the trees, the homes may be un-insurable. City officials had better warn their developer friends. It would be wrong to take their money if the homes they approve are uninsurable and therefore un-salable.

I won't spread this mail far and wide. We don't want to build in the expectation that we are all now ripe for **big** ins. premium hikes.

It would be interesting to see a map of Fresno County indicating where fire-prone areas are **and** to know who drew up the map. That last one is always important.

And notice that, regarding the ins. companies recovering the $12 billion they are laying out just in the wine country to homeowners there, they can't recover that from the rest of us in one year. State law (Prop 103) requires them to screw the rest of us with higher premiums over several years. I wonder how the insurance industry convinced people in Sacramento to make that the law.

LH

Carnahan, David

From: Alice Smith <alice.smith@gmail.com>
Sent: Tuesday, August 28, 2018 11:04 AM
Subject: Fwd: Tell Congress to Protect Our Right to Vote

We can all make this a priority. I would like to see our local and county government take pro-active support.

4th Tuesday in September is the day: https://nationalvoterregistrationday.org/partner-sign-up/

Also, everyone can register to vote using www.turbovote.org which will by zip code give voters correct registration information and links or forms to register to vote. Knowing that National Voter Registration day is coming up
---------- Forwarded message ----------
From: **Chris Carson** <advocacy@lwv.org>
Date: Tue, Aug 28, 2018 at 5:37 AM
Subject: Tell Congress to Protect Our Right to Vote
To: alice.smith@gmail.com

Having trouble reading this email? View in browser

Empowering Voters. Defending Democracy.

Demand Action to Protect Our Right to Vote

SIGN OUR PETITION TODAY

Alice,

It's been 53 years since the Voting Rights Act (VRA) was signed into law by President Johnson. And it's been five years since the U.S. Supreme Court gutted essential provisions in the law in the decision of *Shelby County v. Holder* that has led to countless attacks on the voting rights of Americans. Now is the time to put those protections back in place.

Will you stand with us and tell Congress to protect our right to vote?

Since the decision in Shelby v. Holder, millions of voters have been purged from the voter rolls across the country. Legislatures in states across the country have also worked to establish institutional obstacles at the voting booth by placing restrictions on early voting, minimizing polling locations in underrepresented communities and mandating discriminatory voter photo ID requirements.

At the same time, special interest, dark money groups are pouring cash into our elections, drowning out the voices of voters everywhere. They're finding candidates to elect who will push their shady agendas to threaten public health and safety. And that's not even scratching the surface of dark money's influence: Reproductive rights, gender equity, climate change, workers' rights, health care and more are all under attack.

Right now, we are working with our partners to recruit 100,000 activists to stand up and demand Congress take action to protect every vote.

Congress must safeguard our elections: End gerrymandering, fix our campaign finance system and prevent the corrupting influence of dark money groups. Our future is at stake – and your voice is more important than ever before.

Demand action! Add your name to tell Congress to protect our right to vote!

SIGN OUR PETITION TODAY

Yours in the fight,

Chris Carson
President

League of Women Voters

1730 M Street NW, Suite 1000
Washington, DC 20036
Unsubscribe

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Tuesday, August 28, 2018 10:00 AM
To: gkirby@redwoodcity.org; dcbertini@menlopark.org; Jonsen, Robert; Binder, Andrew; Kilpatrick, Brad; jrosen@da.sccgov.org; molly.o'neal@pdo.sccgov.org; stevendlee@alumni.duke.edu; HRC; paloaltofreepress@gmail.com; council@redwoodcity.org; ibain@redwoodcity.org; mdiaz@redwoodcity.org; Keene, James; myraw@smcba.org; michael.gennaco@oirgroup.com; wilpf.peninsula.paloalto@gmail.com; chuckjagoda1@gmail.com; apardini@cityofepa.org; citycouncil@menlopark.org; Van Der Zwaag, Minka; Constantino, Mary; Kniss, Liz (internal); stephanie@dslextreme.com; Perron, Zachary; Lee, Craig; Kan, Michael; Council, City; acisneros@capublicrecordslaw.com; allison@padailypost.com; emibach@padailypost.com
Subject: Hundreds dead, no one charged: the uphill battle against Los Angeles police killings | US news | The Guardian

https://www.theguardian.com/us-news/2018/aug/24/los-angeles-police-violence-shootings-african-american

Hundreds dead, no one charged: the uphill battle against Los Angeles police killings

The families of Grechario Mack and Kenneth Ross Jr, whose deaths made few headlines, speak out: 'They took a part of me'

Sam LevinFri 24 Aug 2018 04.00 EDT

Catherine Walker closed her eyes, pressed her hands over her ears, and tried to escape.

It's been four months since Los Angeles police killed her son, Grechario Mack, whose death barely made headlines, who did not become a viral hashtag. On a recent afternoon, the 59-year-old mother wore pins with her son's face and said she was ready to speak. But when the moment came, she could hardly talk.

As relatives recounted the killing around her, she tried to shut out the words describing Mack's last moments. Eventually, she collapsed in her chair in anguish.

"I couldn't save my baby," she cried as someone held her. "When they took my son's life, they took a part of me."

Police shot Mack, a 30-year-old father of two, in the middle of a mall on the afternoon of 10 April, as he was holding a kitchen knife and having a mental health crisis. Less than 24 hours later,

officers arrived at a park and killed Kenneth Ross Jr, another black resident who struggled with mental illness and was said to be fleeing when police shot him with a military-style rifle.

The two families, brought together by Black Lives Matter the day of Ross's death, are now channeling their grief into a fight for justice – taking on one of the country's deadliest police systems, where law enforcement killings of black mentally ill residents are so normalized, families struggle to be heard. They face an uphill battle in the most secretive state in the US for police misconduct, in a region where officers who shoot are never prosecuted.

"Mentally, I can't even do nothing right now," said Fouzia Almarou, Ross's mother. "But I'm gonna stay strong … I want to make sure my son is remembered."

'Police don't have to care'

Catherine Walker holds an image of her son, Grechario Mack. Photograph: Dan Tuffs for the Guardian

Police in America kill more people in days than other countries do in years, and Los Angeles law enforcement has repeatedly led the US with its body count, according to The Counted, a Guardian US project that tracked deaths at the hands of law enforcement.

From 2010 to 2014, police in LA county shot 375 people, about one person every five days. Black residents make up 9% of the population, but represented 24% of deaths.

Across the US, the odds are stacked against families who look to courts for justice. Charges are extremely rare and convictions even rarer, with the law widely protecting officers who claim they feared for their lives. In LA, the odds of prosecution are effectively zero.

Since 2000, there have been no charges for the more than 1,500 shootings by police in the county. Since the district attorney Jackie Lacey was elected in 2012, roughly 400 people have been killed by on-duty officers or died in custody, according to Black Lives Matter LA. Lacey even declined to file charges when the chief of the LA police department (LAPD) called for the prosecution of one of his own officers.

“It really greenlights this type of behavior,” said Melina Abdullah, a BLM organizer in LA. “Police don’t have to care about anybody’s life, especially if they’re black or brown or poor.”

Abdullah and other activists are part of the Justice Teams Network, which provides “rapid response” after killings. They go to the scenes, interview witnesses, offer the family assistance with press and funerals, and work to counter the police narratives.

On a recent afternoon, Abdullah took the Guardian to sites of police killings in south LA. One stop was a quiet alley where three years earlier, LAPD officers had killed Redel Jones, a 30-year-old woman who had a kitchen knife and was fleeing police.

Jones, who had struggled on and off with homelessness, loved web design, dancing, cartoon shows, electronic music and rap and had a “brain that was always moving”, said Marcus Vaughn, Jones’s husband, recounting their dream of traveling in a mobile home together.

Headlines, however, reduced her to a “suspect” wanted for a robbery. And two years later, Lacey, the prosecutor, reduced her case to a statistic, clearing the policeman with her standard finding of “lawful self-defense”. The district attorney’s office declined an interview request.

“They did not care about Redel. Her death was one less black person. How are you just gonna kill a woman like she just meant nothing?” said Vaughn, adding that Jones was less than five feet tall and had bipolar disorder and depression, but was not violent. “If she was a short little white woman, they would’ve treated her with so much tenderness.”

Marcus Vaughn, the husband of Redel Jones, at a 2016 rally. Photograph: Amanda Lee Myers/AP

Abdullah said she felt an obligation to organize after each killing and a sense of relief when a day passed without a death. Standing near the site of Jones’s killing, she was pained to see a makeshift altar had disappeared and vowed to rebuild it.

Jones didn’t get justice, Abdullah said, but she is hoping her next cases could be different.

‘Your aim was to murder my child’

When Quintus Moore saw a TV report saying LAPD officers had shot someone inside the Baldwin Hills Crenshaw mall, he said he felt sad a man had died for no good reason. Later, it dawned on him that he hadn’t heard from his son since the day before.

After a series of frantic messages to each other, a visit to the mall and a call with the morgue, the family discovered that their worst fears were true: Grechario Mack was the victim.

It was supposed to be a celebratory month for Mack. He had been released from prison on 5 April, five days before the killing, and the family had gathered for a “welcome home” party. Mack had had mental health struggles and past run-ins with the law, and, according to his parents, he was on new medication that was negatively affecting him.

Moore said his son had seemed agitated the morning of his death, and that he might have been paranoid or anxious and holding the knife to feel safe.

Redel Jones with her daughter, Sicare. Photograph: Courtesy of Marcus Vaughn

The LAPD’s report said Mack appeared to be having a “mental health crisis” and was “aggressively waving a long knife”. Police alleged he ignored commands and “ran in the direction” of patrons, leading to the shooting. Two officers fired at him, according to one report.

Abdullah, the BLM organizer, rushed to the mall, located in a black neighborhood and just a few blocks from Redel Jones's killing. She said mall employees told her that Mack had been talking to himself and seemed unwell, but was not attacking anyone.

One employee of a nearby store, who declined to give her name, told the Guardian she walked within 10ft of Mack, who did not scare her: "He was just standing there … It wasn't such a big knife."

Blurry videos from witnesses captured heavily armed officers surrounding Mack and firing a handful of loud shots. Screams echoed throughout the mall as shoppers ducked for cover and ran. When investigators arrived, he was surrounded by shattered glass.

The county's autopsy said Mack suffered at least five gunshot wounds, including one in his back just below his head.

"It's like they got some kind of mandate to kill our black young men," said Moore, who wears his son's ashes in a pendant around his neck.

Mack's mother compared the killing to a lynching: "They only went from the noose to the gun … Who gives them the right to be the executioner and the judge?"

Abdullah helped Mack's family organize a vigil. There, she met Fouzia Almarou, who had more bad news: police had just shot and killed her son, Kenneth Ross, in a park 10 miles south of the mall, one day after Mack's killing.

Kenneth Ross with his brother Zion. Photograph: Courtesy of Fouzia Almarou

Police have provided few details about the killing in the LA suburb of Gardena. Lt Steve Prendergast told the Guardian that officers were responding to calls of shots fired and ended up chasing Ross, 25, whom they considered a suspect and was "running away from the scene".

Prendergast said there was a “gun found at the scene”, but he couldn’t say whether Ross owned it or had pointed it. One police report said Ross briefly hid in a bathroom and that police shot him with an AR-15 rifle after he exited. That report said the gun had been in his pocket.

The county’s official autopsy said he was shot multiple times, including in the back.

Almarou said her son, who leaves behind seven younger siblings and a four-year-old son, had bipolar disorder and schizophreniabut was well known to local residents as harmless.

“Why did they shoot him in the back?” she said. “Your aim was to murder my child.”

At the vigil, Almarou ended up finding somecomfort from Mack’s family, who later donated money to Ross’s funeral.

‘We can’t treat mental illness with murder’

California is considered the strictest state in the US for police confidentiality, with policies that have kept misconduct records hidden and, critics say, created a culture that condones excessive force.

“It allows the most abusive officers to continue to operate,” said George Galvis, executive director of Communities United for Restorative Youth Justice, which co-sponsored legislation to increase transparency. Another bill would stipulate that police could only use deadly force when “necessary”, instead of the current “reasonable” standard. The move, he said, would encourage police to treat people of color the way they often respond to white suspects – de-escalate the situation and work to keep them alive.

LAPD has adopted policies meant to encourage police to defuse tense situations, but critics say the reforms aren’t working and aren’t enough.

“We can’t treat mental illness with murder,” said Tabatha Jones Jolivet, another BLM organizer.

Amid calls for prosecution and legislation, it can be hard for families to keep the spotlight on their loved ones’ lives when their story becomes their death.

Fouzia Almarou, who son, Kenneth Ross, was shot by police. Photograph: Dan Tuffs for the Guardian

Mack, known as Chario, was an honor roll student who graduated high school early, his mother said. He loved to fish and was fiercely protective of family. His nine-year-old daughter wrote a tribute saying she would miss piggyback rides and museum trips, adding: “I know that you’re always in my heart.”

Arianna Moore, Mack’s sister, said her brother motivated her to be courageous: “He would tell me, ‘You could do anything you put your mind to.’”

Vaughn, Redel Jones’s husband, said he and their children sometimes struggled to remember what her voice sounded like. His nine-year-old daughter often wakes in the middle of the night shaking after a nightmare watching her mother die. She fears the police.

Ross, an avid skateboarder, was so generous, his mother recalled, that as a child he gave his allowance money to homeless people: “His heart was amazing.”

Ross’s mother said she was a survivor of domestic violence and that her son took care of her.

When times were tough, she said, her son offered the same message of comfort: “You’ll always have me to take care of you.”

Since you’re here…

… we have a small favour to ask. More people are reading the Guardian’s independent, investigative journalism than ever but advertising revenues across the media are falling fast. And unlike many news organisations, we haven’t put up a paywall – we want to keep our journalism as open as we can. So you can see why we need to ask for your help.

The Guardian is editorially independent, meaning we set our own agenda. Our journalism is free from commercial bias and not influenced by billionaire owners, politicians or shareholders. No one edits our Editor. No one steers our opinion. This is important because it enables us to give a

voice to the voiceless, challenge the powerful and hold them to account. It's what makes us different to so many others in the media, at a time when factual, honest reporting is critical. The Guardian's investigative journalism uncovers unethical behaviour and social injustice, and has brought vital stories to public attention; from Cambridge Analytica, to the Windrush scandal to the Paradise Papers.

If everyone who reads our reporting, who likes it, helps to support it, our future would be much more secure. **For as little as $1, you can support the Guardian – and it only takes a minute. Thank you.**

Sent from my iPhone

Carnahan, David

From: Carl D <cdarling@sbcglobal.net>
Sent: Sunday, August 26, 2018 7:01 PM
To: Council, City
Subject: I also witnessed the accident at Ross road. I agree with the Change.org statement by George Jaquette. It may be too late to stop this Ross Road project but it should not continue on other streets.

Sent from Mail for Windows 10

Carnahan, David

From: Sandra Varga <varga.rentals@gmail.com>
Sent: Monday, August 27, 2018 4:29 PM
To: Council, City
Subject: just cause and housing payments

PLEASE PLEASE PLEASE.

THE COST OF DOING BUSINESS IS SKYROCKETING IN THE BAY AREA. DO NOT TIE THE HANDS THAT PROVIDE HOUSING.

WE LANDLORDS NOT ONLY HAVE HIGH OPERATING EXPENSES BUT TREMENDOUS LIABILITY.

WE ARE NOT WELFARE PROVIDERS. WE PROVIDE HOUSING . DO NOT DETER OWNERS FROM CONSTANTLY IMPROVING THE RENTAL UNITS. WE WILL HAVE TO CUT CORNERS AND YOU MAY SEE BLIGHTED BUILDINGS.

SANDRA VARGA
IN THE BUSINESS 40 YRS

Carnahan, David

From: Joe Meyers <jrameyers@yahoo.com>
Sent: Saturday, August 25, 2018 12:47 PM
To: Council, City
Subject: Announcements to Daily Post vs. PA Weekly

Dear City Council Members,

Changing your meeting announcements from the PA Weekly to the Daily Post is penny wise and pound foolish--plus it's hard to believe that a council that will commission very expensive studies at the drop of a hat is penny-pinching on announcements significant to citizens that the Daily Post scarcely reaches. Besides that, independent journalism is more important now than at any other time in living memory. Please reconsider your decision to change.

Thank you,
Joe Meyers
Downtown North

Carnahan, David

From: Jen Fryhling <jfryhling@gmail.com>
Sent: Saturday, August 25, 2018 12:27 PM
To: Council, City
Subject: Communications

Dear City Council Members:

Please continue to publish the City's meeting notices and agendas in the Palo Alto Weekly.

My tax dollars to the City should be spent on just that - keeping 67,000 residents of Palo Alto informed. The Daily doesn't deliver to my home nor is there free online access like the Weekly.

As two working parents with kids in Palo Alto schools, the City needs to keep up with the pace of life here and not regress to the dark ages. Palo Alto families need convenience (i.e., Weekly's free home delivery and online access). There's a reason why mobile gas service, ride sharing, Insta-cart, Amazon, Google Express, etc. are so popular because we need convenience and easy access in Palo Alto.

By comparison, many tech companies provide multiple platforms to communicate and reach people and employees. The fact that the City is actually withdrawing a major platform of communication to residents for a measly $20K savings would be a career ending idea in most companies. Why should we accept grossly lower standards in the City?

Please keep up with your constituency and focus on proposals to increase communications, visibility, and openness with Palo Alto residents rather than less. Continue to publish the City's meeting notices and agendas in the Palo Alto Weekly.

Regards,
Jennifer Fryhling

Carnahan, David

From: Susan Thomas <sthomas210@comcast.net>
Sent: Saturday, August 25, 2018 12:24 PM
To: Council, City
Subject: Notices and Information in Palo Alto Weekly

PLEASE do not stop putting city notices and other information in the Palo Alto Weekly. Many of us do not ever look at the Post and rely on the Palo Alto Weekly, which is delivered to our homes, as a source of this information. Because the circulation of the Palo Alto Weekly is so much greater than that of the Post, the City's move seems almost like a plot to minimize informing the public.

Susan Stuermer Thomas
John Nichols Thomas

Sent from my iPad

Carnahan, David

From: Roy Levin <roy@levin.net>
Sent: Saturday, August 25, 2018 11:38 AM
To: Council, City
Subject: Please continue to publish agendas and notices in the Palo Alto Weekly

Dear City Council,

The decision to shift publication of City Council agendas and public notices away from the Palo Alto Weekly is penny-wise and pound-foolish. Surely the savings of $20,000 is negligible in the City's budget, yet the consequences of moving this material are far costlier: a less informed and less engaged citizenry.

If this was truly a decision taken by the City Clerk, as has been reported, then it should be a simple matter for the Council to overrule it. If, however, the Council itself took this action, then I'm forced to conclude that, by changing to a publication (the Daily Post) that is distributed much more narrowly than the Weekly, the Council is seeking to reduce communication with Palo Alto residents. Or, to put it another way, the Council values that communication at less than $20,000, which is approximately the cost of two first-class mailings to each household in Palo Alto per year. Surely that is a small price to pay to keep residents informed of the Council's plans and actions.

Government works best when the governed are engaged with their chosen leaders, however annoying that may occasionally be to those leaders. Avoiding engagement, which is an inevitable result of this decision, isolates leaders from those whose interests they were elected to represent. Ultimately, those leaders, their constituents, and the entire city lose.

This short-sighted action will erode further erode confidence in the Council at a time when precisely the opposite is needed. Please countermand this decision swiftly.

Sincerely,

Roy Levin
810 Garland Drive
Palo Alto

Carnahan, David

From: Jane David <007janelisa@gmail.com>
Sent: Saturday, August 25, 2018 10:59 AM
To: Council, City
Subject: dropping PA Weekly notices slap in the face to residents

Dear Council Member,

The staff decision to choose the less expensive paper for publishing notices to save a few bucks at the expense of reaching many more residents is a slap in the face to us. We have lived in Palo Alto for decades and see increasing distance between those who run city government and its citizens. This is one more example of saving pennies over valuing broader communication.

Please take charge of revisiting this consequential decision.

Thank you for your attention,

Jane L. David
3144 David Ave
Palo Alto

Sent from my iPad

Carnahan, David

From: Sue Purdy Pelosi <sueppr@gmail.com>
Sent: Saturday, August 25, 2018 10:48 AM
To: Council, City
Subject: Please reconsider pulling the council meeting notices from the weekly

I feel strongly that in these days of challenges to our Democracy, concern about a modest budget item should not remove an important and established method to alert our citizens to our local city meetings.

Thank you

Sue

Sue Purdy ☮ Pelosi

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

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

Carnahan, David

From: Alfred Sugarman <asugarma@ix.netcom.com>
Sent: Saturday, August 25, 2018 10:43 AM
To: Council, City
Subject: Discontinuance Of Publishing Palo Alto's Meeting Notice and Agenda Ads in the Palo Alto Weekly

Dear Sir/Madam,
I am a Palo Alto resident and have the Palo Alto Weekly delivered to my house. When I receive it I look forward to reading the city's agendas of upcoming City Council, planning commission and other city meetings.

Please do not discontinue this advertising and leave it in the Palo Alto Weekly.

Alfred
650 799 4564 Cell
alfred.sugarman Skype
509 757 6351 Fax
650 858 8081 Home

Carnahan, David

From: Gloria Pyszka <gpyszka@yahoo.com>
Sent: Saturday, August 25, 2018 8:48 AM
To: Council, City
Cc: Bill Johnson; Palo Alto Weekly
Subject: Notice ending ciy meeting notices in the PA Weekly

This decision is ill-conceived. We who subscribe to the PA Weekly,
or pick iit free at the boxes, want to know when the upcoming city meetings will be held. We don't read the Post as much. You've really got to be living under a rock (sorry, not nice) not to recognize how important the Weekly is to the population. I'm truly surprised at the several incredibly bad opinions that have been reported by the city council or a specific member.
Making a decison that might result in fewer residents attending the council meetings has many negative connotations, all of which
make you look as if you are oblivious to your voters.

Gloria Pyszka
284 East Charleston
Palo Alto

Carnahan, David

From: David Greene <0524dg@gmail.com>
Sent: Friday, August 24, 2018 11:24 PM
To: Council, City
Subject: City Clerk Beth Minor

Dear Council Member,

Beth Minor's decision to stop publishing meeting notices in the Weekly will save the city about $20,000 in expenses. But it is penny-wise and pound-foolish.

The Weekly distributes 20,600 copies in Palo Alto, including 14,000 delivered to Palo Alto homes, including mine. The proposed new contractor, the Daily Post, distributes 6,000 copies with no distribution directly to homes. On a per-copy basis, the cost of publishing in the weekly is actually lower than that of the Post. Isn't the goal of publishing these notices to reach as many people as possible? I won't get to see them if they're not published in the Weekly. Nor will thousands of other Palo Altans.

The Council should re-affirm the civic purpose of publishing notices and assert its authority to contract the work to the vendor who can reach the largest audience cost-effectively. Leaving this decision as it is, is doing the public a significant disservice!

David Greene
3144 David Avenue
Palo Alto, CA 94303

Carnahan, David

From: Cheryl Lilienstein <clilienstein@me.com>
Sent: Friday, August 24, 2018 10:40 PM
To: Council, City
Subject: Please fix this: The Palo Alto Weekly should be the paper for city announcements

Dear City Council,
Why eliminate the Palo Alto Weekly as the city's public announcement platform? You all know the Palo Alto Weekly has the broadest reach to residents of Palo Alto as a completely local paper with city-wide distribution, and it's your responsibility to communicate agendas and notifications with as many citizens as possible. The city manager should not have made this wrong decision, and you need to fix this.

You have often said you want the public to be informed and engaged, yet how are we to know what is happening if this public notification option is eliminated? Do you expect us to seek information on the city website, looking for notifications? Or go somewhere to pick up the Daily News that is more regional than local? This makes no sense. And, $20,000 is less than a drop in the bucket — yet money well spent— compared pretty much any other expenditure.

Please continue the longstanding tradition of having the Palo Alto Weekly supply local information we residents need to participate.

Sincerely,
Cheryl Lilienstein

https://www.paloaltoonline.com/news/2018/08/24/city-to-stop-publishing-meeting-notices-in-weekly-citing-cost-savings?utm_source=Support+Local+Journalism+Subscribers+%28segmented%29&utm_campaign=075cac606a-EMAIL_CAMPAIGN_2017_09_05_COPY_01&utm_medium=email&utm_term=0_da52da7593-075cac606a-111987821

Carnahan, David

From: Kerry <kerry.spear@gmail.com>
Sent: Friday, August 24, 2018 8:25 PM
To: Council, City
Subject: Don't stop advertising in the Palo Alto Weekly

Saving $20k to stop advertising in the Weekly is silly! Where else does our community get the continuity of readership and home town support other than the Weekly?

I haven't seen Palo Alto ads on NPR or in the NY Times- let's support the PALO ALTO local paper. It's a bargain.

Kerry Spear
370 Oxford Ave

Sent from my iPhone

Carnahan, David

From: Kerry <kerry.spear@gmail.com>
Sent: Friday, August 24, 2018 8:16 PM
To: Council, City
Subject: Keep publishing minutes in the PA Weekly

Do not stop publishing in the Weekly!
What are you thinking?

Kerry Spear
370 Oxford Ave
Palo Alto

Sent from my iPhone

Carnahan, David

From: Finfrock Shirley <samfinf@comcast.net>
Sent: Friday, August 24, 2018 8:14 PM
To: Council, City
Cc: Bill Johnson
Subject: City Public Notices

I think it is very short sighted and being pennywise and pound foolish to save $20,000 to put public notices in the Daily Post rather than the Palo Alto Weekly.

Why save $20,000 and not reach 30% of Palo Residents.

Shirley Finfrock
Barron Park
Long Time Resident since 1969

Carnahan, David

From: Jo Ann Mandinach <joann@needtoknow.com>
Sent: Friday, August 24, 2018 7:58 PM
To: Council, City; Lydia Kou
Cc: Tom DuBois; Holman, Karen (external); Filseth, Eric (external)
Subject: Palo Ato needs to more informed, not less. Restore the $20K budget for meetings and agenda in the PAW.

Hello.

I can't believe the city is cutting $20,000 to publicize its meeting schedules and agendas just before an election -- and at a time when we need to be **more** informed, **not less.**
Funny, you keep taking about the need for "community outreach" and then you cut this?

$20,000 is a drop in the bucket compared to, say Zero Waste's never-ending ads tin every issue of every paper especially when PAU ran a $19,500,000 surplus last year that comes out of our pockets. Cutting those ads would make some economic and practical sense

Given all the wasteful spending in Palo Alto, I sincerely doubt this move is motivated by your desire to be economical. Perhaps you don't like Palo Alto Online's editorials? Perhaps you don't like all the taxpayers showing up at CC and PTC meetings and questioning your decisions? Perhaps you don't want voters to be informed?

Whatever your reasons, please see that this silly false economy stops now and keep publishing the meeting notes and agendas in Palo Alto Weekly,

Most sincerely,

--
Jo Ann Mandinach
1699 Middlefield Road Palo Alto, CA 94301

JoAnn@needtoknow.com
650 269-0650

Carnahan, David

From: Norman Beamer <nhbeamer@yahoo.com>
Sent: Friday, August 24, 2018 6:40 PM
To: Council, City
Subject: Fw: FYI: An important message from the Palo Alto Weekly

Obviously, this stinks.

-----Forwarded Message-----
From: Bill Johnson
Sent: Aug 24, 2018 4:41 PM
To: sheri11@earthlink.net
Subject: An important message from the Palo Alto Weekly

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View this email in your browser

Dear Subscriber:

I wanted to alert you to a disappointing decision by the Palo Alto City Clerk to discontinue publishing the city's meeting notice and agenda ads in the Palo Alto Weekly.

As our story in today's paper explains, the city is planning on moving its advertising from the Weekly, which distributes 20,600 copies in Palo Alto, including 14,000 directly to homes, to the Daily Post, which circulates just 6,000 copies in the city through news boxes, with no distribution to homes. The stated reason is that this will save the city about $20,000 a year.

The Weekly has been publishing the agendas and other notices for the City Council, planning commission and other city boards for over 30 years, and the loss of this business is obviously of concern at a time when local newspapers everywhere are facing significant financial challenges due to declines in retail advertising. Little did we expect our own city government to contribute to this problem so it could save $20,000.

But an even greater and more important impact of this change is its threat to a well-informed public. In a community that prides itself on citizen engagement, it is illogical for the city to publish its advertising in a paper that reaches 70% fewer people and doesn't deliver to a single Palo Alto home. And the loss of the city's advertising means fewer resources available to continue the quality local journalism you expect from us.

If you are so moved, we would invite you to communicate your thoughts to any City Council member you may know, or the entire Council via the city.council@cityofpaloalto.org email. Obviously personal contact is best. You could also post a comment on the story itself.

I don't know whether the Council can be persuaded to reverse this decision, but an expression by concerned residents will certainly make it aware of how vital you believe city-resident communication is, and the importance of the city supporting the community's newspaper.

Thanks, as always, for the support you already provide the Weekly through your subscription.

Sincerely,

Bill Johnson
Publisher

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Our mailing address is:
Embarcadero Media
450 Cambridge Ave

Palo Alto, CA 94306-1507

Add us to your address book

Want to change how you received these emails?
You can update your preferences or unsubscribe from this list

Carnahan, David

From: Alice Martineau <aamartineau@sbcglobal.net>
Sent: Friday, August 24, 2018 6:17 PM
To: Council, City
Subject: Please keep City advertising with the Palo Alto Weekly

Dear Palo Alto City Council:

I am writing to urge you to reverse the city clerk's recent decision to discontinue publishing the city's meeting notices and agenda ads in the Palo Alto Weekly. These very notices and ads need to be easily accessible in our local paper, with the widest circulation, if you want to support an active and civically engaged populace in Palo Alto.

We need our independent press in these difficult times and I would hope to see Palo Alto's city government continue its support of the excellent Palo Alto Weekly!

Sincerely yours,

Alice Martineau

Carnahan, David

From: Karl Garcia <karlrob@gmail.com>
Sent: Friday, August 24, 2018 6:07 PM
To: Council, City
Cc: bjohnson@paweekly.com
Subject: City's Notifications...

Dear Council,

I would like to register my extreme displeasure upon hearing that you will be discontinuing the publication of official City Notices with the Palo Alto Weekly. The Weekly is the paper of record for Palo Alto and the City will be doing the community and it's citizens a great dis-service by not publishing in the Weekly. This is a really bad move.

I understand the announced motivation is a few tens of thousands of dollars savings.

In the City's budget of over 700 million dollars, this seems to me to be a small blip on the radar and certainly not worth the loss of readily available information this will cause.

I urge you to reconsider this ill-advised decision and restore publishing the City's notifications with the Weekly.

Karl Garcia
653 Waverley St
Palo Alto, CA 94301

Carnahan, David

From: Paul Machado <plmachado@gmail.com>
Sent: Friday, August 24, 2018 5:41 PM
To: Council, City
Subject: Horribly sad decision

To not place agendas and notices in the Palo Alto weekly is a horrible decision. A strong free press is vital to us all. You should actually place notices in both local papers as the purpose of the notices is to encourage citizen participation in civic affairs not just meet minimal notification requirements. The meager savings of $20,000 clearly sends the wrong message!

Thank you
Paul Machado

Carnahan, David

From: Cecilia Willer <cecilia_willer@yahoo.com>
Sent: Friday, August 24, 2018 5:22 PM
To: Council, City
Subject: Disappointed that the City Council meeting notice & agenda is planned to no longer be in the PA Weekly -- I NEVER read the Daily News and ALWAYS read the PA Weekly

City Council Members,

I am extremely disappointed that the City Council agenda and meeting notice is planned to no longer be in the PA Weekly. I NEVER read the Daily News and ALWAYS read the PA Weekly. I contribute to the PA Weekly monthly so that I can keep abreast of what is happening in Palo Alto. I do not go down town and get the Daily News, given our work schedule. I find it very short sighted to make this change. I realize budgets need to be cut, however making it more of a challenge to the community to find out about council meetings and notices is not a helpful solution. One would wonder if the City Council is interested in keeping the community in the dark versus being transparent and making information readily available.

I encourage you to reconsider this plan. Keep the PA community informed.

Thanks and please make the right decision!
Cecilia & Brad Willer
1270 Byron Street
Palo Alto

Carnahan, David

From: Jim Fruchterman <Jim.F@Benetech.org>
Sent: Friday, August 24, 2018 5:14 PM
To: Council, City
Cc: Bill Johnson
Subject: The City has enough communications problems with citizens and employers as it is

Dropping the Weekly, which many residents read, is crazy. I don't read the Post. I do read the Weekly. And I do read the city's posted activities in the Weekly. It's the main, and typically only, place I find out about what's going on in city government. And I'm not alone.

If you're doing this to save $20k, I'm sure many residents like me can tell you don't cut communications to us, cut far more expensive and less helpful items.

Is reducing citizen engagement in city business a feature or a bug to the council and city staff? We have too much suppression going on in the country as it is without Palo Alto jumping on the bandwagon.

Don't do it. And if you do it, be sure you'll hear a lot more from me on it.

Jim Fruchterman

1850 Middlefield Road, Palo Alto, CA 94301

Resident and employer of 50 people in Palo Alto.

Founder and CEO, Benetech
Email: jim@benetech.org

Twitter: @JimFruchterman
Blog: The Beneblog

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Palo Alto, CA 94306 USA
(650) 644-3406
Fax: (650) 475-1066
www.benetech.org
Benetech - Technology Serving Humanity
A nonprofit organization

Carnahan, David

From: Lisa Dondick Nissim <lisa.nissim@geminisols.com>
Sent: Friday, August 24, 2018 5:14 PM
To: Council, City
Subject: City Agenda

Dear Council Members,

Please continue to publish meeting agendas and other official notices in the Palo Alto Weekly. I read the Weekly because it is delivered directly to me. I do not have the opportunity to read the Post because there are no distribution points near my home. I am distressed you are considering limiting my access to this information by removing it from the Weekly.

Please reconsider your decision to limit access to this information by changing publications. Please respond directly to this email to confirm you will continue to keep me and the rest of Palo Alto informed about what is happening in the city by continuing to publish announcements in the Palo Alto Weekly.

Sincerely,

Lisa Nissim
1646 Escobita

Carnahan, David

From: Julianne Frizzell <julianneasla@sonic.net>
Sent: Friday, August 24, 2018 5:11 PM
To: Council, City
Subject: palo alto weekly

For the CPA council

I am disappointed to read that the CPA is planning on moving its advertising from the Palo Alto Weekly, to the Daily Post. I have been reading the Weekly on a weekly basis (and more often when it was published as a daily) for 25 years. I only see the Post at Sancho's Taqueria and P.A. Blueprint! Far more CPA citizens see and read the Weekly than the Post. I think that I am not alone in considering the P.A. Weekly Palo Alto's news paper.

Please reconsider this action

Thank you

Julianne Frizzell

Julianne Adams Frizzell

julianneasla@sonic.net

650-325-0905

Carnahan, David

From: charlalou@aol.com
Sent: Friday, August 24, 2018 5:07 PM
To: Council, City
Subject: Posting Meeting Notices in PA Weekly

Please continue to post meeting notices and agenda ads in the Palo Alto Weekly and, if necesssry, please retain the ads in the Palo Alto Weekly, and perhaps in the Daily Post also to provide even greater coverage.

I am disabled and receive the Palo Alto Weekly at my home but rarely can pick up the Daily Post. Recently I attended a City Council meeting where my grand daughter and fellow Girl Scouts made a presentation regarding limiting the use of plastic drinking straws.

Thank you for your consideration of this request.
Sincerely yours,
Charla W Ekstrand

Carnahan, David

From: Linda Anderson <andersonlinda911@gmail.com>
Sent: Friday, August 24, 2018 4:56 PM
To: Council, City
Subject: Published Agenda

It is my understanding you have decided to publish your meeting notices and agenda ads in the Daily Post as opposed to the Palo Alto Weekly.

I'm inclined, in a sarcastic vein, to say good move. That is, if you want to govern an even less informed city than you currently are. The circulation of the Daily Post is less than 1/3 of the Palo Alto Weekly.

Way to go.

Linda Anderson
401 Webster Street
Palo Alto

Carnahan, David

From: Ross DeHovitz <rossde@mac.com>
Sent: Friday, August 24, 2018 4:48 PM
To: Council, City
Subject: This is crazy!

I would like to comment on the crazy decision to publish city notices in a paper that is not well read and not home delivered.

The desire to save money is understandable but this falls in the pennywise and pound foolish department as the number of people who will be aware of these city decisions and programs will drop precipitously.

If the goal is only to publish so that the fewest people are aware, this is the way to do it. If the goal is to keep the citizens engaged, i would encourage the city to keep the contract with the most highly read paper in the city

Thanks so much

Ross DeHovitz

Carnahan, David

From: Robert Lancefield <rklancefield@comcast.net>
Sent: Friday, August 24, 2018 3:57 PM
To: Council, City
Cc: bjohnson@paweekly.com
Subject: Please restore Palo Alto Weekly as source of agendas of upcoming City Council, planning commission and other city meetings.

Dear Ms. Mayor and Members of the City Council,

Please restore, immediately, the Palo Alto Weekly as the source of agendas of the Council, Planning Commission and other city agencies.

I read the Daily Post almost daily. I read the Post every week.

Their format, and depth of reporting are very different.

The Post has news stories on the front page and on one continuation page. I usually read only those two pages. The rest is advertising that I skip. I can't imagine the Post will give front page coverage to city agendas and notices. I'm not about to look through every page of every Post, or to try to remember that city notices are regularly published the same day of every week or month. Likely result: I'll never know the agendas.

In contrast, the Weekly places the city agendas close to similar stories about city affairs, not buried in a middle part of the paper next to real estate and want ads.

The Weekly doesn't need to put the notices on its front page.

Members of the Council, I urge you to reverse the decision of Beth Minor.

If the City owes the Post money damages for breach of contract, so be it. The expense could be considered a cheap tutorial for all concerned: the Council, Jim Keene and Ed Shikada, and the city staff, and residents like me.

Respectfully,

Robert K. Lancefield
189 Walter Hays Drive

Sent from my iPhone

Carnahan, David

From: Laurie Hunter <lhunter353@aol.com>
Sent: Saturday, August 25, 2018 7:59 PM
To: Council, City
Subject: Palo Alto Weekly notices

As a citizen of Palo Alto I urge you to continue to post your notices in the Palo Alto Weekly so that all citizens are informed!!! We need a free press to inform us of government matters!!!

Laurie Hunter
353 Lowell Ave
Palo Alto
650.380.0136

Sent from my iPhone

Carnahan, David

From: david <lischins@pacbell.net>
Sent: Saturday, August 25, 2018 6:44 PM
To: Council, City; editor@paloaltoweekly.com
Subject: Penny wise and pound foolish

To the City Council members,

Your decision to save $20,000 by curtailing the publication of important information to your constituency seems wrongheaded on two counts. While you may sometimes wish local citizens were less involved in decisions that affect our well-being, that involvement is a vital element in creating the kind of community were we all want to live. By cutting back on public information to save money, you are also damaging a fragile but critical player in local democracy, the Palo Alto Weekly. It is my go-to newspaper for local news, particularly local government.

You should all read Time Magazine's lament for the loss of local reporting in its August6/13 edition. It highlights the huge cutback in local reporting across the nation and its damaging effect. I will quote one line: "That newspapers are a casualty of the Information Age may quality as irony, but there are deep veins of tragedy involved, especially for communities that used to have a lot more people paid, by the local paper, to pay attention to what was happening there.

As a former reporter for the San Jose Mercury News, the Wall Street Journal and National Public Radio, I have watched with dismay as the career I devoted years to has been defunded, derided and enfeebled. I hope you realize that you're supporting the agenda of people like our current president when you undermine one of the pillars of our democracy.

Yours Truly,

Dedra Hauser

Carnahan, David

From: Lea Feinstein <leafeinstein@gmail.com>
Sent: Saturday, August 25, 2018 6:40 PM
To: Council, City
Subject: Keep the Weekly

Greater outreach. Support for local press. Please reconsider the decision to switch notification of council meetings from the Weekly to the Post.
They both matter, but the Weekly is the people's paper.
Thanks
Lea Feinstein

www.leafeinstein.com
650-281-5669

Carnahan, David

From: Sylvia Gartner <sgartner@ix.netcom.com>
Sent: Saturday, August 25, 2018 6:26 PM
To: Council, City
Subject: Palo Alto Weekly

As a regular Palo Alto Weekly reader, especially of their wonderful Daily Express email service, I was very disturbed to read Bill Johnson's email about your removing your ad business from the Weekly and moving it to the Daily Post.

This seems very odd to me. Why would you want to advertise in the smaller; and, in my opinion, less prestigious local newspaper? I am a Weekly subscriber and support their excellent reporting on local issues.

Please revisit this bad move and return the City's ad business to the Weekly.

Sylvia Gartner
Moreno Avenue

Carnahan, David

From: Jean Griffiths <j2ean2@pacbell.net>
Sent: Saturday, August 25, 2018 6:03 PM
To: Council, City
Subject: PA Weekly vs PA Daily!

Palo Alto Weekly has a good point as they reach a larger section of the community than the PA Daily for public notices. I realize $20K is $20K but it's not going to bust the budget. Jean Griffiths. PA resident

Carnahan, David

From: M Chalmers Smith <ntiviv@me.com>
Sent: Saturday, August 25, 2018 5:54 PM
To: Council, City
Subject: Publishing City Council notices

Please reverse your decision and instead continue to publish notices of upcoming City Council meetings in the Palo Alto Weekly.

What a poor decision you made to move the notices to the Post.

I would like to hear your reasoning for the change. Saving a bit of money is not adequate, as far as I am concerned. You need to reach the broadest demographic possible.

Thank you,
Meg Smith
315 Homer Ave #306
Palo Alto, CA 94301

Carnahan, David

From: Pat Bartz <pabartz9@ix.netcom.com>
Sent: Saturday, August 25, 2018 5:40 PM
To: Council, City
Cc: Pat
Subject: your decision to save 20K by unsavory action

Importance: High

Hello: I have lived in Palo Alto for 40 years and find that the city management, if that's what you call it anymore, has deteriorated significantly. I strongly suggest that you, the Palo Alto City Clerk, negate your recent decision to save $20,000 by publishing City agendas and other notices for the City Council in the Daily Post, which has no local delivery. What a sham!! Certainly there are more acceptable ways to the public, who fund city activities, to save this small amount of money than by switching advertising publications.

Patricia Bartz
713 Oregon Avenue

Carnahan, David

From: Rayme Adzema <raymejareau@gmail.com>
Sent: Saturday, August 25, 2018 5:34 PM
To: Council, City
Subject: Palo Alto Weekly

Please do not take revenue away from the Palo Alto Weekly by posting city agendas and other items in the Daily Post. The Weekly is the paper of record in Palo Alto, contains actual local journalism and should be supported by the city and its taxpayers.

Thank You,
Rayme Waters
1280 Pine Street, Palo Alto

Sent from my iPhone

Carnahan, David

From: Susan Wolfe <wolfeperson@gmail.com>
Sent: Saturday, August 25, 2018 5:35 PM
To: Council, City
Subject: Publish agenda and meeting notices in the Palo Alto Weekly

Please change your mind about this immediately. The Post is just not a respected or widely distributed paper. And the Palo Alto Weekly is a good paper that deserves the City's support.

Thank you.

Susan Wolfe
350 Campesino Avenue

Sent from my iPhone

Carnahan, David

From: Rafe Mazzeo <rmazzeo@stanford.edu>
Sent: Saturday, August 25, 2018 5:32 PM
To: Council, City

To the City Council,

I am writing to protest your recent decision to move your meeting notice and agenda ads from the Palo Alto Weekly to the Daily Post.
I do not think this makes sense: the Weekly reaches over three times the number of homes and plays a MUCH more important role in the civic life of this town. I always read the Weekly and find much that is useful in there. The Post is pretty invisible as far as I and many others are concerned.
I am sure you are as aware as I of how much on the edge any print news service is, and a $20K difference is surely nontrivial to them.

I hope you will reconsider. You are doing the city genuine long-term damage by this action.

Rafe Mazzeo

+---+

Professor Rafe Mazzeo Office phone: 650-723-1894
Department of Mathematics Mobile: 650-714-5718
Stanford University
Stanford, CA 94305 http://math.stanford.edu/~mazzeo

Carnahan, David

From: Lorraine Menuz <lmenuz@yahoo.com>
Sent: Saturday, August 25, 2018 4:31 PM
To: Council, City
Subject: The Palo Alto weekly

I find it quite upsetting that the council continues to make decisions not in the best interest of Palo Alto residents. Now you are set to discontinue posting council agendas in The Weekly. I and many other subscribers want to be able to access that information in the paper. I hope you will reconsider your decision.
Lorraine Menuz

Sent from my iPhone

Carnahan, David

From: Elzabeth Weiss <paneurhythmy@yahoo.com>
Sent: Saturday, August 25, 2018 4:07 PM
To: Council, City
Subject: The importance of The Weekly

Dear Council Members,
As a 30+ year resident of Palo Alto (who, by the way, has never written a letter to any government body), I would like to weigh in on your purported decision to stop posting Council and Committee meeting times, agendas, etc., in The Weekly and change to some other publication. While of course I do not know the reasons for this decision, I would like to point out to you that The Weekly is a high quality and widely read paper that I almost always take the time to a least scan. The other paper is not even on my radar. In my opinion, Palo Alto's citizenry will be far less well-informed as a result of this action -- so unless that is what you are trying to achieve, this strikes me as a bad decision which I would urge you to reconsider.
Thank you for your attention.
Respectfully,
Elizabeth Weiss

Carnahan, David

From: Betty Lum <bylum@pacbell.net>
Sent: Saturday, August 25, 2018 4:04 PM
To: Council, City
Subject: CITY CLERK'S DECISION

Dear Honorable City Council Members,

Perhaps because I grew up in a small town in Hawaii where local journalism was considered very important, and a routine part of our lives, I have always believed in, and supported it whenever possible. I have been a paid subscriber of the Palo Alto Weekly since its inception, and was deeply disappointed to learn recently that our City Clerk has decided to discontinue publishing the city's meeting notices and agenda ads in the Weekly, using instead, the Post, which is not widely circulated. It is very difficult to get The Post daily as it is not distributed to homes; being available only in news boxes around the city. There have been MANY TIMES when the boxes in South Palo Alto areas have been empty by mid-morning (around 10 - 11 a.m.), and we have had to go without the Post. I can obtain the agendas and meeting notices as well as the Daily Post online, but there are many in the city who either have no access to computers, or do not have the ability to access the information online.

I'm sure many citizens would appreciate it if the City Clerk will re-consider the online distribution of city meeting notices and agendas. Could this possibly be a request from Council to the City Clerk? Thank you very much.

Betty Lum
4202 Suzanne Drive
650-493-6876

wanted to alert you to a disappointing decision by the Palo Alto City Clerk to discontinue publishing the city’s meeting notice and agenda ads in the Palo Alto Weekly.

Carnahan, David

From: Clay Lambert <clay_lambert@sbcglobal.net>
Sent: Saturday, August 25, 2018 3:18 PM
To: Clerk, City; Council, City
Subject: Poor decision to change public notices

Ms. Minor, Ms. Kniss and distinguished members of council,

I read with interest in the Palo Alto Weekly that you have decided to switch from publishing agendas in the Palo Alto Weekly to the Daily Post. This decision may have been pennywise, but it was certainly pound foolish.

As you know, the PA Weekly is the more widely read of the two and far more widely read and respected by actual residents of Palo Alto — you know, the people who would be most interested in all those government meetings. The goal of publication, I presume, is to increase civic engagement. That goal is priceless and I simply can't believe that you would thwart it for $20,000 a year. I presume there is something else going on here.

It is also germaine to note that local journalism is imperiled here and elsewhere. Trump tariffs are raising the cost of newsprint on the order of 30 percent overnight. While we often hear how difficult it is for public servants like policemen and teachers to live on the peninsula, almost all of them make more than Palo Alto Weekly reporters. The Palo Alto Weekly is among the most respected local newspapers in the state and there are vanishingly few like it across the fruited plain. As busy as i am, if not for the weekly newspaper and it's in depth reporting about local institutions, I would know almost nothing about my community. As a public service, you should be supporting such an institution rather than subverting it. (With due respect, the Daily Post is nothing like the Weekly, as you well know. I've lived here for 16 years and I've never heard one of my neighbors reference it. It's meant for commuters and people hanging out in coffee shops who, by and large, don't pay your salaries.)

Furthermore, I'm deeply disturbed by the thought that you didn't return phone calls seeking comment. It's as much my money we're talking about as yours, and I think all of us deserve an explanation.

Sorry to be so fired up about this.

Respectfully,

Clay Lambert
3696 Bryant St.
Palo Alto

Carnahan, David

From: Jeanne Kennedy <jeanne.kennedy@comcast.net>
Sent: Saturday, August 25, 2018 1:54 PM
To: Council, City
Subject: Removing your advertising from the Palo Alto Weekly

Dear City Council members,

I hope you will reconsider and continue to support the Palo Alto Weekly. Any city would be proud to have a weekly paper that is as distinguished as ours. It deserves your support as well as ours.

Sincerely,

Jeanne D. Kennedy
680 Lowell Avenue
Palo Alto, CA 94301-3817
650-325-0177
cell: 650-868-3125
jeanne.kennedy@comcast.net

Carnahan, David

From: Kaye Storm <kayestorm@gmail.com>
Sent: Sunday, August 26, 2018 7:53 AM
To: Council, City
Subject: Don't stop publishing in the Palo Alto Weekly

I'm writing to express my disappointment that the city plans to stop publicizing agendas and notices for the City Council, planning commission and other city boards in the Palo Alto Weekly. This smacks of a desire to reduce transparency rather than encourage it. Of all the silly and unnecessary expenses approved by the city (not the least of which was the road "drainage project" a few years ago in Southgate, my neighborhood) surely the $20,000 in annual savings could be achieved by cutting other more frivolous items from the budget. I consider the Daily Post just an annoyance and would never make an effort to pick up or read a copy. I suspect many Palo Alto residents have the same opinion. So if the City is really interested in citizen engagement, continuing to publish in the Weekly is a no-brainer.

Kaye Storm
kayestorm@gmail.com
650.326.4800

Carnahan, David

From: Jeffrey Brown <jbrownconnect@aol.com>
Sent: Saturday, August 25, 2018 10:55 PM
To: Council, City
Subject: Meeting notices

Please explain the reason for discontinuing publication of meeting notices and agendas for council and commission meetings in the Weekly. I do not want them delivered electronically and I never see or read the Post. I will therefore be out of the loop which may be the reason for this move. Is an ill-informed public worth the meager savings you will realize? Poor choice. No transparency.
Jeffrey Brown

Sent from my iPhone

Carnahan, David

From: D Martell <dmpaloalto@gmail.com>
Sent: Saturday, August 25, 2018 9:51 PM
To: Council, City
Cc: Bill Johnson; Jay Thorwaldson
Subject: Just say."NO" to penal enlargement!! No new police station!!!!!

An important letter from Palo Alto Weekly Publisher Bill Johnson

I wanted to alert you to a disappointing decision by the Palo Alto City Clerk to discontinue publishing the city's meeting notice and agenda ads in the Palo Alto Weekly.

As our story in today's paper explains, the city is planning on moving its advertising from the Weekly, which distributes 20,600 copies in Palo Alto, including 14,000 directly to homes, to the Daily Post, which circulates just 6,000 copies in the city through news boxes, with no distribution to homes. The stated reason is that this will save the city about $20,000 a year.

The Weekly has been publishing the agendas and other notices for the City Council, planning commission and other city boards for over 30 years, and the loss of this business is obviously of concern at a time when local newspapers everywhere are facing significant financial challenges due to declines in retail advertising. Little did we expect our own city government to contribute to this problem so it could save $20,000.

But an even greater and more important impact of this change is its threat to a well-informed public. In a community that prides itself on citizen engagement, it is illogical for the city to publish its advertising in a paper that reaches 70% fewer people and doesn't deliver to a single Palo Alto home. And the loss of the city's advertising means fewer resources available to continue the quality local journalism you expect from us.

If you are so moved, we would invite you to communicate your thoughts to any City Council member you may know, or the entire Council via the city.council@cityofpaloalto.org email. Obviously personal contact is best. You could also post a comment on the story itself.

I don't know whether the Council can be persuaded to reverse this decision, but an expression by concerned residents will certainly make it aware of how vital you believe city-resident communication is, and the importance of the city supporting the community's newspaper.

Thanks, as always, for the support you already provide the Weekly through your subscription.

Sincerely,
Bill Johnson
Publisher

D Danielle Martell, Community Center · Just now

This must be a joke! Palo Alto is the RICHEST little city in the USA, and America is comprised mostly of little cities (population 100,000 or less, while we are about 65,000 souls). As a Residentialist, politician & public figure, and native Palo Altan, I speak for many when I say my City government should, and can well-afford, to PUBLISH IN BOTH LOCAL PAPERS. "Penny wise and pound foolish!" We don't need a $95 Million dollar new police station. The public voted against it! City government is SCRIMPING AT THE COST OF TAXPAYER WISHES and WELL-BEING, to fund their own personal agendas. What happened to "Government For The People". Such an INSULT! Such a SHAME!
-Danielle Martell
Palo Alto City Council Candidate, 2016 & 2005

Carnahan, David

From: Margaret Heath <maggi650@gmail.com>
Sent: Sunday, August 26, 2018 2:43 PM
To: Council, City
Subject: City Announcements

Dear Council Members,

I was completely taken aback at the decision to switch announcements of public city meetings from the Palo Weekly to the Daily Post. The advantage of the Palo Alto Weekly is that it reaches all Palo Alto households and is also available in the kiosks all week.

This proposed switch violates the spirit of transparency that is understood by the requirement that these city announcements be placed in print.
The Daily Post is a much smaller publication with limited distribution. In addition, there is no way of knowing how many of those readers are even Palo Alto residents. Finding a Daily Post is unreliable, a very hit or miss affair. After mid-late afternoon most kiosks are empty. Those who commute out of town may not easily pick one up in the morning. Other people may not have a kiosk nearby, or do not run errands every day.

I trust that the council will take action to continue to publish announcements of public city meetings in the Palo Alto Weekly. Or better still, and for even greater transparency, have the announcements placed in both papers.

Sincerely,
Margaret Heath

Carnahan, David

From: julie <julie@kaufmann-lloyd.com>
Sent: Sunday, August 26, 2018 2:34 PM
To: Council, City
Subject: City council agendas

Switching the publication of the city council agendas to a newspaper with a circulation of just 6,000 is a disservice to the residents of Palo Alto.
Please reconsider.
Sincerely,
Julie Lloyd
Barron Park

Sent from my phone. Please excuse my typos.

Carnahan, David

From: cindy goral <cindy@goral.org>
Sent: Sunday, August 26, 2018 1:24 PM
To: Council, City
Subject: reconsider putting public notices in Palo Alto Weekly

Dear Honorable Council Members,

I recently read that the Palo Alto City Council is going to stop putting public notices in the Palo Alto Weekly and only publish in the Daily Post. I understand that it will save $20,000. However, the Palo Alto Weekly reaches a lot more citizens in Palo Alto. It distributed over 20,000 copies including 14,000 directly to homes, whereas the Daily post distributes only about 6000 copies with zero home distribution.

It is important that people in Palo Alto are kept aware of the city's public notices. The average age of Palo Alto voters is over 60 years old. We have many citizens who rely on home delivery of their news to keep them informed of what is going on. I urge you to reconsider your decision and continue to publish in the Palo Alto Weekly.

Cindy Goral
4018 Laguna Way
Palo Alto, CA 94306

Carnahan, David

From: Melanie Cross <melaniecross@earthlink.net>
Sent: Sunday, August 26, 2018 1:19 PM
To: Council, City
Subject: Public Notification

Dear City Council Members,

I am writing to request that you continue publicizing agendas and other notices for the city in the P.A. Weekly as more of us read that publication than the alternative paper. Please try to be more inclusive, rather than cut down on informing the public. $20,000 is part of the cost of doing city business. If we can't afford that, then let's figure to a cheaper way to maintain the same level of publicity.

Thank you,
Melanie Cross
945 Matadero ave
Palo Alto CA 94306

Carnahan, David

From: Peter Mueller <pklausm@me.com>
Sent: Sunday, August 26, 2018 1:09 PM
To: Council, City
Subject: Fwd: [bpa-issues: 1654] Re: [bpa-misc: 7886] [Fwd: PA Weekly Publisher's article. --Do you know about this?]

Begin forwarded message:

> **From:** Winter Dellenbach <wintergery@earthlink.net>
> **Date:** August 26, 2018 at 10:29:11 PDT
> **To:** bpa-issues@googlegroups.com
> **Subject: Re: [bpa-issues: 1654] Re: [bpa-misc: 7886] [Fwd: PA Weekly Publisher's article. --Do you know about this?]**
> **Reply-To:** bpa-issues@googlegroups.com
>
> I hope everyone is passing on their comments to the City Council and not just keeping this an internal discussion - that won't help. Let's all tell them.
> winter
> Here is the City Council email address: City Council <city.council@cityofpaloalto.org>
>
> On Aug 26, 2018, at 9:35 AM, Luce, Gwen wrote:
>
> > Ditto!
> >
> > Sent from my iPhone
> >
> > > On Aug 26, 2018, at 9:19 AM, 'Peter Mueller' via Barron Park Association: Issues <bpa-issues@googlegroups.com> wrote:
> > >
> > > My spouse & I concur w Nancy. We hardly ever read the "Post", although you they do a good job, and we see the Weekly delivered to our house routinely. City cost considerations are important. So thinking & factors underlying the current decision deserve public discussion. For instance, why not both? Consider cost per taxpayer, and cost/citizen interacting w city government in which paper published agenda played a role or other benefit factors.
> > >
> > > The paper owners should also assess the value of the city government agendas to their advertisers and to the revenues from their readers, etc.
> > >
> > > Thanks, Peter K Mueller
> > >
> > > > On Aug 25, 2018, at 21:36, njh <njpersonal@gmail.com> wrote:

Dear Lydia Kou,

I want to write a response, but need to know if the city council voted on this change or if the mayor decided it. It's outrageous -- so much for transparent government! (The responses on Nextdoor.com are interesting)

Nancy

Here's the PA Weekly Publisher's article:

An important letter from Palo Alto Weekly Publisher Bill Johnson

I wanted to alert you to a disappointing decision by the Palo Alto City Clerk to discontinue publishing the city's meeting notice and agenda ads in the Palo Alto Weekly.

As our story in today's paper explains, the city is planning on moving its advertising from the Weekly, which distributes 20,600 copies in Palo Alto, including 14,000 directly to homes, to the Daily Post, which circulates just 6,000 copies in the city through news boxes, with no distribution to homes. The stated reason is that this will save the city about $20,000 a year.

The Weekly has been publishing the agendas and other notices for the City Council, planning commission and other city boards for over 30 years, and the loss of this business is obviously of concern at a time when local newspapers everywhere are facing significant financial challenges due to declines in retail advertising. Little did we expect our own city government to contribute to this problem so it could save $20,000.

But an even greater and more important impact of this change is its threat to a well-informed public. In a community that prides itself on citizen engagement, it is illogical for the city to publish its advertising in a paper that reaches 70% fewer people and doesn't deliver to a single Palo Alto home. And the loss of the city's advertising means fewer resources available to continue the quality local journalism you expect from us.

If you are so moved, we would invite you to communicate your thoughts to any City Council member you may know, or the entire Council via the

city.council@cityofpaloalto.org email. Obviously personal contact is best. You could also post a comment on the story itself.

I don't know whether the Council can be persuaded to reverse this decision, but an expression by concerned residents will certainly make it aware of how vital you believe city-resident communication is, and the importance of the city supporting the community's newspaper.

Thanks, as always, for the support you already provide the Weekly through your subscription.

Sincerely,

Bill Johnson

Publisher

Lydia,

Thanks for an explanation,

Nancy Hamilton

--

For more options, visit https://urldefense.proofpoint.com/v2/url?u=https-3A__groups.google.com_d_optout&d=DwIFaQ&c=fie8CffxQEyLNW7eyn-hJg&r=U-uAubRp662MIYgiT6Fg6N-XFCfzTqviAPfNji7y_bI&m=EByOExrIv4oBHkYEBwh3WBDfmKSfd-UbombeRcUG9Xk&s=x5-sUpNhGFBBGvNPEmF9Q7wgZcV1OrLjD0Afa04rabE&e=.

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This email list is maintained by the Barron Park Association.

Join or renew your BPA membership, or get more email list information, at bpapaloalto.org.

Need to check membership status? Contact barronpark.paloalto@gmail.com.

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Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

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For more options, visit https://groups.google.com/d/optout.

Carnahan, David

From: Petersen, Joe <JPetersen@kilpatricktownsend.com>
Sent: Sunday, August 26, 2018 12:16 PM
To: Council, City
Subject: Decision to stop posting in Palo Alto Weekly

Please add my name to the list of people who are displeased with the decision to stop posting meeting agenda in the Palo Alto Weekly. This decision seems motivated to curtail civic engagement and is highly improper.

Joseph Petersen
Kilpatrick Townsend & Stockton LLP
Silicon Valley and New York
office 650 614 6427 | cell 917 859 9680
jpetersen@kilpatricktownsend.com | www.kilpatricktownsend.com

* Admitted in California and New York

Carnahan, David

From: Ari Cartun <arilevmc@icloud.com>
Sent: Sunday, August 26, 2018 12:13 PM
To: Council, City
Subject: Saving a measly $20K...

...and missing most of the city by switching from the PA Weekly to the Daily Post. I look at the Weekly each week. I almost never look at the Post. The Weekly is on my driveway each Friday. *If* I pass a box with Posts in it
I may peek at a headline but rarely take one.
Ari Cartun
3506 Emerson
Palo Alto
Enviado desde mi iPhone/iPad
Sent from my iPhone/iPad

Carnahan, David

From: Lina Crane <lina.crane@gmail.com>
Sent: Sunday, August 26, 2018 10:13 AM
To: Council, City
Subject: City Meeting and Agenda Notice

Please restore notice of council and agenda meetings to the Palo Alto Weekly. The Daily will not suffice, as it doesn't deliver to households in our community but rather to newsboxes which may or maynot be available. The Weekly distributes 20,600 copies , including 14,000 directly to homes.
Kindly advise Ms. Minor.

Lina F Crane
140 Lois Ln
Palo Alto Ca
--
LFC from linaL

Carnahan, David

From: Donna Silverberg <donna.silverberg@sbcglobal.net>
Sent: Monday, August 27, 2018 9:47 AM
To: Council, City
Subject: Palo Alto Weekly

Dear City Council,
Please reconsider your decision not to post City Council Meetings dates in the Palo Alto Weekly, which is a newspaper one relies on for excellent news and comments about Palo Alto issues.
Best would be to post the meetings in both papers, the Weekly **and** the Daily Post and support our free press – we need it more than ever!
Thank you,
Donna Silverberg

Carnahan, David

From: Anne Cribbs <acribbs@basoc.org>
Sent: Monday, August 27, 2018 9:09 AM
To: Council, City
Subject: Disappointed in Decision to stop printing public notices and commission agendas in the PA Weekly

Good morning. as a longtime advertising and public relations executive in Palo Alto and a current member of the Park and Recreation Commission, moving to the Post with its limited circulation is a foolish decision. I hope the City will reconsider. It is important for the community to have info delivered by the Palo Alto Weekly with the Weekly's broader distribution!

Thank you.

Anne Warner Cribbs OLY
President and CEO
BASOC - the bay area sports organizing committee
1960 Olympian
2275 East Bayshore, Suite 115
Palo Alto, CA 94303
Ph. 650.323.9400
Fx: 650.323.9403
415.264.2067
acribbs@basoc.org
www.basoc.org

Carnahan, David

From: Jatin Parekh <jatin.parekh@gmail.com>
Sent: Monday, August 27, 2018 12:45 AM
To: Council, City
Subject: Palo Alto Weekly decision

Hello Council members,

I heard that you all have decided to move publication of announcements to Daily Post. Palo Alto weekly is delivered free at home but not post. This makes it easier for us to be abreast of related news. I would like you all to reverse the decision and continue publishing in palo alto Weekly. You may also start publishing it in POST as a part of broader outreach effort but discontinuing in palo alto weekly may make financial sense but it is at cost of reducing awareness.

Jatin

Carnahan, David

From: Crystal Casey <caseycm2007@gmail.com>
Sent: Sunday, August 26, 2018 9:30 PM
To: Council, City
Subject: Pulling City Council news from Weekly

Dear Council Members,
Your decision to stop publishing City Council schedules and agendas in Palo Alto Weekly is concurrent and consistent with your lack of support for Palo Alto small business and long-time institutions here. I also wonder if it's an effort to make it more difficult for Palo Altans to participate in city government.

Please reconsider this ill-conceived decision.

Sincerely,
Crystal M. CASEY
2051 Wellesley St.
PA
6507998582

Sent from my iPhone
Follow me on Twitter @SVgourmand

Carnahan, David

From: Lynnie Melena <lynniemelena@gmail.com>
Sent: Sunday, August 26, 2018 9:25 PM
To: Council, City
Cc: njpersonal
Subject: Meeting Notices in the Weekly

Dear City Council Members,

I was surprised, actually shocked, to see that the City will not longer publish meeting notices in the Weekly and will instead publish in the Post. This decision may meet the letter of the law about public notices but it does not actually serve as a public notice to the widest possible audience. It would be one thing if these were legal notices that few people read. But people actually read the Weekly and look for public hearing notices. Publishing in the Weekly is one of the most cost effective ways to do this.

Please reverse this decision.

Lynnie Melena

Carnahan, David

From: Carina Rossner <carina@carinarossner.com>
Sent: Sunday, August 26, 2018 9:09 PM
To: Council, City
Subject: Please keep noticed published in the PA Weekly

The weekly does a great job not only of distributing the news but also of engaging the community in its content.

Thank you
Carina

Carnahan, David

From: Shannon Rose McEntee <shannonrmcentee@gmail.com>
Sent: Sunday, August 26, 2018 8:52 PM
To: Council, City
Subject: Decision not to advertise the City's meetings in the Palo Alto Weekly

Dear City Council,

I hope the City will reconsider its decision not to advertise the city's formal meetings in the Palo Alto Weekly as it has always done. I rarely see the Daily. I will be unable to stay abreast of what is happening in my city government!

The Weekly is an invaluable resource to all of us. When I travel, I stay up to date with the Weekly's excellent online Monday through Friday content. Besides the need to stay abreast of what's happening in our city government, the honest local news that the Weekly provides helps protect democracy. We should all support the Weekly. Please have the staff reverse this wrong-headed decision.

Sincerely,

Shannon Rose McEntee

410 Sheridan Avenue
Palo Alto

Carnahan, David

From: Melo <meloniebrophy@gmail.com>
Sent: Sunday, August 26, 2018 5:21 PM
To: Council, City
Subject: Citizen communication

Are you open to re-considering your decision to publish in both community papers, so that more citizens can be aware of what issues are before the city council? Thx!

Sent from my iPhone

Carnahan, David

From: jan@thomson.org
Sent: Sunday, August 26, 2018 4:40 PM
To: Council, City
Subject: Notices of City Meetings

I am writing to express my serious concern about the decision to move notices of city meetings from the Palo Alto Weekly, which is mailed to over
14,000 residents, including my family, to the Daily Post, which distributes less than half that number by way of newspaper boxes at a few locations.

I am hoping that this decision is not intended to reduce information available to residents and to reduce the number of residents that show up at city meetings to speak to issues of concern and importance. It certainly can be read that way because that is what will happen. Palo Alto has long stood for community involvement and an open government. This action will seriously undermine that. It is absolutely not in the best interests of the community.

The justification for this of saving $20,000 is really absurd, given the city budget and the taxes paid by residents to support a city government that should be doing everything it can to encourage an open exchange of information and resident participation.

I think this issue needs to be on a city council agenda. It is not appropriate that it be made by the City Clerk without input from the community. Please let me know when this will be scheduled.

Thank you very much for your immediate attention to this important issue.

Jan Thomson
810 Garland Drive
Palo Alto

Carnahan, David

From: Prince Shah <princeshah@gmail.com>
Sent: Sunday, August 26, 2018 4:12 PM
To: Council, City
Subject: Advertising in the PA weekly

I am very unhappy to find out that the city will be moving its advertising dollars to the daily Post. The PA weekly is an institution and bastion of good journalism. I shop locally and pay substantial taxes to the city. I request you to reconsider this and keep the advertising to Palo Alto's main news organization.

Regards,
Prince

--
Prince Shah, MD, FACP, FACG

Carnahan, David

From: David Perry <dperry2@gmail.com>
Sent: Sunday, August 26, 2018 3:45 PM
To: Council, City
Subject: Publishing the agendas and other notices for the City Council, planning commission and other city boards

Council,

WTH!.The above agendas and notices belong in the Palo Alto Weekly. Any of you who do not support reversing this ridiculous decision will receive no support or vote from me in the next election.

Carnahan, David

From: Helen Baumann <hbbaumann@aol.com>
Sent: Monday, August 27, 2018 3:50 PM
To: Council, City
Subject: Notices in the Weekly

Dear Clerk,
As a faithful reader of the Weekly, who never sees the Post, I would like to add my voice to those objecting to the change in where you post notices of city meetings.
The Weekly is worth the extra cost because it is read by many more people.
Please reconsider what I find to be a "penny wise but pound foolish" decision.
Helen Baumann
151 Coleridge Ave
Palo Alto, CA 94301

Carnahan, David

From: Rita Vrhel <ritavrhel@sbcglobal.net>
Sent: Monday, August 27, 2018 2:32 PM
To: Minor, Beth; Council, City
Subject: changing newpapers for public notification of meetings

Hello.. I would like to voice my opposition to changing form the Palo Alto Weekly to the Daily Post for posting the city's meeting notices and agenda ads notices. The Daily has a much smaller circulation and is not delivered to resident's door. Therefore to select them only on the basis of cost is foolish; they are providing less for your dollar.

Many times the newspaper boxes belonging to the Daily Post are empty, a paper can not be obtained even after trying multiple locations. Some locations appear to have been abandoned completely but the boxes have not been removed. This gives the appearance of wider distribution than is actual.

The Weekly always posts the notices on Friday; I receive the paper and know where to look. The Daily Post could include the city's meeting notices and agenda ads on any day making it easier to miss.

The above change and decrease in actual availability of the city's public meeting notices and agendas is particularly troubling as the City's webpage must have recently been "upgrade:" which, to me, resulted in it being MUCH harder to find agendas and information on meetings. The combination of the 2 will result in fewer residents being informed and pose a challenge to those in the public who wish to remain engaged and informed.

Freedom of information and the flow of information are vital to a functioning Democracy. I believe a "world class city" like Palo Alto can afford to provide adequate notice of City meeting and agendas to city residents.

I would respectfully ask this decision be re-evaluated and reversed. There must be other ways to save on money. Thank you so much.

Rita C. Vrhel, RN, BSN, CCM
Medical Case Management
Phone: 650-325-2298
Fax: 650-326-9451

Carnahan, David

From: Don Kenyon <dckenyon@gmail.com>
Sent: Monday, August 27, 2018 2:16 PM
To: Council, City
Subject: re: Removing advertising city agendas in PA Weekly

Coucil members,

I think it is a serious mistake to remove PA Weekly from posting agenda of the council and other city meetings,

This paper is delivered to EVERY home in the city, not just in newstands.

This is not the place to cut costs at the expense of information to the citizens.

Thank you,

Don Kenyon'
Walter Hays Drive

Carnahan, David

From: Minor, Beth
Sent: Monday, August 27, 2018 1:37 PM
To: J. Robert Taylor; Council, City
Subject: RE: Public Notice

Hi Bob,

Thank you for your email. The public can subscribe to get email notifications regarding agendas, here is the link, https://service.govdelivery.com/accounts/CAPALO/subscriber/new?topic_id=CAPALO_10.

The email is sent out every Thursday evening and contains the most current agendas and reports for the upcoming Monday meeting and the Council and Council Standing Committee meetings occurring 11 days later. In the event that an agenda gets revised on say the Friday before the meeting, another email gets sent out advising the subscribers of the update. We have provided this service for several years now.

Here is what the email would look like, the blue underlines are links to the agendas, which contains links to the actual reports.

You are subscribed to City Council Meeting Agendas/Minutes/Reports for City of Palo Alto. This information has recently been updated, and is now available.

City Council and Standing Committee Notices

August 27, 2018 - Sp. City Council Meeting **REVISED** Agenda and Packet

Agenda Item 3 - Contract with DeSilva - Memo - Council Question

Removed: Agenda Item 4

Agenda Item 7 - Pets In Need Agreement and Animal Shelter Improvements - Staff Report

Agenda Item 8 - Eviction Relocation Emergency Ordinance - Staff Report & Updated Title

Agenda Item 9 - Diverse, Supportive, Inclusive and Protective Community - Staff Report

September 4, 2018 - Sp. Finance Committee Meeting Agenda and Packet

This Agenda will be produced on August 30, 2018

*****

Legal Notices

Beginning September 1, 2018, Legal Notices, such as Public Hearing Notices, tentative City Council agendas, etc. will be published in the Daily Post, typically in the Friday Issue.

*****

If you need any further information please let me know.

Thanks and have a great day.

B-

Beth Minor, City Clerk
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301
(650)329-2379

From: J. Robert Taylor <jrtpaca@gmail.com>
Sent: Monday, August 27, 2018 12:36 PM
To: Council, City <city.council@cityofpaloalto.org>
Subject: Public Notice

Dear Counsel:

I am in favor of using the cheapest 'print' available to satisfy the legal requirements for public notice, however the City could keep a subscribed database for those who want to get notices electronically via email. This could potentially give more effective and far reaching notice to all those who have right and interest. The future will eliminate the "printed" notice entirely, we just are not quite there yet.

Thanks for you help.

Bob Taylor

480 Marlowe St.
Palo Alto, Ca

Carnahan, David

From: Michael Ackerman <woadude@yahoo.com>
Sent: Monday, August 27, 2018 1:14 PM
To: Council, City
Subject: Palo Alto weekly publishing of agendas, etc

As a 60+ year resident of Palo Alto I deplore your recent decision to not renew the city's agenda- publishing contract with the Palo Alto Weekly. The Weekly is not only a far superior publication to the Palo Alto Post in every respect, but for many residents it is the only one they ever see. Furthermore, in spite of what you may think, not everyone in today's world relies on the internet, nor should they have to.
I urge you to strongly reverse your recent decision to no longer support the Palo Alto Weekly.

Michael Ackerman
1322 Tasso Street
Palo Alto,CA
esqpa@aol.com

Carnahan, David

From: Bill Johnson <bjohnson@paweekly.com>
Sent: Monday, August 27, 2018 12:25 PM
To: Stump, Molly
Cc: Minor, Beth; Council, City; Keene, James; Shikada, Ed
Subject: Your comments to the City Council

Molly,

The comments you apparently sent to the City Council over the weekend regarding the public notice advertising situation were forwarded to me by a Barron Park resident who saw them in an online post on the Barron Park listserv. It would have been nice to have been copied on your and Beth's comments to the council directly rather than reading them on a neighborhood blog.

I want to make absolutely clear that Beth and I never arrived at an "understanding" regarding the RFP and the contract for print publication of the city's public notices, as you state.

In two separate and very congenial meetings I reiterated our objections to the flawed process and tentative decision and recommended that she consider bringing the policy question to the Council (the exact same conversation I had with you and the mayor) or consider entering into contracts with both newspapers. I also proposed that the city do online advertising, and she asked that I prepare a proposal for that.

I presented that proposal to her and David on Friday, Aug. 17 and clearly separated the issue of possible online advertising from the matter of the city's contract for publishing agendas. I stated that we continued to hope she would reconsider the print ad contract.

Apparently, however, a decision had already been reached to execute the contract with the Post, since this fact was found by my staff on the city's website on Monday. It was extremely disappointing to learn of this decision, especially in that way, in part because it hadn't been mentioned just two days earlier.

As you know, I have attempted for more than a year to make city staff (and both mayors) aware of how moving its advertising from the Weekly to the Post would be viewed in the community and the adverse reaction it would bring. And I patiently followed your procedures confident that city staff would reconsider on the merits.

This was a completely predictable and avoidable controversy because it is so obvious that a move to the Post is a decision to drastically reduce community awareness of city government activities. There is simply no defense of it other than the savings of $20,000.

The treatment of the Weekly throughout this process and the actions of the city staff to defend it after the fact have been enormously disappointing and disrespectful of the community. And your proclaiming that "the process is done" based on legal grounds is a regrettable final expression of that disrespect.

Bill

William S. Johnson
Publisher, Palo Alto Weekly
President & CEO, Embarcadero Media
450 Cambridge Ave.
Palo Alto, CA 94306
650.326.8210 650.223.6505 (direct)

Carnahan, David

From: Tricia Kellison <tkellison@girlsms.org>
Sent: Monday, August 27, 2018 11:44 AM
To: Council, City
Subject: Changing ditribiution of City Council minutes

Dear City Council,

Please reconsider your decision to use the Daily Post instead of the Palo Alto Weekly to distribute your meeting minutes. The distribution will reach far fewer homes, for a very small cost savings. Copies of the Daily Post are often unavailable. It is a commercial publication with no roots in our City.

Please reconsider your direction on this important matter.

Tricia Kellison
2802 Louis Road

Carnahan, David

From: holzemer/hernandez <holz@sonic.net>
Sent: Monday, August 27, 2018 3:49 PM
To: Council, City
Subject: City's Decision to Replace PA Weekly Announcements
Attachments: Dear City Council Members.docx

Dear Council Members,

Please see Word attachment. Thank you.

August 27, 2018

Dear City Council Members,

We're writing to express to you our disagreement with the City Staff's recommendation to change the advertising venue for the City's own meeting notices and agendas from the Palo Alto Weekly to the Palo Alto Post.

Moving this advertising from a well-circulated, honored publication, which distributes over 20,000 copies including delivery to more than 14,000 homes to another less available publication that has only 6,000 copies doesn't make any logical sense.

Although, the reason for the change seems reasonable (reducing City costs), the effect of this decision will actually reduce citizen involvement and produce less informed citizens on what is happening in our City. Instead, as a Council, you should want more citizen involvement and awareness where residents feel that their thoughts are part of the decision-making process. Moving this advertising to a publication that has fewer access points (less circulation, no home delivery, only street boxes) is not the way to truly "save money".

There are certainly other ways the City could reduce costs, for example, by not hiring unnecessary outside consultants to fight "citizen-lead initiatives". Please do the right thing, reinstate the City advertising back to the Palo Alto Weekly and consider putting the City's announcements in both the Weekly and Post for more citizen involvement.

Sincerely,

Terry Holzemer
2581 Park Blvd. #Y211
Palo Alto, CA 94306

Suzanne Keehn
4027 Orme Street
Palo Alto, CA 94306

Carnahan, David

From: Nancy Martin <ncmartin@comcast.net>
Sent: Tuesday, August 28, 2018 4:45 PM
To: Council, City
Subject: PA Weekly

Council Members,
I would like to urge you to reverse the City's decision not to place notifications of various City meetings in the PA Weekly. This certainly appears to be more of a move away from transparency than it does a money saving option....$20,000 is close to a rounding error for the City. Please do all that you can to keep and make t he City's business even more transparent to the residents.
Respectfully submitted,
Nancy C Martin
777 San Antonio Rd. 132
Palo Alto, CA 94303

Carnahan, David

From: James Hamilton <jaythamilton@gmail.com>
Sent: Tuesday, August 28, 2018 2:55 PM
To: Council, City
Subject: City advertising switch

Dear City Council Members,

I hope that you will reconsider the decision to switch advertising from the Palo Alto Weekly to the Daily Post. Though the decision might save the city about $20,000 per year, this ignores the likely net benefits from publishing in one outlet versus another. Consider that:

* The Palo Alto Weekly distributes 20,000+ copies in the city, including 14,000 directly to homes (including mine). The Daily Post distributes 6,000 copies through news boxes. If you believe that transparency and open government and citizen participation relate to the circulation of information, then you would need to consider that you're likely reaching 70% fewer people in order to save $20,000.
* Publishing city agendas and notices is the right thing to do because of intrinsic values (i.e., openness) and instrumental values (i.e., the information helps change decisions about participation and policy). Over the course of the last several years there are clear examples of how the lack of information about the operation of our local government led to detrimental outcomes. This means that getting the information to circulate broadly should be a goal for the city council.
* Local public affairs reporting helps hold the city council accountable. I read the Weekly each week, but only sporadically see the Daily Post (e.g., when I'm at Izzy's Bagels reading). My impression is that the Weekly devotes more resources than the Daily Post to original reporting about Palo Alto. The support for this local news is a positive byproduct of the bundling of news with advertising. Research shows that local public affairs reporting does have a positive impact on communities: https://localnewslab.org/2018/06/20/how-we-know-journalism-is-good-for-democracy/

Thank you for considering this note, and I hope there is additional public debate at a council meeting about the city's advertising policy.

Sincerely,
James T Hamilton

Carnahan, David

From: Carol Blitzer <cblitzer@sbcglobal.net>
Sent: Tuesday, August 28, 2018 12:24 PM
To: Council, City
Subject: Penny wise, pound foolish

Council members:
You may think you are saving $20,000 a year by posting agendas and city notices in the Daily Post rather than the Palo Alto Weekly, but you are simply paying less and getting far less.
The Weekly reaches more Palo Alto homes (and readers).
If you want to encourage civic engagement, you must inform the public of upcoming meetings.
Respectfully,
Carol Blitzer

Sent from my iPhone

Carnahan, David

From: Eileen Brooks <eibrooks@hotmail.com>
Sent: Tuesday, August 28, 2018 11:01 AM
To: Council, City
Subject: Rescind Decision to Drop Weekly Ads

Please seriously consider reinstating Council, etc. ads in the Weekly.
It is the only way that I can learn what's going on in local government.
The City Clerk's decision to go with The Post is laughable. 6000 circ. vs. The Weekly's 30,000?
There is some cost for an informed citizenry.
Thanks -
Eileen Brooks

Carnahan, David

From: Carol Weber <cweber1151@gmail.com>
Sent: Tuesday, August 28, 2018 9:14 AM
To: Council, City
Subject: PA Weekly

The Palo Alto weekly is a vital source of information on all items relevant to Palo Alto.

For less mobile seniors, the home delivery feature is vital!

Please do not take away your financial support of this important form of print media!

Raise the $20,000 you would otherwise save by some other means; for example, perhaps by issuing MANY more speeding tickets along Embarcadero & Middlefield.

Support a well-informed (and safe) environment.

Thanks for listening!

Carol L Weber
(650) 248-0095
cweber1151@gmail.com

Carnahan, David

From: abha kumar <abhakumarmd@gmail.com>
Sent: Monday, August 27, 2018 8:54 PM
To: Council, City
Subject: I read Palo Alto weekly to keep informed

Sent from my iPhone

Carnahan, David

From: Romola Georgia <rgeorgia@gmail.com>
Sent: Monday, August 27, 2018 7:38 PM
To: Council, City
Subject: Change of Newspaper Advertising

Dear Palo Alto City Council,

I am horrified that the City Clerk has decided to shift City notices from the Palo Alto Weekly to the Post.

The Weekly is a paper that is dedicated to serving our community with well-researched articles and important information for Palo Alto residents. It has the benefit of coming directly to our homes.

The Post, on the other hand, focus on crime and negative stories from the entire globe. It is not delivered to homes and is not a healthy read.

Please reconsider this terrible decision.

Thank you,
Romola Georgia
Tippawingo St.
Palo Alto

Carnahan, David

From: Luce, Gwen <GLuce@cbnorcal.com>
Sent: Monday, August 27, 2018 4:59 PM
To: Council, City
Subject: Please reconsider your decision to only post in the Post vs. PAW!

Gwen Luce, Realtor®

DRE License #00879652
Direct Line: 650.566.5343
gluce@cbnorcal.com

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Many citizens who are elderly and infirm cannot walk to pick up a newspaper - they gratefully receive the Palo Alto Weekly at home on Friday!

Gwen Luce

.

Gwen Luce
650-566-5343
gluce@cbnorcal.com
www.gwenluce.com

Carnahan, David

From: John Sanchez <jesj98@yahoo.com>
Sent: Monday, August 27, 2018 5:00 PM
To: Council, City
Subject: Cancellation of PA city meeting notices and agendas

Dear Council: PLEASE DO NOT cancel the weekly posting of PA City business (meetings, agenda) in the Palo Alto Weekly.

The Weekly (and it's online component) serve as a vital independent news source for Palo Alto residents. It should continue to post this City business and contract the PA Weekly to publish it.

The WEEKLY (and the online edition) is the MAIN source of City business for Palo Alto residents.

Please DO NOT discontinue this service to your community.

John Sanchez
PA resident (34 years) who attempts to keep elected officials accountable for their actions.

Carnahan, David

From: Kass <vz22@yahoo.com>
Sent: Monday, August 27, 2018 4:52 PM
To: Council, City
Subject: Change of publication for notices

So sorry that to save $20K per year, the city staff has decided to change publications for city notices. Instead of using the Palo Alto Weekly, with a circulation of 20,600 in Palo Alto, including 14,000 copies directly to residents, including myself, the city has decided to use the Daily Post, with a circulation of 6,000, all to boxes. I will not see the notices unless I am out and about and pick up a newspaper on the particular day the notices are published.

This is pound-wise and penny-foolish. Given the city's willingness to spend millions to upgrade city offices (although some upgrades have been postponed), and while there is still no plan to build a new animal shelter and the construction of the new police headquarters is still only a vague plan with no schedule, saving a small amount that will reduce coverage of council and other activities seems like a poor decision.

Please reverse that decision.

Kathleen Goldfein
Resident of Palo Alto since 1989

Carnahan, David

From: priya chandrasekar <priya_chandrasekar@yahoo.com>
Sent: Monday, August 27, 2018 4:29 PM
To: Council, City
Subject: publishing agenda and meetings in the palo alto weekly

dear council members ,

The weekly news is a great paper that we not only love to browse but also get all our info from. We get it delivered and it is such a wonderful way to keep us all connected. Please not take away there source of income and deprive us of the info.

thanks

priya
crescent park , Palo Alto

Carnahan, David

From: Lakshmi Rao <reachlakshmi001@gmail.com>
Sent: Monday, August 27, 2018 4:09 PM
To: Council, City
Subject: Palo Alto weekly

Hello City Council,

I'm writing to you to please refrain from discontinuing publishing your meeting notices in the PA Weekly. This newspaper is a bedrock of our news uptake as a community, and I want to assure you that the money spent in disseminating content here is worth it.

If there are indeed savings to be had by distributing them the Post, why not consider it an add on, given its (much) lower distribution. Nothing against newcomers, but perhaps you can distribute via both?

Sincerely,
Lakshmi Rao

The Palo Alto Comdominiums

Carnahan, David

From: Elizabeth Wong <elizabethwong2009@gmail.com>
Sent: Monday, August 27, 2018 7:33 PM
To: Lait, Jonathan
Cc: Shikada, Ed; Keene, James; Flaherty, Michelle; Morse, Rosemary; Hoyt, George; Timothy Kassouni; Council, City
Subject: Minor ARB Hearing
Attachments: scanarbdates.pdf

Mr. Lait,

Attached are sample emails requesting ARB Hearing dates for 3 minor items (a) landscape which is limited to plant pots and container plants, (b) materials board, and (c) west wall look. Review of these items is required in the Approval No 2017-2 Record of the Council of the City of Palo Alto Land Use Action for 425 and 429 University Avenue; the project was approved by Council on February 6, 2017.

For over a year my architects and/or I have repeatedly requested such Minor Level ARB Hearing via phone and emails. A sample email dated February 1, 2018, is attached. Also attached is a response from Jodie Gerhardt stating that she would only discuss ARB hearing dates "after a contractor is in place". This stipulation makes no common or legal sense.

We had no cooperation from Planning in scheduling the ARB hearing. A Minor Level ARB hearing was finally scheduled on August 16, 2018, about 18 months after the project was approved by Council. This enormous delay in scheduling the ARB is causing severe economic hardships for the project for which Planning is mostly responsible.

The ARB hearing of August 16, 2018, was continued to Sept 6, 2018, further delaying the project.

Please set up a meeting before our Sept 6 ARB hearing to dissect recent changes to city codes specifically as they relate to qualifying appellants and time requirements for such appeals. I believe these changes are recent as you mentioned that there were enacted after my own appeal of the Nobu Restaurant at 620 Emerson Street just 3 months ago and that under the new codes I would not be entitled to the Nobu appeal; rather that such appeals are now limited to adjacent property owners only. Your email of today is even more confusing as you repeated the above changes to the codes just last Monday August 20, 2018 when you met with Architect Ko, Rosemary Morse, and other members of my team.

Additionally, I would like to explore the possibility of qualifying the Minor Level ARB items as "Deferred" items, a common practice by other departments involved in the Building Permitting process.

Sincerely,

Elizabeth Wong

650 814 3051

Gmail Elizabeth Wong <elizabethwong2009@gmail.com>

ARB Hearing for Approval No 2017-2

1 message

Laura Roberts <laura@koarch.com> Thu, Feb 1, 2018 at 9:31 AM
To: "Gerhardt, Jodie" <Jodie.Gerhardt@cityofpaloalto.org>, "APetersen@m-group.us" <APetersen@m-group.us>
Cc: Elizabeth Wong <elizabethwong2009@gmail.com>, Peter Ko <design@koarch.com>

Good morning Jodie and Adam,

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

(a) A decorative wall design treatment to the exterior walls adjacent to the Southern property line.

(b) Landscape details and plans.

(c) Exterior building materials, colors and details.

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

Thank you for considering my request.

Laura C. Roberts, AIA

Associate Architect

Ko Architects, Inc.

900 High Street, Suite 1

Palo Alto, CA 94301

Gmail

Elizabeth Wong <elizabethwong2009@gmail.com>

RE: ARB Hearing for Approval No 2017-2 - 429 University

1 message

Gerhardt, Jodie <Jodie.Gerhardt@cityofpaloalto.org> Thu, Feb 1, 2018 at 11:29 AM
To: Laura Roberts <laura@koarch.com>, "APetersen@m-group.us" <APetersen@m-group.us>
Cc: Elizabeth Wong <elizabethwong2009@gmail.com>, Peter Ko <design@koarch.com>

Laura,

contractor?

Please turn in revised plans. After a contract is in place, Adam will review those and route to other departments as necessary, then we can discuss hearing dates.

Jodie Gerhardt, AICP | Manager of Current Planning | P&CE Department

250 Hamilton Avenue | Palo Alto, CA 94301

T: 650.329.2575 |E: jodie.gerhardt@cityofpaloalto.org

From: Laura Roberts [mailto:laura@koarch.com]
Sent: Thursday, February 01, 2018 9:31 AM
To: Gerhardt, Jodie; 'APetersen@m-group.us'
Cc: 'Elizabeth Wong'; Peter Ko
Subject: ARB Hearing for Approval No 2017-2

Good morning Jodie and Adam,

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

(a) A decorative wall design treatment to the exterior walls adjacent to the Southern property line.

Gmail Elizabeth Wong <elizabethwong2009@gmail.com>

429 University mixed use - minor ARB review

1 message

Tracy Wang <tracy@koarch.com> Tue, Mar 20, 2018 at 3:14 PM
To: "apetersen@m-group.us" <apetersen@m-group.us>
Cc: Peter Ko <design@koarch.com>, Elizabeth Wong <elizabethwong2009@gmail.com>, Laura Roberts <laura@koarch.com>

Hi Adam,

We delivered the color and material board, 9 sets of landscape report and 9 sets of west wall design report for 429 University Ave mixed use project to planning department this afternoon. I also attached the digital files here for your use. Please let us know if you have any questions or comments.

Thank you!

Tracy Wang

Project Architect

Ko Architects, Inc.

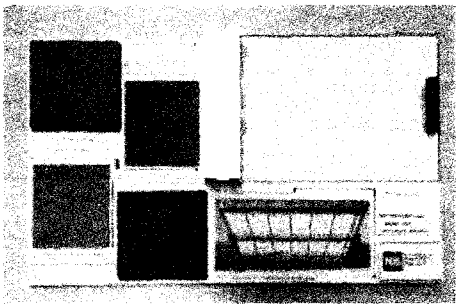
900 High Street, Suite 1

Palo Alto, CA 94301

Phone: 650-853-1908

tracy@koarch.com

3 attachments



429 University -Color board.jpg
566K

West Wall Report 03202018.pdf
3413K

429 university landscape report - 03.20.18.pdf

Gmail Elizabeth Wong <elizabethwong2009@gmail.com>

Minor ARB review of materials board, landscape, appearance of western wall.

1 message

Elizabeth Wong <elizabethwong2009@gmail.com> Wed, May 2, 2018 at 10:08 AM
To: "Gitelman, Hillary" <Hillary.Gitelman@cityofpaloalto.org>, "Lait, Jonathan" <Jonathan.Lait@cityofpaloalto.org>, "Gerhardt, Jodie" <jodie.gerhardt@cityofpaloalto.org>, Adam Petersen <APetersen@m-group.us>
Cc: "Morse, Rosemary" <rosemary.morse@cityofpaloalto.org>, Peter Ko <design@koarch.com>, Tracy Wang <tracy@koarch.com>, Laura Roberts <laura@koarch.com>, Jaime Wong <jandewong@gmail.com>, Andrew Wong <a.jaime.wong@gmail.com>

Good morning Hillary, Jon, Jodie, Adam,

Ko Architects has repeatedly requested the minor ARB Hearing for review of the subject issues required in the Approval for 429 University. We have emails of such requests from January/February 2018.

Please look into this request as time is of the essence.

Thank you.

Elizabeth Wong

Carnahan, David

From: Cassie Tolhurst <cassie@verizon-business.com>
Sent: Tuesday, August 28, 2018 7:30 AM
To: Council, City
Subject: News Alert: Laguna Niguel named #33 best "small city" for small businesses

Hi City Council,

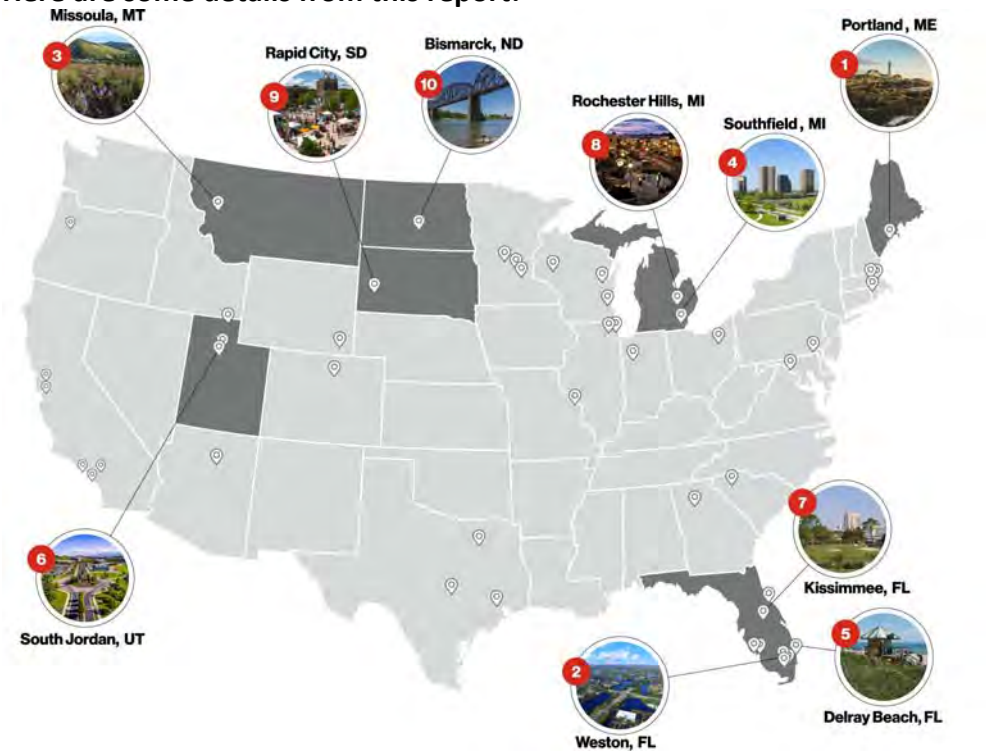
Verizon Business just released its *Best Small Cities for Small Businesses* report for 2018. Laguna Niguel made the list as the #33 ranked city across the U.S. for small businesses.

That's puts Laguna Niguel in the top 16.6% across the nation. Congratulations!

Here is a link to the full report: https://go.verizon.com/resources/the-best-small-cities-to-start-a-small-business/
We encourage you to share your city's achievement with your team, co-workers, city residents, and local businesses.

We at Verizon Business thank you for creating an environment where small businesses can thrive. Your city is helping to lead the way for the future of entrepreneurs and small businesses.

Here are some details from this report:



WHAT: Verizon Business announced the release of the "Best Small Cities for Small Businesses" report. We've all heard the phrase, "small businesses are the backbone of the US economy" - and for good reason - small businesses make up 99.7% of US employer firms. But what about the cities they start in? Verizon analysts dug deep into six factors relevant to small business owners to determine the top cities in our report.

WHERE: https://go.verizon.com/resources/the-best-small-cities-to-start-a-small-business/

WHEN: August 27th, 2018.

HOW: Verizon gathered data from small cities (as defined by the US Census) across the country. The elements we pulled indicate the financial climate of each city and an overview of its demographics. We based our ranking off of six metrics: education level of the local workforce, in-city commute times, income per capita, broadband access, availability of SBA loans, and overall tax friendliness.

WHO: Verizon Business. You may know Verizon only as the network that powers your cellular devices. But we're also committed to helping businesses of all sizes change the world.

CITATIONS: Feel free to use any of our images and data included in our report. Please link to the complete study and attribute Verizon Business so your readers can view our work in its entirety.

Thanks for all that you do, please reach out with any questions!

Cassie Tolhurst

Mobile : (385) 449-0743
Email : Cassie@Verizon-Business.com

Carnahan, David

From: Herman/Marina van Blommestein <vbconst@earthlink.net>
Sent: Monday, August 27, 2018 4:28 PM
To: Council, City
Subject: NO to Just Cause and Relocation Payments

Dear City Council,

As a San Mateo County Resident, and having lived in San Francisco and dealt with rent control issues I personally know they do not work. Please vote NO on any type of rent control such as Just Cause and Relocation Payments.

The burden of housing is a community issue to resolve and landlords should not have to bear the cost for something we need to resolve as a community.

Thank you
Marina van Blommestein

Carnahan, David

From: California High-Speed Rail <Northern.California@hsr.ca.gov>
Sent: Thursday, August 23, 2018 2:17 PM
To: Council, City
Subject: Northern California Regional Update- July 2018

To view this email as a web page, go here.

Can't see the images? View As Webpage

Northern California Regional Update

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

San Francisco to San Jose

San Jose to Merced

Statewide Update

Under new leadership by CEO Brian Kelly (former California Secretary of Transportation), the California High-Speed Rail Authority (Authority) is charting a new course for how it is managing and delivering the nation's first high-speed rail system. Since joining the Authority in February 2018, CEO Kelly has been working to instill a more disciplined approach to program delivery through a three-step process:

- **Step 1:** The adoption of the 2018 Business Plan laid out the vision and a newimplementation strategy while clearly spelling out and acknowledging the challenges facing the Authority
- **Step 2:** The baseline, adopted by the Board of Directors in June 2018, aligns the scope, schedule and budget to deliver the priorities set forth in the 2018 business plan. In short, it represents the "what," the "when" and the "cost."
- **Step 3**: The program management plan – which staff will bring to the Authority's Board of Directors at their August 16 meeting in Sacramento – will lay out how we will organize and manage the team to ensure that the right resources are in the right place and that we have the governance structures set up to manage the program.

The adoption of the baseline set targets for completion of the environmental documents for the San Francisco to San Jose and San Jose to Merced sections. From those targets, the Authority has developed its schedules for interim milestones in the development of those environmental documents. The key milestones in that process include the following:

Milestone	**San Francisco to San Jose Section**	**San Jose to Merced Section**
Preferred Alternative for Board Adoption	December 2019	September 2019
Draft EIR/EIS	March 2020	December 2019
Final EIR/EIS and Record of Decision (ROD)	March 2021	November 2020

Authority Introduces New Leadership in Northern California

The Authority also recently announced changes to Northern California Regional leadership as it transitions to a new organizational structure, shifting the focus to project delivery within each of the project's three regions.

This spring, **Boris Lipkin** was appointed Acting Northern California Regional Director, replacing previous Northern California Regional Director Ben Tripousis. Lipkin previously served in several roles with the high-speed rail program since 2011. Most recently, he was appointed Deputy Director of Strategic Planning by Governor Brown, where he led the Strategic Initiatives Office. In that role, Lipkin worked to develop the Authority's business plans, led efforts to gain access to more than $3 billion in state bond funds and helped negotiate key agreements with Caltrain and other partners.

As Acting Northern California Regional Director, Lipkin plays a pivotal role in leading the delivery of the Silicon Valley to Central Valley line in the Northern California region as envisioned in the 2018 Business Plan. He will focus on engaging regional stakeholders on developing the program and bringing the benefits of improved transportation and mobility to Northern California.

Rebecca Kohlstrand was appointed Interim Northern California Director of Projects, where she will work to advance the planning and implementation of high-speed rail from San Francisco to the Central Valley Wye. She will be leading the team charged with delivering the environmental review and analysis of the high-speed rail program in Northern California.

Prior to advancing to her new role, Kohlstrand served as the Northern California Environmental Manager for the high-speed rail program and has more than 40 years of experience in transportation planning. Previously, Kohlstrand worked on several

large infrastructure and transportation projects throughout Northern California and is intimately familiar with the region's transportation needs.

Guy Preston has assumed the role of Project Contract Administrator (PCA) for Northern California. The PCA acts as the focal point for the Authority's management of project delivery contracts within each region, providing oversight of regional project resources, the scope, schedule, and budget for contracts in each region, as well as leadership and guidance to ensure contracts are aligned with overall program goals and objectives.

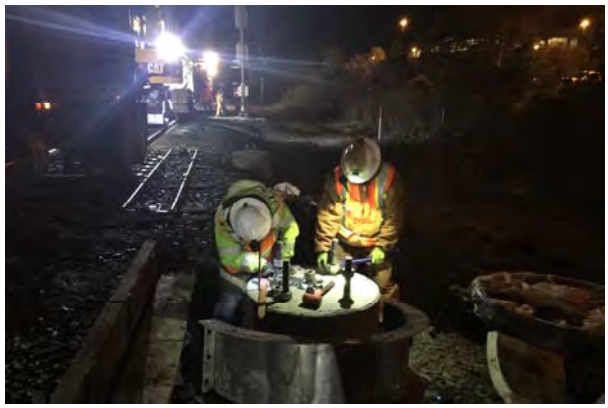
Together, Lipkin, Kohlstrand, and Preston bring new leadership in the efforts to advance the delivery of high-speed rail in Northern California. They are working to ensure that the program brings benefits to the region by developing improved mobility options within the region and between Northern California and the rest of the state.

Peninsula Corridor Electrification Project (PCEP) Update

Caltrain electrification is a key component of the Caltrain Modernization (CalMod) Program and will electrify the corridor from San Francisco's 4th and King Caltrain Station to the Tamien Caltrain Station. Electrification improvements include converting diesel-hauled trains to Electric Multiple Unit (EMU) trains and increasing service to six trains per peak hour per direction while substantially reducing emissions compared to today's service. The Authority continues to be a champion and partner for the PCEP and has committed more than $700 million of Proposition 1A and other funds to complete the funding package for this project.

Current construction activities include utility relocation, horizontal beam and OCS pole installation, and tree trimming. A preview of the some of these activities can be found at https://youtu.be/_CRuxEr-7GA.

For more information on the overall CalMod Program and community construction updates and meetings, please visit the CalMod Program website at calmod.org.



MTC Awarded Grant

The Metropolitan Transportation Commission (MTC) in May was awarded the Caltrans Strategic Partnership Planning Grant for the Diridon Integrated Station Concept Plan (DISC). MTC, as the eligible recipient for this grant program, will receive $500,000. The local match of $214,780 will be provided by a four-agency partnership made up of the California High-Speed Rail Authority, City of San Jose, Peninsula Joint Powers Board and the Santa Clara Valley Transportation Authority.

As the only place in the Bay Area where high-speed rail, commuter rail, and BART will intersect in the same building, Diridon Station is projected to become California's busiest transit hub by 2040. Along with the increase in transportation service at Diridon Station and with the interest of Google to develop in the Station Area, it was recognized that additional planning was necessary to create a visionary urban station for all users that incorporates development/land use, transportation and the community at the site. To meet these goals, the Partnership has agreed to cooperatively manage the DISC planning effort. The DISC is an 18-month planning process that will include urban design, engineering, and governance/financing efforts leading to a Concept Plan for the Diridon Station Area. This effort will be closely coordinated and will build on the Authority's environmental clearance for the elements that will be necessary just for high-speed rail at the station.

The MTC-funded Diridon Station Area Plan (DSAP) was adopted by San José's City Council in 2014. The DSAP was an important land-use planning effort that laid the groundwork for much of the development activity occurring in the station area today. Since the completion of the DSAP, it was recognized that additional planning work was needed to build upon the framework of the DSAP.

- Significantly more development within the station area is now likely, and this development is occurring more than a decade earlier than the DSAP anticipated

While the DSAP put forward a general land use concept for the station area, it offered little detail on the size, shape or configuration of the station. This is in large part because design and environmental work relating to the new rail alignments that connect at Diridon Station – BART and high-speed rail – was not as far along when the DSAP was being created as it is currently.

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

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

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

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

Sincerely,

Boris Lipkin
Northern California Regional Director

SEE MORE AT WWW.HSR.CA.GOV

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

Carnahan, David

From: Bob Stillerman <bobstiller@gmail.com>
Sent: Wednesday, August 29, 2018 10:40 AM
To: ParkRec Commission; Howard, Adam
Cc: Council, City
Subject: RE: Thank you for Court Policy Update

I would like to provide my input into the pickleball at Mitchell question.

I am a die-hard tennis player (sometimes 5 times/week), Palo Alto resident, and recent new member to the Silicon Valley (Palo Alto) Pickleball Club. I have participated in a number of pickleball events and note that on the 3 courts normally available to tennis players (5-7) where a maximum of 12 players can enjoy their sport, up to 44 people can play on the same surface with pickleball configurations.

I am delighted, and impressed, by the number of enthusiastic pickleball players who show up on a regular basis. The environment is friendly, open, readily available to all (no 1 ¼ hour wait between matches, more likely 10 minute waits), and a lot of fun.

Thanks to Adam for your support and recognition of the value of PB to the community. I fully support the SVPB initiative put forth for permanent facilities.

Thank you.

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

From: 'mwilliams' via SVPC Members [mailto:svpc-members@googlegroups.com]
Sent: Wednesday, August 29, 2018 8:53 AM
To: ParkRec Commission; Adam Howard
Cc: City Council
Subject: Thank you for Court Policy Update

Chair McDougall, Palo Alto Parks and Recreation Commissioners, Adam Howard,

Thank you for voting in favor of recommending to the Palo Alto City Council to approve updating the Court Use Policy to include Pickleball.

Thank you, Adam, for the enormous amount of time that you spent working on updating the policy.

I'd like to make some important points that may not have been heard at the meeting.

Pickleball is Noisy: Because of the noise factor of pickleball, we need a facility far enough away from residences so as not to disturb their peace.

No Other Choice: Mitchell Park is the only park in Palo Alto that meets the above criterion. Tennis players are fortunate because they have a choice of playing on any of the other 40 tennis courts in Palo Alto, including the 4 newly resurfaced lighted courts at Mitchell. Pickleballers have no other choice.

Portable Nets: Every time we play, we have to put up, and remove, as many as 11 portable nets which we have stored in a locker outside the courts. These nets weigh 25 lbs.

Classes: Since April, 2017 I, personally, in a volunteer capacity, have taught 54 City Pickleball Classes on courts 5, 6 and 7 and have had to put up the portable nets for every one of them. Currently I am teaching 2 classes a week for 16 weeks and proposing to teach a Youth class next season. Please act on the following:

Save Money: Courts 5, 6, and 7, are due to be resurfaced soon. It makes perfect economic sense to install 4 permanent pickleball nets on court 5 **at the same time** this work is done.

Palo Alto Pickleball Club: Going forward, please refer to our club as the Palo Alto Pickleball Club. We have over 360 members and 40% are Palo Alto residents. Our base is at Mitchell Park so the board felt that changing our name from the Silicon Valley Pickleball Club more accurately reflect our demographics.

Sincerely,

Monica

Monica Williams
USAPA Ambassador
Pal Alto Pickleball Club
SVPC President
(650)254-1041

--

Carnahan, David

From: Maryann McLaughlin <maryannmclaughlin10@gmail.com>
Sent: Wednesday, August 29, 2018 10:25 AM
To: mwilliams; Howard, Adam; Council, City; ParkRec Commission
Subject: Fwd: Thank you for Court Policy Update

Hi All,
Apologies for the typo below. I meant to say I do **not** live in Palo Alto. I **do** live in San Carlos - where sadly, we do not have any regular options other than indoor play on Wednesdays in the middle of the day.

I commend the City of Palo Alto for being receptive and recognizing the growth and positive impact of the sport on the community.

Thanks,
Maryann

---------- Forwarded message ---------
From: **Maryann McLaughlin** <maryannmclaughlin10@gmail.com>
Date: Wed, Aug 29, 2018 at 1:07 PM
Subject: Re: Thank you for Court Policy Update
To: mwilliams <moniwilliams@yahoo.com>
Cc: Adam Howard <adam.howard@cityofpaloalto.org>, City Council <city.council@cityofpaloalto.org>, ParkRec Commission <parkrec.commission@cityofpaloalto.org>

Hello,
I wanted to echo my gratitude and support. I also wanted to highlight something Monica might not have mentioned as it related to the size of our club and positive economic impact.

I want to be direct and let you know that I live on the Peninsula and not in San Carlos. However, after I play at Mitchell, I also stay in Palo Alto and shop. Many of us grab lunch or coffee nearby after playing. I often also pick up groceries at Grocery Outlet or Piazza's and run other errands at local PA shops. I point this out as I know there has been some discussion that some club members are not PA residents, but I am certain we collectively spend tens of thousands of dollars each year in Palo Alto as a direct result of our playing Pickleball in the city.

We appreciate you consideration.

Thanks,
Maryann McLaughlin

On Wed, Aug 29, 2018 at 8:53 AM 'mwilliams' via SVPC Members <svpc-members@googlegroups.com> wrote:

> **Chair McDougall, Palo Alto Parks and Recreation Commissioners, Adam Howard,**

Thank you for voting in favor of recommending to the Palo Alto City Council to approve updating the Court Use Policy to include Pickleball.

Thank you, Adam, for the enormous amount of time that you spent working on updating the policy.

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Palo Alto Pickleball Club: Going forward, please refer to our club as the Palo Alto Pickleball Club. We have over 360 members and 40% are Palo Alto residents. Our base is at Mitchell Park so the board felt that changing our name from the Silicon Valley Pickleball Club more accurately reflect our demographics.

Sincerely,

Monica

Monica Williams
USAPA Ambassador
Pal Alto Pickleball Club
SVPC President
(650)254-1041

To view this discussion on the web visit https://groups.google.com/d/msgid/svpc-members/696765678.316501.1535557998087%40mail.yahoo.com.
For more options, visit https://groups.google.com/d/optout.

Carnahan, David

From: linda leaver <lindajleaver@gmail.com>
Sent: Wednesday, August 29, 2018 9:51 AM
To: ParkRec Commission; Howard, Adam
Cc: Council, City
Subject: Re: Palo Alto Pickleball Club

Dear Adam Howard and the Palo Alto Recreation Commission:

Thank you for decisively moving towards installing dedicated courts at Mitchell Park and accommodating the quickly growing membership of the Palo Alto Pickleball Club

Sincerely,

Linda Leaver

Brian Boitano Enterprises
10545 West Loyola
Los Altos, CA 94024
650 948 2478

http://www.twitter.com/brianboitano/
http://www.brianboitano.com/
http://www.facebook.com/brianboitano/

Carnahan, David

From: connors@sbcglobal.net
Sent: Wednesday, August 29, 2018 9:45 AM
To: Howard, Adam; ParkRec Commission
Cc: Council, City
Subject: Appreciation and Thanks

Good morning Adam,

Wanted to take a moment to say we appreciate you and the Parks and Recreation's support of Pickleball in Palo Alto. It is amazing how this sport brings people in a community together for a great social and good exercise sport experience that is very habit forming. Look forward to Palo Alto joining the ever growing list of cities that have dedicated Pickleball courts in one of their Parks.

With Great Thanks,

John

Carnahan, David

From: Martha Elderon <melderon@gmail.com>
Sent: Wednesday, August 29, 2018 9:25 AM
To: Howard, Adam; Council, City
Subject: Permanent and reservable PICKLEBALL COURTS

Dear Mr. Howard and Palo Alto City Council members,

I am one of the many pickleball players who use Mitchell Park courts several times weekly to enjoy this great sport. As a senior citizen, it improves my health and well-being enormously.

I urge you to give us parity with the tennis players by allowing advance reservations of pickleball courts. As Monica Williams pointed out, tennis players have access to many local courts, whereas delineated pickleball courts are not as easy to find.

I also request that Mitchell Park offer some permanent pickleball courts so we won't have to set up and take down our nets each time we play.

Thanks for your consideration!

~ Martha Elderon (Palo Alto Unified School District employee)

Carnahan, David

From: Geri <geri@thegrid.net>
Sent: Tuesday, August 28, 2018 12:19 AM
To: Council, City
Subject: 12:11 pm

Hello Council,

I just want to thank you all for working so hard, so late.

Geri McGilvray

Everyday Safety and WALKABILITY, MIDDLEFIELD ROAD, midtown, Palo Alto

Sent from my iPhone

Carnahan, David

From: Suzanne Keehn <dskeehn@pacbell.net>
Sent: Monday, August 27, 2018 3:58 PM
To: Council, City
Subject: President Hotel

Dear City Council,

Many of us totally support the residents of the President Hotel, for many reasons. First being that we want/need these people in Palo Alto, they are a very diverse community which is so valuable. Second, we keep talking about BMR units, but have not yet found a way to make sure we build such housing. We saved Beuna Vista, thank goodness, but now may loose this valuable source of housing. Another BIG problem, is that the new hotel will be *REQUIRED* to provide 150 parking spaces, the President at present has 7, and no way to include more. So what happens, the neighborhoods have to now be a parking lot for the new Hotel?

W have to have renter protection for all these mydraid of reasons, an ordinance is needed to extend the time when they need to leave , and to certainly give them more than $3000. Better yet find a way for them to stay with the same rent.

Below is a quote from Palo Alto Matters, which says it all. Please act in such a way that protects the residents and our City from more parking mess.

"It's unclear that AJ Capital understood all the legal problems its hotel conversion faces. Until it proposes a plan that conforms with city laws, regulations such as the those adopted by Santa Rosa and suggested by the Law Foundation of Silicon Valley could forestall the threatened evictions and ***protect against what could be a long term empty building in the heart of downtown. If councilmembers wish to protect the Hotel President tenants and others, they will need to move quickly and expand eviction guidelines beyond what's in the proposed ordinances for Monday night."***

Thank you for taking positive action for us all.

Suzanne Keehn
4076 Orme St.
94306

Carnahan, David

From: Annette Ross <port2103@att.net>
Sent: Tuesday, August 28, 2018 7:57 AM
To: Council, City
Subject: Public Transportation Needs Your Influence

I stopped in at CC last night to comment during Public Communications but withdrew my card upon realizing that this issue could wait while others on the agenda could not. So I am writing instead.

Please use your influence to improve the reliability of the public transportation that we do have. Yesterday I used the shuttle to get to work and then to downtown. After work I encountered a woman I often see on the shuttle. She was a little annoyed that the shuttle wasn't running on schedule. This woman lives in Gilroy and commutes to Palo Alto by train. It is critical that she make the 5:43 train south because if she does not she must wait in San Jose for NINETY minutes. Per her, the Embarcadero shuttle did not run on schedule last Friday and it was off schedule again yesterday.

Since I live here, if I miss a shuttle I am inconvenienced but not at the level that train riders are inconvenienced. Nothing will drive people into their cars faster than public transportation that is not reliable. If you are serious about wanting people to use public transportation, it must work. Said differently, it should be more surprising when a shuttle is late than when a shuttle is on time. No one should ever be punished with a NINETY minute wait at a train station simply b/c a shuttle is off-schedule.

Help!

Annette Ross
Amherst Street

Carnahan, David

From: Penny Ellson <pellson@pacbell.net>
Sent: Thursday, August 23, 2018 10:42 AM
To: Mello, Joshuah; Council, City
Cc: Safe Routes
Subject: Rail Questions

Hi Josh,

I am unable to attend this week's Community Meeting re: Rail, but here are some questions I'd ask if I could to understand the pros and cons of the remaining options.

Overall:
1). It is disappointing that the consultant was not prepared last week to discuss implications of creeks for each option. I think this will be a key factor in decision-making, and I don't see how any of remaining options can be eliminated without knowing this.

2). I would like to see city join with citizens to lobby Caltrain to expedite their review and possible revision of standards for tunnel/trench height. This could be a solution providing both safety and enormous cost savings for the city—especially given the pressure we are starting to see build on Nextdoor for a trench or tunnel option.

Safety: I view a 4' rise at the Charleston and East Meadow crossings as a probable safety hazard because the rise will create a sightline obstruction for WB drivers climbing the rise. They will pick up speed as they crest the top and descend. Descent will land just at the Park Boulevard crossings, creating risk for some very bad collisions at those intersections. If a 4' rise is allowed, this risk will need mitigation that has not yet been discussed.

MCL-rail over road hybrid w/ Loma Verde bike/ped connection

- What would the Loma Verde bike/ped connection look like? Where is the descriptive narrative for this facility?
- It looks like the MCL option would maintain all existing Alma connections/turning movements at Charleston and Meadow crossings for all modes (bike/auto/ped). Specifically, how would this be accomplished?
- Specifically, how would this affect driveways/properties abutting the lowered sections of road on Alma, Charleston and Meadow and any affected cross streets? How many properties would be affected? Exactly which properties would be affected? Exactly how would they be affected?
- How would abutting backyards/homes with glass walls be protected from privacy intrusion, lights, noise of elevated trains?

- Specifically, how will placement of temporary track affect Alma operations during construction? How might diversion of traffic from Alma affect operations of other streets?
- Specifically, how tall will the total structure (including electrification accoutrement) be?
- How will bike/ped connections be maintained throughout construction? How will road grade changes affect bikability of bike routes on Park, Meadow and Charleston? Will Park Ave. be usable as a crosstown bike route through the construction period? What accommodations for bikes/peds will be made on East Meadow and Charleston through construction?

MCR-road over rail hybrid w/ Loma Verde bike/ped connection

- What would the Loma Verde bike/ped connection look like? Where is the descriptive narrative for this facility?
- How would abutting yards/homes be protected from privacy intrusion, lights, noise of elevated road?
- What would the grade of the road be? How would this affect bicyclists?
- Would the MCR option maintain all existing Alma connections/turning movements at Charleston and Meadow crossings for all modes (bike/auto/ped)? Specifically, how would this be accomplished?
- Specifically, how will placement of temporary track affect Alma operations? How might diversion of traffic from Alma affect operations of other streets?
- How will bike/ped connections be maintained throughout construction? How will road grade changes affect bikability of bike routes on Park, Meadow and Charleston? Will Park Ave. be usable as a crosstown bike route through the construction period? What accommodations for bikes/peds will be made on East Meadow and Charleston through construction?
- Specifically, how will abutting properties be impacted? Which properties?
- See above overall comment on this option.

MCT-road over trench or tunnel

This option should remain so that staff will study the difference between fully trenched/tunneled vs. hybrid which requires a rise in the road which may create a safety problem.

Understanding the Churchill Closure Decision

- When will we see a study to help us understand the traffic impacts of Council's decision to close the Churchill crossing? This should inform all other grade sep decisions.
- Could the city implement a temporary closure of Churchill for a couple of months to study these impacts?

Again, an early decision on trench/tunnel height standards would be very helpful to this decision-making process. It could provide better solutions for the community at lower cost. Will the city be lobbying Caltrain for this? If so, please tell citizens the best way we can support the city's effort.

Sorry for this rushed message, but it's a busy week and I wanted to share these thoughts with you.

Penny

Carnahan, David

From: Carl Page <carlpage@gmail.com>
Sent: Wednesday, August 29, 2018 9:05 AM
To: Friend, Gil
Cc: Council, City
Subject: Re: dark albedo pavements...
Attachments: image.png

Of course. You can mix in pigments at the mixing station. Main concern seems to be black footprints getting on it as workers go about their business with normal level of care. That's acceptable compared to the economic and health impact. Hotter pavement also release more VOC pollutants that may cause cancer on sunny days, so these cooler pavements measurably improve air quality.

The stripes that we laid down hot are obviously pigmented asphalt. You can't do the whole street that way, but it shows the extreme is possible.

https://www.dailynews.com/2017/05/20/cool-pavement-to-cut-urban-street-heat-gets-first-california-tryout-in-canoga-park/amp/

https://www.cnet.com/news/green-asphalt-layers-cool-surface-on-school-lot/

http://www.graniterock.com/technical_reports/integral-colored-asphalt?category_id=90

Integral Colored Asphalt

By Irv Howton

The old adage “You can get your asphalt any color you like, as long at it is black,” no longer applies. There are at least two types of color systems that are on the market today to color Hot Mix Asphalt. One system uses a colored cementicious material that is applied to the mat surface and rolled. Often a pattern is rolled in as well. This system coats the surface of the asphalt pavement. The flexibility of this system is that many colors can be used and the patterns can make the mat appear to be stonework. The main disadvantage to this system is that the cost is high and the application requires a new skill set to be used on the job.

The other coloring system has been around since the early 1990s. This system actually colors the material before it is placed and is uniform throughout the mix much like the integral color that is used in concrete. The main advantage to this system is that the whole top lift of the mat is colored using the same techniques that are already used in paving. The disadvantage is that the colors are limited to mainly reds and browns.

Using the second system, the Hot Mix Asphalt is colored by incorporating the powdered additive into the batch plant pugmill during mixing. The amount of color that is added depends on the color that is requested. Lighter colors require more additive to do their job.

(arl

On Wed, Aug 29, 2018, 6:24 AM Friend, Gil <Gil.Friend@cityofpaloalto.org> wrote:

Thanks Carl. I've shared this with the public works team, which asks " Is there something that has the attributes of asphalt." Do you know?
Thanks,
Gil

Gil Philip Friend
Chief Sustainability Officer
City of Palo Alto
650/924-6166

[crafted by thumbs]

From: Carl Page <carlpage@gmail.com>
Sent: Tuesday, August 28, 2018 4:29:07 PM
To: Council, City; Friend, Gil
Subject: Fwd: dark albedo pavements...

> I note Palo Alto is still using really dark pavement, and for no reason requiring us to use more air conditioners, and irrigation water, to undo the damage the pavement is doing.

See attached.

Los Angeles is doing it as part of their Cool LA initiative.
Climate change means we need to concentrate more on air conditioning and water consumption, and less on heating.

https://www.dailynews.com/2017/05/20/cool-pavement-to-cut-urban-street-heat-gets-first-california-tryout-in-canoga-park/

CANOGA PARK >> The new street seal gushed from a downpipe Saturday onto Jordan Avenue, then spread like paint to turn a half block of black into a sea of gray.

The morning temperature of the black asphalt in the middle of a nearby intersection read 93 degrees. The new light gray surface on Jordan Avenue read a cool 70 — on what would turn out to be the first heat wave of the year.

“It’s awesome. It’s very cool — both literally and figuratively,” exclaimed Councilman Bob Blumenfield, whose Los Angeles district includes Canoga Park, squinting into the laser handheld thermometer. “We are trying to control ‘the heat island effect’ ” — or hotter temperatures caused by urban sprawl.

“The downside: we won’t be able to fry eggs on the streets.”

LOS ANGELES, WHICH HAD PIONEERED THE USE OF COMPRESSED NATURAL GAS TRASH TRUCKS AND OTHER VEHICLES, IS NOW AT THE FOREFRONT OF DEVELOPING A “COOL PAVEMENT” TO LOWER TEMPERATURES ALONG ITS THOUSANDS OF MILES OF BAKING ASPHALT STREETS.

• **MORE PHOTOS:** See workers apply the cool pavement to the street

For the first time in the Golden State, it is testing a reflective street surface officials say could cut public road temperatures, cool the insides of nearby buildings, lessen air pollution and reduce the threat of deaths linked to increasingly hotter heat waves.

Before afternoon temperatures could push 100, city street workers spread a thin gray coating of CoolSeal into the heart of one of its hottest neighborhoods.

“The city’s going to get hotter because of climate change, particularly this neighborhood of the west San Fernando Valley,” said Greg Spotts, assistant director of the Bureau of Street Services, who doubles as its acting chief sustainability officer. “The phenomenon called the heat island effect means the city is hotter than the surrounding countryside.

(arl


9/6/2009
Air 75F
106F@3pm
106F@3pm
145F@3pm
70F@7:30pm
69F@7:30pm
79F@7:30pm

Carnahan, David

From: Anderson, Daren
Sent: Monday, August 27, 2018 6:50 AM
To: Jill Asher; De Geus, Robert; Holman, Karen (external); O'Kane, Kristen; Council, City; peter.jensen@magicalbridge.org
Subject: RE: Ducks under the bridge

Good morning, Jill.

Thank you for the email about the ducks. I'll contact the Santa Clara County Water District and the Palo Alto Animal Services this morning to ask for their assistance with the ducks.

Thank you,

Daren

Daren Anderson | Division Manager- Open Space, Parks & Golf
3201 East Bayshore Road | Palo Alto, CA 94303
P: 650-496-6950

From: Jill Asher [mailto:jill@magicalbridge.org]
Sent: Sunday, August 26, 2018 9:48 AM
To: Anderson, Daren; De Geus, Robert; Holman, Karen (external); O'Kane, Kristen; Council, City; peter.jensen@magicalbridge.org
Subject: Fwd: Ducks under the bridge

---------- Forwarded message ---------
From: **suyun vaneveld** <sv94306.lv@gmail.com>
Date: Sat, Aug 25, 2018 at 9:15 PM
Subject: Ducks under the bridge
To: <olenka@magicalbridge.org>, <jill@magicalbridge.org>

Dear Olenka,

Today I saw a family of ducklings struggling under the bridge. The water pump is pumping water out of the creek. Water in the creek is getting less and less. Workers damed the creek, one side is to totally dry, the other side still has a little bit of water. The little ducklings are unable to get over the dam. They are in danger. I hope the magic bridge community can do something for the ducklings.

Attached some pictures of those desperate ducklings.

Best regards,
Suyun

Sent from my iPhone
--
Jill Asher
Magical Bridge Foundation
NEW VIDEO: Why Magical Bridge Matters
p: 650-520-8512
e: jill@magicalbridge.org

Connect with Magical Bridge on:
Facebook: https://www.facebook.com/magicalbridge
Twitter: https://twitter.com/magicalbridge

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Monday, August 27, 2018 6:56 PM
To: stb_discussion@googlegroups.com; wilpf.peninsula.paloalto@gmail.com; chuckjagoda1@gmail.com; paloaltofreepress@gmail.com; roberta.ahlquist@sjsu.edu; stephanie@dslextreme.com; stevendlee@alumni.duke.edu; HRC; Council, City; Keene, James; molly.o'neal@pdo.sccgov.org; Stump, Molly
Subject: Re: Speak Out for Homeless at 9:30 AM TOMORROW August 28 at the Board of Supervisors

Hi Folks,

The below letter was written by *Sandy Perry* of the Affordable Housing Network, CHAM Deliverance Ministry.
Regards,

Aram

Hi Everyone,

Please join Affordable Housing Network, CHAM Deliverance Ministry, and other organizations and advocates at 9:30 AM tomorrow, Tuesday August 28, to speak out at the Santa Clara County Board of Supervisors to urge them to allow the use of the old City Hall Annex building to temporarily house the homeless. The County has over 7000 homeless people living in desperate conditions every single night. Many are forced to live in dangerous and unhealthy illegal encampments because there is literally nowhere else for them to go. The County has had years of task forces and discussions about temporary solutions, but has so far still made no significant progress in getting people off the streets.

Silicon Valley's ongoing shameful treatment of its homeless people is a national and international scandal. Please urge our County Supervisors to take advantage of this opportunity to house at least 150 of our fellow residents in the old City Hall while the new Civic Center is under construction. The proposal is simple, cost-effective, and can be implemented rapidly. Condemning the homeless to continue to live outside indefinitely, just to build another parking lot, is a serious moral misstep. Please join us to help the Board of Supervisors find its conscience and support this project!

TIME: 9:30 AM TUESDAY, AUGUST 28
PLACE: COUNTY BOARD OF SUPERVISORS CHAMBERS, 70 W. HEDDING STREET, SAN JOSE

Carnahan, David

From: Ken Meislin <ken@meislin.net>
Sent: Monday, August 27, 2018 12:46 PM
To: Council, City
Subject: Rent Control in Palo Alto

Dear Palo Alto Councilmembers:

I am a property owner in the Bay Area. I do not own in Palo Alto – but I took the time to write to the city council members, because this issue is so important.

I own many rental properties, small and large, and I own in many other cities, including rent control locations such as San Francisco, and Oakland. I have never raised my rent more than 10% in one year ……. Ever! If we have seniors or other people that are struggling, we often try to go easier on the increases. I consider myself an excellent landlord, and I always do my part to be reasonable and responsible as an owner. I also have maintained all my buildings to the absolute highest standards.

Ultimately, rent control only hurts the housing stock, decreases housing affordability, and causes many owners to neglect their properties. Even though I do not neglect any of my properties, I can share with you the following. Most buildings in San Francisco and Oakland have below market rents, and therefore many of my neighbors have buildings that have fallen into disrepair. This is because regulated rents creates a disincentive for owners to spend money. The classic example would be….. Patch the roof…… and continue to patch it, again and again, even if it is past it's useful life. Don't replace it. Why ??? - Because the rent can't be raised to compensate the owner. This is an issue, but it's not even the worst problem. More significantly, when rent control is implemented, tenants get further and further behind, and this creates a "split market". As time goes forward, old tenants pay less and less, relative to the real value, and then new tenants have substantially less and less units to choose from. This drives prices up. Later in the cycle – it drives rents WAY up. Look at the price of a unit in San Francisco….. Studios are now $2,500 to $3,000. Two bedrooms are more than $4,000. With rent control, over time, a lucky few get a hall pass for subsidies, regardless of need, and everybody else is less able to afford housing.

As an example - Check this out:

San Francisco's median rent hits a ridiculous $4,225

http://flip.it/Wqm8y

This is not something we would want to see in Palo Alto. Please……. I speak from experience. Rent control is bad. Please find other more reasonable solutions to our Bay Area housing crisis. Incentivizing more building, and backing low income properties, would be a good place to start…….

Thank you in advance.

Most respectfully,

Kenneth Meislin
Mill Valley, CA

WE HAVE MOVED! PLEASE NOTE OUR NEW INFORMATION BELOW

ken@meislin.net

Kenneth Meislin - Principal
Meislin Investments
P.O. Box 489
Mill Valley, CA 94942

Direct Line 415 273 2170
415 652-0178 (cell)
Fax – 415 449 3655

Carnahan, David

From: D Martell <dmpaloalto@gmail.com>
Sent: Monday, August 27, 2018 3:10 PM
To: Mello, Joshuah
Cc: Stump, Molly; Shikada, Ed; Lauing, Ed; Council, City; Kniss, Liz (internal); Scharff, Gregory (internal); Keene, James; Minor, Beth; Lunt, Kimberly; Brettle, Jessica; Carnahan, David; Kleinberg, Judy; Drekmeier, Peter; Bill Johnson; Jay Thorwaldson; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; AnnaEshoo@mail.house.gov; Anne.Ream@mail.house.gov; Senator.Hill@senate.ca.gov; Alex Kobayashi; Supervisor.Simitian@bos.sccgov.org; Micaela.Hellman-Tincher@bos.sccgov.org; VHS101@yahoo.com; richard@alexanderlaw.com; Aram James; Andrew Pierce; Debra@firstpaloalto.com; Bear.ride@fprespa.org; CHamilton@da.sccgov.org; JRosen@dao.sccgov.org; Goodell, Erin; Jonsen, Robert
Subject: 4th REQUEST | Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Spaces

Josh Mello
Chief Transportation Official
Palo Alto's Transportation Division

Mr. Mello:

In the future, it would make things much easier if you would take stewardship of your privileged position.

Again, you have complete City resources available to you, including a team of excellent City attorneys. YOU tell me if the destroyed Handicap Zones are on private or City property. Your office is only four (4) blocks from LG, walk over and take a look, then make a call to the Palo Alto County Assessor and afterwards query a City attorney for clarity. As a life-time Palo Altan, I know first-hand that property lines in my town are often creative and not intuitive. Looks like City property to me.

MAN UP.

I will no longer do your work for you. It is not up to me to bring the inappropriate use of the Streets of Palo Alto to other departments' attention. YOU must take responsibility.

It should not be this hard for a resident to get a straight answer from you to a simple and direct question. For the FOURTH time, I demand to know,

"Why has LG been allowed to obliterate FIVE Handicap Zones in front of their main entrance (656 Lytton Avenue) ?"

-Danielle Martell
Palo Alto City Council Candidate, 2016 & 2005

From: **D Martell** <dmpaloalto@gmail.com>
Date: Sat, Aug 25, 2018 at 1:29 PM
Subject: CPRA Request | LG obliterates FIVE downtown Handicap Zones
To: Molly <Molly.Stump@cityofpaloalto.org>
Cc: <Joshuah.Mello@cityofpaloalto.org>, Ed <evlauing@yahoo.com>, City <city.council@cityofpaloalto.org>, Kniss, Liz (internal) <liz.kniss@cityofpaloalto.org>, Scharff, Gregory (internal) <greg.scharff@cityofpaloalto.org>, James <James.Keene@cityofpaloalto.org>, Minor, Beth <beth.minor@cityofpaloalto.org>, <Kimberly.Lunt@cityofpaloalto.org>, Brettle, Jessica <Jessica.Brettle@cityofpaloalto.org>, Carnahan, David <David.Carnahan@cityofpaloalto.org>, Kleinberg, Judy <Judy@paloaltochamber.com>, Bill Johnson <BJohnson@paweekly.com>, Jay Thorwaldson <jaythor@well.com>, Dave Price <price@baydailypost.com>, <Allison@padailypost.com>, <EmiBach@padailypost.com>, <AnnaEshoo@mail.house.gov>, <Anne.Ream@mail.house.gov>, <Senator.Hill@senate.ca.gov>, Alex Kobayashi <Alex.Kobayashi@sen.ca.gov>, <Supervisor.Simitian@bos.sccgov.org>, <Micaela.Hellman-Tincher@bos.sccgov.org>, <VHS101@yahoo.com>, <richard@alexanderlaw.com>, Aram James <abjpd1@gmail.com>, Andrew Pierce <apierce@pierceshearer.com>, <Debra@firstpaloalto.com>, <Bear.ride@fprespa.org>, <CHamilton@da.sccgov.org>, <JRosen@dao.sccgov.org>, <Erin.Goodell@cityofpaloalto.org>, <Robert.Jonsen@cityofpaloalto.org>

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

CALIFORNIA PUBLIC RECORDS ACT REQUEST (made this 25th day of August, 2018)

Dear Madame:

Pursuant to California Public Records Act Request (CPRA) (Govt. Code § 6250 et seq.), re the recent destruction of FIVE downtown Handicap Zones by Lytton Gardens Senior Communities (LG) on Lytton Street, I request the release of copies of the following documents:

1. All emails and communications that Transportation Division Official Joshuah Mello received on the topic.

2. All city communications with LG on the issue.

3. All City-LG issues going back 36 months.

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

Thank you very much.
I appreciate your time and help.

Respectfully,
-Danielle Martell
dmPaloAlto@gmail.com

From: **Mello, Joshuah** <Joshuah.Mello@cityofpaloalto.org>
Date: Sat, Aug 25, 2018 at 1:28 PM
Subject: Re: 3rd REQUEST | Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Spaces
To: D Martell <dmpaloalto@gmail.com>

Ms. Martell:

I have passed your concern on to the Planning and Community Environment Department. The Office of Transportation does not regulate disabled parking outside of the public right-of-way.

In the future, it would make things much easier if you would respond when asked for additional clarifying information.

Regards,

JOSHUAH D. MELLO, AICP
Chief Transportation Official
OFFICE OF TRANSPORTATION
City of Palo Alto
Joshuah.Mello@CityofPaloAlto.org
office: 650.329.2520
fax: 650.329.2154

From: D Martell <dmpaloalto@gmail.com>
Sent: Saturday, August 25, 2018 1:22 PM
To: Mello, Joshuah
Cc: Lauing, Ed; Stump, Molly; Council, City; Kniss, Liz (internal); Scharff, Gregory (internal); Keene, James; Minor, Beth; Lunt, Kimberly; Brettle, Jessica; Carnahan, David; Kleinberg, Judy; Bill Johnson; Jay Thorwaldson; Dave Price; allison@padailypost.com; emibach@padailypost.com; annaeshoo@mail.house.gov; anne.ream@mail.house.gov; senator.hill@senate.ca.gov; Alex Kobayashi; supervisor.simitian@bos.sccgov.org; micaela.hellman-tincher@bos.sccgov.org; vhs101@yahoo.com; richard@alexanderlaw.com; Aram James; Andrew Pierce; debra@firstpaloalto.com; bear.ride@fprespa.org; chamilton@da.sccgov.org; jrosen@dao.sccgov.org; Goodell, Erin; Jonsen, Robert
Subject: 3rd REQUEST: Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Spaces

Joshuah Mello
Chief Transportation Official
Palo Alto's Transportation Division

Mr. Mello:

As a quisi-public facility, what legal obligations bind LG to offer Handicap Zones?

With LG's recent destruction of FIVE Handicap Zones, Lytton Gardens --trusted with housing 600 elderly and compromised souls-- now provides **ZERO** Handicap Zones !

You have access to an entire department of fancy Palo Alto City attorneys. Your Palo Alto City salary with benefits totals about $250,000 annually. Taxpayers require direct answers to all questions put to you, and for you to be accountable at all times.

For the THIRD time, I demand to know,

"Why has LG been allowed to obliterate FIVE Handicap Zones in front of their main entrance (656 Lytton Avenue) ?"

-Danielle Martell
Palo Alto City Council Candidate, 2016 & 2005

From: **D Martell** <dmpaloalto@gmail.com>
Date: Thursday, August 16, 2018
Subject: Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces
To: roberta.ahlquist@sjsu.edu
Cc: Joshuah.Mello@cityofpaloalto.org, Ed <evlauing@yahoo.com>, Molly <Molly.Stump@cityofpaloalto.org>, City <city.council@cityofpaloalto.org>, "Kniss, Liz (internal)" <liz.kniss@cityofpaloalto.org>, "Scharff, Gregory (internal)" <greg.scharff@cityofpaloalto.org>, James <James.Keene@cityofpaloalto.org>, "Minor, Beth" <beth.minor@cityofpaloalto.org>, "Kleinberg, Judy" <Judy@paloaltochamber.com>, Bill Johnson <BJohnson@paweekly.com>, Jay Thorwaldson <jaythor@well.com>, Dave Price <price@baydailypost.com>, Allison@padailypost.com, EmiBach@padailypost.com, Jason Green <jgreen@dailynewsgroup.com>, AnnaEshoo@mail.house.gov, Anne.Ream@mail.house.gov, Senator.Hill@senate.ca.gov, Alex Kobayashi <Alex.Kobayashi@sen.ca.gov>, Supervisor.Simitian@bos.sccgov.org, Micaela.Hellman-Tincher@bos.sccgov.org, VHS101@yahoo.com, WILPF.peninsula.paloalto@gmail.com, richard@alexanderlaw.com, Aram James <abjpd1@gmail.com>, Andrew Pierce

<apierce@pierceshearer.com>, Debra@firstpaloalto.com, Bear.ride@fprespa.org, CHamilton@da.sccgov.org, JRosen@dao.sccgov.org, Erin.Goodell@cityofpaloalto.org, Robert.Jonsen@cityofpaloalto.org

Professor Roberta Ahlquist
WILPF, Low-Income Housing Committee

Dear Professor Ahlquist:

Thank you for speaking out for Palo Alto City Government accountability and transparency. I believe City of Palo Alto's Chief Transportation Official Joshuah Mello should be admonished for his poor stewardship over public need.

As a**quasi-public facility supported by HUD funding**, Lyttons Garden Senior Communities is a type of corporation in the private sector that is backed by a branch of government that has a **public mandate to provide for the needs of the public**.

Respectfully,
-Danielle

Danielle Martell
dmPaloAlto@gmail.com

From: **Roberta Ahlquist** <roberta.ahlquist@sjsu.edu>
Date: Thu, Aug 16, 2018 at 1:34 PM
Subject: 5 Handicapped parking spaces
To: Joshuah.Mello@cityofpaloalto.org

Dear Mr. Mello,

I would like an explanation for why these five spots have been removed: 1. Under what guidelines, 2. Who made this decision? 3. Why?

Sincerely,
Roberta Ahlquist
for the WILPF Low-Income Housing Committee

From: **D Martell** <dmpaloalto@gmail.com>
Date: Wed, Aug 15, 2018 at 7:57 PM
Subject: Palo Alto - Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces
To: Joshuah.Mello@cityofpaloalto.org
Cc: Ed <evlauing@yahoo.com>, Molly <Molly.Stump@cityofpaloalto.org>, City <city.council@cityofpaloalto.org>, "Kniss, Liz (internal)" <liz.kniss@cityofpaloalto.org>, "Scharff, Gregory (internal)" <greg.scharff@cityofpaloalto.org>, James <James.Keene@cityofpaloalto.org>, "Minor, Beth" <beth.minor@cityofpaloalto.org>, "Kleinberg, Judy" <Judy@paloaltochamber.com>, Bill Johnson <BJohnson@paweekly.com>, Jay Thorwaldson <jaythor@well.com>, Dave Price <price@baydailypost.com>, Allison@padailypost.com, EmiBach@padailypost.com, Jason Green <jgreen@dailynewsgroup.com>, AnnaEshoo@mail.house.gov, Anne.Ream@mail.house.gov, Senator.Hill@senate.ca.gov, Alex Kobayashi <Alex.Kobayashi@sen.ca.gov>, Supervisor.Simitian@bos.sccgov.org, Micaela.Hellman-Tincher@bos.sccgov.org, VHS101@yahoo.com, WILPF.peninsula.paloalto@gmail.com, richard@alexanderlaw.com, Aram James <abjpd1@gmail.com>, Andrew Pierce <apierce@pierceshearer.com>, Debra@firstpaloalto.com, Bear.ride@fprespa.org, CHamilton@da.sccgov.org, JRosen@dao.sccgov.org, Erin.Goodell@cityofpaloalto.org

Joshuah Mello

Chief Transportation Official

Palo Alto's Transportation Division

Mr. Mello:

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

Handicapped must come first.

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

-Danielle Martell
dmPaloAlto@gmail.com

From: **Mello, Joshuah** <Joshuah.Mello@cityofpaloalto.org>
Date: Wed, Aug 15, 2018 at 4:38 PM
Subject: RE: Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces
To: D Martell <dmpaloalto@gmail.com>

Ms. Martell:

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

Regards,

JOSHUAH D. MELLO, AICP
Chief Transportation Official

OFFICE OF TRANSPORTATION

Joshuah.Mello@CityofPaloAlto.org

office: 650.329.2520
fax: 650.329.2154

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

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

Subject: Lytton Gardens obliterates FIVE downtown Handicap Parking Spaces

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

To: Mello, Joshuah <Joshuah.Mello@CityofPaloAlto.org>

Joshuah Mello

Chief Transportation Official

Palo Alto's Transportation Division

Dear Mr. Mello:

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

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

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

Please respond.

Sincerely,

-Danielle Martell

dmPaloAlto@gmail.com

Carnahan, David

From: Ben Stolpa <jben@stolpa.com>
Sent: Tuesday, August 28, 2018 10:35 AM
To: Council, City
Cc: Bob Wenzlau
Subject: Request to Modify 2018 Zero Waste Plan and GreenWaste Contract Negotiations

City Council, Palo Alto:

The long, detailed, and well thought out letter by Bob Wenzlau submitted for the Council's consideration and adoption as a point of negotiation and inclusion in any new contract with Green Waste has my strong support.

As a long time resident of Palo Alto I also feel this community must take a leadership role in ascertaining the proper end management of trash by Green Waste and its downstream handlers of that waste. Otherwise Palo Alto is involved in what is an environmental sham, a feel-good exercise, of waste management. The reality may be, given the enormity of the problem and the international scope of the activity, that our city may not be able to effect a solution on its own. Nevertheless, the discussion must begin, the problem identified, ideas generated, and the first steps taken…….and please, please, don't just issue a "proclamation."

Ben Stolpa
jben@stolpa.com
Forest Avenue
Palo Alto

Carnahan, David

From: LOUIS FRIED <llfried@sbcglobal.net>
Sent: Tuesday, August 28, 2018 4:37 PM
To: Council, City
Subject: Ross Road

If you think that we have forgotten the Ross Road fiasco, wait until the election.

Carnahan, David

From: Judy Jennings <judyjm2@verizon.net>
Sent: Monday, August 27, 2018 5:02 PM
To: Council, City
Subject: STOP JUST CAUSE EVICTION

Do not pass this law. It will undermine all rental properties in Palo Alto !!!

Judy Jennings Moritz
Keller Williams Realty
BRE# 00602617
Mobile: 650-619-6600

Carnahan, David

From: Edie Keating <edie.keating100@gmail.com>
Sent: Monday, August 27, 2018 5:17 PM
To: Council, City
Subject: Support for the Urgency Ordinance

Dear Palo Alto City Council - I hope that tonight you will move forward with an urgency ordinance to better support situations such as the President Hotel. I look forward to later and fuller discussion of options for permanent and more complete renter protections.

Thank you, Edie Keating

Carnahan, David

From: mwilliams <moniwilliams@yahoo.com>
Sent: Wednesday, August 29, 2018 8:53 AM
To: ParkRec Commission; Howard, Adam
Cc: Council, City
Subject: Thank you for Court Policy Update

Chair McDougall, Palo Alto Parks and Recreation Commissioners, Adam Howard,

Thank you for voting in favor of recommending to the Palo Alto City Council to approve updating the Court Use Policy to include Pickleball.

Thank you, Adam, for the enormous amount of time that you spent working on updating the policy.

I'd like to make some important points that may not have been heard at the meeting.

Pickleball is Noisy: Because of the noise factor of pickleball, we need a facility far enough away from residences so as not to disturb their peace.

No Other Choice: Mitchell Park is the only park in Palo Alto that meets the above criterion. Tennis players are fortunate because they have a choice of playing on any of the other 40 tennis courts in Palo Alto, including the 4 newly resurfaced lighted courts at Mitchell. Pickleballers have no other choice.

Portable Nets: Every time we play, we have to put up, and remove, as many as 11 portable nets which we have stored in a locker outside the courts. These nets weigh 25 lbs.

Classes: Since April, 2017 I, personally, in a volunteer capacity, have taught 54 City Pickleball Classes on courts 5, 6 and 7 and have had to put up the portable nets for every one of them. Currently I am teaching 2 classes a week for 16 weeks and proposing to teach a Youth class next season. Please act on the following:

Save Money: Courts 5, 6, and 7, are due to be resurfaced soon. It makes perfect economic sense to install 4 permanent pickleball nets on court 5 **at the same time** this work is done.

Palo Alto Pickleball Club: Going forward, please refer to our club as the Palo Alto Pickleball Club. We have over 360 members and 40% are Palo Alto residents. Our base is at Mitchell Park so the board felt that changing our name from the Silicon Valley Pickleball Club more accurately reflect our demographics.

Sincerely,

Monica

Monica Williams
USAPA Ambassador
Pal Alto Pickleball Club
SVPC President
(650)254-1041

Carnahan, David

From: Pat Marriott <patmarriott@sbcglobal.net>
Sent: Tuesday, August 28, 2018 4:38 PM
To: Council, City
Cc: Al Mollica
Subject: THANK YOU for signing with Pets in Need!

Council Members:

I am so grateful to you all for voting to let Pets in Need take over the animal shelter. This is a wonderful outcome for animals and those who love them.

Pat Marriott

Carnahan, David

From: Dave Warner <dwar11@gmail.com>
Sent: Friday, August 24, 2018 3:11 PM
To: Council, City
Subject: Thank you!

Dear Mayor Kniss and City Council members,

Thank you for the huge amount of time you gave to the Bay Delta Plan last Monday night along with your groundwork, questions, and at the end of the discussion, your commentaries. In line with what Peter Drekmeier said, that was the most robust public debate for all of the Bay Delta Plan meetings I was fortunate enough to attend. It also seems to me that your voting was strongly in line with the beliefs of our community. Thank you.

Two lesser comments:

It seems like Greg Schmid is no longer a good representative for us at BAWSCA. While he has been a valuable contributor to Palo Alto, in this particular instance it would be good for him to move on.

To the question that was asked about our advanced purified water and our IPR study (that staff did not answer well): My understanding is that Palo Alto uses roughly 10 mgd, that there's presently no consideration of DPR which staff brought up, but that advanced purified water could supply up to 4 mgd for IPR, that a key cost and time issue was pipe to get the water to the right places for putting in the ground, and that no timeline had been discussed but it is likely 10+ years given how long projects take. Of course it is terrific that Palo Alto has this study in progress.

With kind regards,

Dave Warner

Carnahan, David

From: Aram James <abjpd1@gmail.com>
Sent: Tuesday, August 28, 2018 7:30 PM
To: Kniss, Liz (internal); gkirby@redwoodcity.org; jrosen@da.sccgov.org; myraw@smcba.org; dcbertini@menlopark.org; Jonsen, Robert; paloaltofreepress@gmail.com; stevendlee@alumni.duke.edu; HRC; apardini@cityofepa.org; jalcaraz@cityofepa.org; mdiaz@redwoodcity.org; ibain@redwoodcity.org; wilpf.peninsula.paloalto@gmail.com; Council, City; chuckjagoda1@gmail.com; Perron, Zachary; cromero@cityofepa.org; molly.o'neal@pdo.sccgov.org; roberta.ahlquist@sjsu.edu; michael.gennaco@oirgroup.com; council@redwoodcity.org; joe.simitian@bos.sccgov.org; cindy.chavez@bos.sccgov.org; Binder, Andrew; stephanie@dslextreme.com; rabrica@cityofepa.org; drutherford@cityofepa.org; epatoday@epatoday.org; acisneros@capublicrecordslaw.com; essenceoftruth@gmail.com; lgauthier@cityofepa.org; lmoody@cityofepa.org; cmartinez@cityofepa.org; sscott@scscourt.org; rpichon@scscourt.org; bwalsh@scscourt.org; dryan@scscourt.org; sdremann@paweekly.com; scharpentier@cityofepa.org; mbuell@cityofepa.org; Kilpatrick, Brad; Minor, Beth; Constantino, Mary; Van Der Zwaag, Minka; Zelkha, Mila; JIM MINKLER1; Doug Fort; griffinam@sbcglobal.net; gerrygras@earthlink.net; bjohnson@paweekly.com; denkafer1@yahoo.com
Subject: 2 things you didn't know about police violence in California

From: Yoel Haile, ACLU Foundations of CA <MeetYourDA@acluca.org>
Date: August 28, 2018 at 2:59:50 PM PDT
To: Aram <abjpd1@gmail.com>
Subject: 2 things you didn't know about police violence in California
Reply-To: Yoel Haile, ACLU Foundations of CA <MeetYourDA@acluca.org>

View this email in your browser

Hey Aram,

Last year, California police killed 162 people — only half of whom had a gun. Here's what you might not know.

1. When it comes to releasing police records, California is one of the most secretive states in the country.[1]
2. California has the oldest untouched use-of-force law in the nation — it hasn't been amended since 1872![2]

Today, we have the opportunity to make some long overdue changes to these laws. It's time to keep Californians safe and hold our police accountable. Here's how.

Under California law, it is currently legal to block the public — and district attorneys — from finding out about police misconduct.

Right now, a bill is up for vote in the California senate that would make police disciplinary records available to the public — including sexual assault, lying on the job, falsifying records, and planting evidence — and would increase public

access to records or investigations of police killings.[1]

Californians have a right to know about police misconduct. Call your California assemblymember and ask them to vote yes on SB-1421.

TAKE ACTION

But it's not enough just to shine a light on police violence. We have to put an end to it.

Under current law, police officers may use any kind of force they believe is "reasonable", regardless of the crime, whether the person is armed, or whether they pose a threat to the officer or another person. These laws also make it more difficult for district attorneys to press criminal charges in fatal use-of-force episodes.[3]

The California State Assembly has introduced a bill to update these laws and prevent unnecessary killings. This bill would require that officers only use lethal force when necessary to prevent imminent and serious bodily injury or death and when no non-lethal alternatives are available.[2]

Police should never kill when they have alternatives. Call on your state assemblymember to support, AB 931, the Police Accountability and Community Protection Act.

TAKE ACTION

Onwards!

Yoel Haile
Manager, Meet Your DA Project
ACLU Foundations of California

Sources:

1. California lawmakers to decide fate of police accountability bills, San Francisco Chronicle, August 15, 2018
2. California Cops Shot and Killed 162 People Last Year. This Bill Could Help Reduce the Bloodshed, Mother Jones, August 16, 2018
3. Prosecutors face a high bar for charges against officers in shootings, San Francisco Chronicle, May 24, 2018

Our mailing address is:
ACLU Foundations of CA
39 Drumm Street
San Francisco, California 94111

Carnahan, David

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Monday, August 27, 2018 5:07 PM
To: Council, City
Cc: Michael Harbour; Lait, Jonathan; Architectural Review Board
Subject: 429 University and 480 Lytton

Due to personal and family time constraints, I have not been able to follow thru on my concerns on several downtown developments. Here are two concerns deserving your attention:

429 University Avenue
One of my neighbors Michael Harbour has a concern about city approval process. He feels that the demolition permit is premature and requires a review process set by City Council in February 2017. Most residents, including myself, are not in a position to understand this level of detail. Few of us have resources to seek independent counsel on basic staff and commission responsibilities. Michael Harbour is not only a DTN resident; he is also a property owner within the University Avenue commercial core.

480 Lytton
I have formally presented my concerns to Planning Department via a code enforcement submission 5 months ago. There are at least two issues.

What is the process for following up with code enforcement issues submitted via the city website. What is reasonable timeline for review and feedback to a citizen raising questions? Is it the citizen's responsibility to track down enforcement personnel for response.

Primary responsibility resides in plan review by the Planning Department. Palo Alto has citizens who are reasonably competent in understanding planning details and applicable regulations. I am awaiting more specific staff response to unanswered details. Due to the upcoming holiday, some delay is acceptable but questions have been lingering from Code Enforcement and Planning Department for over 5 months.

Although the number of parking spaces in question is small, the issue that parking supply and demand within the commercial core is not self-correcting and seems to place greater and pressure upon spillover into the residential neighborhoods.

There are several other issues that I could mention but these two projects deserve your attention. I see too often a pattern of staff decisions and recommendations seemingly leaning toward developers' advantage contrary to balance of interest stated in the Comp Plan.

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell

Carnahan, David

From: Lenore Cymes <lenraven1@gmail.com>
Sent: Monday, August 27, 2018 3:35 PM
To: Council, City
Subject: 429 University Ave

Dear Council Members

I just learned about the staff position to tear down 429 University Ave BEFORE a new building is even designed and approved. Are we suppose to find this as an asset to our main thoroughfare in the city? Once the building is torn down, - after a very short time, people will get disgusted with the empty space and start hammering for a new structure. This makes the requirement to how a new structure will work for University Ave will be compromised.

No matter how one works this - the cart has never been able to be in front and pull the horse. We, as residents deserved more attention to this process. I can't imagine how and why you would - under any circumstances - approve this to happen. Making one developer happy, at the expense of so many people who care deeply about what PA looks like is not what the City Council should allow

Proceedure : Design the Building - Developer
Approval - Planning Commission
Guideline to build approval - Permit department
Destruction of the old bulding
Rebuild when approval is fully finalized

Anything else is lopsided and makes absolutely no sense.

Thank you
Lenore Cymes
Wildwood Lane

Carnahan, David

From: Cheryl Lilienstein <clilienstein@me.com>
Sent: Sunday, August 26, 2018 3:31 PM
To: Council, City
Subject: 429 University

Dear City council,
Demolition permits are not allowed prior to approved plans, right? So why is Planning Dept issuing one for 429 University when the ARB rejected the most recent design? We've had experience with this in the past: developers demolish then leave eyesores until they get what they want because people are tired of piles of debris, garbage, porta potties, and equipment piling up. Please require Ms Wong to go through the process you already outlined.
We are counting on you to enforce your own decisions.
Cheryl Lilienstein
Sent from my iPhone

Carnahan, David

From: D Martell <dmpaloalto@gmail.com>
Sent: Tuesday, August 28, 2018 2:09 PM
To: Eggleston, Brad
Cc: Council, City; Kleinberg, Judy; Keene, James; Shikada, Ed; Minor, Beth; Brettle, Jessica; Kniss, Liz (internal); Scharff, Gregory (internal); Drekmeier, Peter; Bill Johnson; Jay Thorwaldson; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; Anne.Ream@mail.house.gov; Alex Kobayashi; Supervisor.Simitian@bos.sccgov.org; richard@alexanderlaw.com
Subject: URGENT -- Power Wash downtown University Avenue

Mr. Brad Eggleston
Public Works Director
City of Palo Alto

Dear Mr. Egglestone:

University Avenue is *long* overdue to receive a Power Washing.

As a life-long resident, I have never seen the sidewalks so black and dingy with filth and grime. For some time, Palo Alto locals, shopkeepers, and visitors are complaining to me because they're totally grossed out by downtown's neglect. I speak for my community when I say, downtown Palo Alto deserves better treatment.

As the newly-promoted Public Works Director (late-July), I appeal to you to take charge and Power Wash our beautiful University Avenue.

Please respond.

Respectfully,
-Danielle Martell
Palo Alto City Council candidate, 2016 & 2005

Carnahan, David

From: Michael Harbour <dr.mharbour@gmail.com>
Sent: Saturday, August 25, 2018 9:27 PM
To: Council, City
Subject: Urgent: 429 University Ave Demolition Permit issued without final ARB design approval

Dear Esteemed City Council Members:

I was informed by Jodie Gerhardt from the the Palo Alto Planning Department that it plans to issue a permit to Elizabeth Wong to demolish the existing Birge Clark buildings at the 429 University Avenue site. This decision is premature and is contrary to your motion on February 6, 2017. At that time, the council mandated the applicant to pursue building Option 1 and then proceed to **ARB approval of the western wall design, landscaping, and exterior building materials, colors, and craftsmanship**. The applicant failed to submit any plans during the first year after your motion. She applied and was granted a one year extension by the planning department. Finally after 18 months (and at risk of losing any opportunity to develop the site), she appeared before the ARB on August 18, 2018 and was unprepared. The ARB unanimously denied her design. They said it was incomplete and not coherent. She has fired her architect, Joe Bellomo, who is just one in a long line of fired architects. He has publicly disavowed himself of the building and the design. The building may not be appropriately designed at this time, and It is unclear if the applicant can even follow through on the original building proposal that they put forth to the city council since that architect is no longer involved. It is too important of a site to make such a mistake.

The applicant, Ms. Wong, has been afforded every opportunity to comply with your motion and she has failed to do so. I believe that the planning department is inappropriately assisting her. They already granted her a one year extension. They have removed all adjacent heritage trees. Now they are going to grant a demolition permit before the design is even approved! This is simply wrong and ignores the intent behind the appeal and the council's motion.

I urge all of you to contact Jonathan Lait and put a stop to this egregious failure to comply with your motion. The applicant and planning department must follow your instructions or risk further litigation from neighbors and residents. I would appreciate a response as soon as possible.

Sincerely,

Michael Harbour, MD, MPH
Lead appellant on behalf of 429 University Ave Appellants

Carnahan, David

From: Michael Harbour <dr.mharbour@gmail.com>
Sent: Sunday, August 26, 2018 9:28 PM
To: Council, City
Cc: Keene, James; Lait, Jonathan; Stump, Molly; Adam Petersen
Subject: URGENT: 429 University Ave Relevant Motion Documents
Attachments: Council Motion_2-6-17.pdf; Staff Report_2-6-17.pdf

Dear City Council,

Given the lengthy duration of this issue and the numerous documents associated with this case, I'm attaching the following relevant documents with highlighted passages for the proposed 429 University Avenue development to simplify your review. The city council mandated a set of rules (set as conditions) for the applicant to follow. The applicant has not met those obligations. Staff was required to submit written findings to the City Council as part of the approved Motion which it has not done. At this time, there is no reason whatsoever that the Planning Department should issue demolition and building permits until all obligations and findings have been met. The historic resources (Birge Clark buildings) should not be demolished until there is 100% certainty that all obligations have been met. I appreciate your attention to this matter.

Sincerely,
Michael Harbour, MD, MPH
Lead Appellant for 429 University Ave

Attachments:

1. **City Council Motion Minutes from February 6, 2017**.
   a. ARB Member Alex Lew tells City Council that the ARB has not seen a complete rendering of Option #1 (thereby indicating that it still needs ARB review).
   b. Motion for Building Option #1 is approved to be set for further development. (complete PDF transcript pages 1-52; motion on PDF pages 48-49).
   c. Approved Motion references three pages of recommendations within Staff Report that are to be incorporated into the final Motion (pages 527-529 in original packet or PDF pages 5-8).
   d. Ms. Gitelman (planner) states, "We do have a condition that we're suggesting, that's been incorporated into the Motion, that the applicant would return to the Architectural Review Board for review and recommendations..." (PDF page 45)
   e. Final passed motion (PDF pages 42, 48-49). Motion includes conditions and directs Staff to return with the written findings of adoption.

2. **Staff Report from February 6, 2017**. Contains the specific items mentioned in the passed Motion. (see pages 5-8).
   1. Applicant shall submit detailed plans for floor area and development standards
   2. 4th floor guardrails and plantars to be set back
   3. Library to be removed
   4. Third floor roofline to be set back to follow third floor building footprint
   5. Decorative wall design treatment, feature or element to be applied and have ARB approval
   6. Elevator on Kipling St. no to exceed 50 feet
   7. **Applicant to return to ARB for review and recommendations for landscaping review**
   8. **Applicant to return to ARB for review and recommendation to Director of Planning of building materials, colors, and craftsmanship related detailing associated with building**

9. **Also recommended ARB consider recessed pedestrian entries as ARB has consistently sought to improve the pedestrian experience of this building, but there has been little refinement of the feature over the different iterations.**

3. The staff recommendations state ***"it should be noted that all of the options in this report will be subject to more detailed review for code compliance at the building permit state, if/when a single design option has been advanced." (PDF page 8)***

3. **ARB Hearing video link from August 16, 2018**. The ARB unanimously denies the submitted design. Relevant video starts at 1:30:35 within the clip
http://midpenmedia.org/architectural-review-board-74-2-3-2-2-2-2-2-2-2-2/

schedule a contractor to perform the abatement. If we then still have to actually perform the abatement, it's the cost of the abatement plus $434 to cover our costs because I'm here tonight as I am in several other jurisdictions. There is a lot of work involved in what we have to do to ensure that we're, one, dealing with the correct property owner, which is part of what I said we would take care of, making sure we weren't in the wrong spot, and to run through the process of being able to help people in case, like I said, there could be a misunderstanding or any of those things that we would like to address and make sure that we're accurate.

Council Member Kou: Thank you.

Mayor Scharff: With that, seeing no further lights, I will move the Staff recommendation which is to adopt the attached Resolution, Attachment A, ordering the abatement of weed nuisances in the City of Palo Alto.

Council Member Holman: Second.

MOTION: Mayor Scharff moved, seconded by Council Member Holman to adopt a Resolution ordering the abatement of weed nuisances in the City of Palo Alto.

Mayor Scharff: Second by Council Member Holman. If we could vote on the board. That passes unanimously with Vice Mayor Kniss absent.

MOTION PASSED: 8-0 Kniss absent

Mayor Scharff: I forgot to mention that Vice Mayor Kniss wanted me to say that the reason she is absent is she has a family emergency that she needed to take care of. That's why she's not here tonight.

11. PUBLIC HEARING: 429 University Avenue [14PLN-00222]: To Consider a Continued Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-foot, Four Story, Mixed use Building With Parking Facilities on two Subterranean Levels on an 11,000 Square-foot Site. Environmental Assessment: the Mitigated Negative Declaration was Circulated November 17, 2014 to December 12, 2014. Zoning District: CD-C (GF)(P). The Council Previously Considered This Appeal on November 30, 2015 and Remanded it to the Architectural Review Board for Redesign and Further Review Based on Council's Direction.

Mayor Scharff: Now, we're moving onto Item Number 11. We are approximately 30 minutes behind schedule already. Does Staff have—let me go through a couple of things first. I knew we had something. A couple of

things. This is a public hearing on 429 University Avenue, to consider a continued appeal of the Director's Architectural Review approval of a four-story mixed-use building. The Council previously considered this appeal on November 30th, 2015, and remanded it to the Architectural Review Board for redesign and further review based on the Council's direction. I wanted to review a little bit the procedure so everyone understands what we're doing tonight and everyone has a clear concept. The first thing is we'll do Council disclosures. Then, we're going to have a Staff presentation. Then, the appellant will have 10 minutes to present, and then the applicant will have 10 minutes to present. Then, we'll take public comment. It's going to be three minutes per speaker. Don't feel you have to use all three minutes. After public comments, the appellant and the applicant will each have three minutes for rebuttal. After we close the public comments, we'll do a round of Council questions and comments before we move onto general Council motions. First, we'll start with the Council disclosures of any ex parte communications. I, first of all, see Council Member Tanaka's light on.

Council Member Tanaka: The first question is actually for the City Attorney. As the City Attorney knows, I have received a donation from the applicant. Is there any legal reason that I need to recuse myself from this meeting?

Molly Stump, City Attorney: Based on that fact, there's not a legal requirement for recusal in this matter.

Council Member Tanaka: I do have some disclosures. Even though I'm not legally required to recuse myself, I decided because of the proximity of time of when I received the donation that I would return it. I did contact the applicant to return the donation. I talked to also the appellant, Michael Harbour. I spoke to him for about maybe 40 minutes, maybe almost an hour. What I learned in the meeting was that he opposed the project because he said it has too much square footage. The project was too large. That was his primary reason for opposing this project. I subsequently had an email exchange with Molly Stump copied on it where he was asking to meet with me in person. I told him that I would follow the policy I did on the PTC, which was that I would only meet with him if he would also meet with the applicant at the same time. He basically declined to do that and basically said that—he basically compared it to having a rape victim meet their rapist, which I didn't quite understand, but that was his comment. Those are the only disclosures I have. Thank you.

Mayor Scharff: Council Member DuBois.

Council Member DuBois: I had a short, probably about 10-minute, phone call with the appellant over a week ago. He notified me that Option 3 in the

Packet was submitted after the last ARB meeting. He asked about recusals, and I pointed him to the public internet where there are descriptions of conflict of interest. Other than that, I did not learn anything that's not in the public record.

Mayor Scharff: Council Member Fine.

Council Member Fine: Thank you. I have met the applicant at social gatherings, I believe, at the Rotary Club, where she indicated she wanted a fair hearing. I responded to the appellant, and we did set up a meeting. After seeing where this was going, I canceled that meeting. I didn't learn anything from either of them outside of the record, just that both of them want a fair hearing. I appreciate them reaching out.

Mayor Scharff: Council Member Holman.

Council Member Holman: I had a couple of brief exchanges with the appellant. There was a message left for me, looking for contact information for, as I recall it, a couple of Council Members for whom contact information he was not able to find. By the time I could get back to him, he found them in other ways. The other communication I had from him, when I did speak with him, was that he contacted me regarding meeting procedures for appellants, was it required that the appellant, the applicant and the City Attorney all be present for a meeting with a Council Member regarding a project as had been requested of him. I indicated I was not aware of any such requirements. That would be something new to me.

Mayor Scharff: Council Member Wolbach.

Council Member Wolbach: I'm not sure if it's required at this point, but I may as well just mention that prior to, I think, our last discussion about this project back in 2015, I spoke with the applicant and also met with the appellant and did a site tour with the appellant. Nothing new since that time.

Mayor Scharff: Council Member Kou.

Council Member Kou: I had a phone call with the appellant. He just wanted to catch me up and find out if I was up-to-date on this project. I told him I was.

Mayor Scharff: Seeing no other lights except my own, I also had a short phone call with the appellant, Michael Harbour. Mr. Harbour informed me—we spoke about 10 minutes—about his opposition to the project. He thought it was incompatible with the Victorians on Kipling Street. That was basically

the substance of the call. I did receive a voice mail from the applicant, talking about procedural issues regarding whether or not—why she did not want to put this matter off to a later date. With that, I think I'll now open the public hearing and first invite the Staff presentation.

Public Hearing opened at 8:20 P.M.

Jonathan Lait, Planning and Community Environment Assistant Director: Thank you, Mayor, and good evening, City Council. My name is Jonathan Lait. I'm the Assistant Director to the Planning and Community Environment Department. I'm joined by Director Hillary Gitelman and Mr. Petersen from M Group. He's our consulting planner, who has assisted us with this project. The Item that is before you this evening is an appeal of an Architectural Review Board approval for a proposed four-story, mixed-use project located at 429 University. The project includes two levels of subterranean parking, ground-floor retail and office and residential above that. The project was filed about—it was filed in June 2014 formally. The project received three formal hearings before the Architectural Review Board before the Director's decision was rendered in February 2015. An appeal was filed. City Council had pulled the Item off of Consent and scheduled it for a hearing. It had a hearing in May. At the hearing in May, the City Council had a number of questions that were asked, and the Council had remanded the matter to the Historic Resources Board and to the Architectural Review Board. At that meeting, the Council had discussed a number of issues related to the project, project findings, parking, loading zone requirements, the transfer of development rights, historic resources, and some other issues. The next couple of meetings before the HRB and the Architectural Review Board vetted out some of those issues. It returned to the City Council on November 30, 2015. Eleven months since that time, the applicant proceeded with modifying the project in an effort to respond to those comments and direction. In September last year, the applicant submitted a schematic drawing of a design scheme that Staff believed was heading in the right direction in terms of being responsive to the Council Members' comments. The Architectural Review Board also was supportive of the project; although, they did have some critical comments that they had asked the applicant to follow up on. At the subsequent meeting in October, the applicant had chosen to go a different path according to comments from individual Board Members, who felt that the project was actually now taking a step backwards. It was on this October 20th meeting that the Architectural Review Board recommended that the City Council uphold the appeal and deny the project. Following that action, the applicant submitted a refined version of that September 1 plan, which Staff is calling Option 1. Staff believes that that is the option that is most responsive to Council Member comments. In December, two months later, the applicant had

submitted a third version, the third being an iteration of Option 1 that added another approximately 2,600 square feet of additional floor area at the fourth floor. Option 2 in our discussion is going to be the plan that the Architectural Review Board recommended denial on. That takes us to the meeting that we're having here this evening. Just to reorient or familiarize those unfamiliar with the project site, it is located at the corner of Kipling Street and University Avenue at 429 University. This is a photograph, the first one, looking southwest down University. The project site is toward the right, in the center-right of that photograph. The bottom photograph is taken from Kipling Street and down Lane 30. This is the area behind the subject project site. It's looking at the subject property; it's the rear property line. On November 30th, the City Council gave Staff clear direction—we should say that the comments that the City Council had offered at that point were focused on the context and design compatibility. The City Council gave specific comments with respect to four Context Based Design Criteria, which are set forth in the Municipal Code that the Council felt the project needed to respond to and additional Architectural Review Board findings. With respect to the Context Based Design Criteria, the Council was concerned that the proposed project—the contextual and compatible criteria set forth in the Code regarding the siting, scale, and mass of the project still needed some work; that the compatibility goal in relation to the pattern of rooflines and projections still needed to be evaluated; and that the proposed design, the street building facades needed some additional work to address the human scale and help break up the building mass. With respect to direction from the Council regarding Architectural Review Board findings, the Council expressed concern about the compatibility and appropriateness of the materials and textures; felt that the design's compatibility with the area as having a unified design character had not been achieved; that the design's compatibility with the immediate environment still needed to be addressed. With respect to that last point, this is a line diagram. The top part of the slide is showing the proposed project in relationship to the adjacent one and two-story buildings along University Avenue. The below photograph is a street view of those properties to the southwest or left of that project site. As viewed from Kipling, the proposed project separated by an alley from the one-story building on Kipling. As you continue down Kipling, there is the Victorian architecture that exists on both sides of the street. The photograph below is the street view of that one-story building looking toward the subject project site. Here's a summary of the three options that are presented to the City Council. Again, Option 1 is the one that Staff believes is most responsive to prior comments and direction. It has three residential dwelling units. Option 2 is the one that was rejected by the Architectural Review Board. That had five residential units. Option 3 is the plan that was submitted in December by the applicant. This is their plan that they are putting forth as

their project. That's the one that they would like to have an action on. Some renderings of the different options. This is Option 1 as viewed from University Avenue. We don't have a rendering from Kipling Street as the applicant chose not to further develop that rendering for Kipling on this design. However, there is—the rendering for Option 3 is very similar to Option 1. You'll see that in just a moment. This is the Option 2 plan that was reviewed by the Board on October 20th and recommended for denial. Again, just to go back on Option 1 for a moment. The Architectural Review Board did review a schematic drawing of Option 1 on September 1. That plan was refined a little bit after the Architectural Review Board made its decision on this project. This is Option 2 from Kipling. Option 3, the design that was submitted in December, from University Avenue you can see there's additional building mass on the roof toward the left of the project. It also extends further toward the rear property line toward the alley. This is the view of Option 3 from Kipling Street. This same perspective is very similar to what we believe to be the Option 1 rendering as viewed from this perspective. As you shift further down Kipling, you would get a different perspective of the proposed Option 3 versus Option 1, but that's revealed in the line drawings. We can walk the Council through that if you're interested. Here's a collection of the three different options as viewed from University and viewed from Kipling. Again, we're suggesting that Option 1 and 3 from this perspective look similar. As I stated previously, Staff believes that Option 1 is the one that is most responsive to comments from the Council regarding building mass and transitions. If the Council is interested in pursuing this option or, frankly, any of the options—actually I would say Option 1 or Option 3—there are some conditions that Staff has considered. We've included those in the Staff Report; we can address these specifically if there's any interest in that. Again, the Architectural Review Board's recommending rejection of Option 2. The applicant's proposed alternative, Option 3, is included with this Packet for the Council's consideration. With that, Staff recommends that the Council direct the Staff to prepare a Record of Land Use Action to deny the appeal, approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting program, and approve either Options 1, 2 or 3 with or without conditions. Alternatively, the Council could choose to uphold the appeal and deny a modified project, Options 1, 2 and 3, based on the ARB's October 20th recommendation and a finding that the design modifications have not addressed the Council's previous concerns. Staff would return at a future date with that Record of Land Use Action to memorialize the Council's action. With that, I will turn it back to the Mayor. Thank you.

Mayor Scharff: Thank you. With that, we now go to the appellant. Dr. Harbour, are you here? You'll have 10 minutes.

Michael Harbour, Appellant: Thank you, City Council Members and Mr. Mayor. Congratulations on your new appointments here, to be sure. These five buildings are the buildings that are slated to be torn down and the new development put there. Listed here are all the appellants; I'm representing the appellants here this evening. I want to remind people why we are here. On May 4, 2015, the Council spent a great deal of time making a Motion to the applicant about what the new plans should entail going forward. I've summarized these five points. Specifically, the project, number one, should have design linkages with the overall pattern of buildings so that the visual unity of both University and—this is important—Kipling Street are maintained. The plans were to be resubmitted to the ARB, and the ARB was specifically to look at the compatibility of the immediate environment; ensure design articulation and setbacks that minimize massing; to look at the roof, entries, setbacks, mass, and scale; and that they must conform to the Context Based Design Criteria. The building's façade shall have greater reinforcement of the relationship of the street. The upper floors shall have setbacks. Specifically I've highlighted there was an option of either third or fourth floors approved if they are visually compatible from the streets and had articulation and setback both from University and Kipling. The HRB had weighed in on this previously and unanimously, 5-0, rejected this plan. Most recently, the ARB 3-0 unanimously rejected the plans as well. Shadow studies and traffic studies were also indicated. What I want to let you know is that this appeal is rooted in violation of the Municipal Palo Alto Codes. The Palo Alto Municipal Code requires harmonious transition in scale and character and that are considerate of each other, in the Codes listed there. The design should follow the Context Based Design Criteria. In addition, the building should be responsive to the context and compatible with adjacent buildings, should have appropriate transitions, and have visible unity on the street. My argument has never been on size or square footage alone, as Council Member Tanaka incorrectly said. The appeal is also rooted in violation of the Comprehensive Plan and Downtown Development Guidelines. This massive building discourages the use of Downtown alleyways for pedestrian and bicycle only use and prevents shops from opening onto the alleyway. That's listed in the Comprehensive Plan and the Downtown Development Guidelines very specifically. Just as Centennial Alleyway has been developed to open up businesses there, this alleyway has been requested to do the same thing. Finally, Kipling Street is designated a secondary business district. There should be recognition and consideration for this as well, which has been ignored. Again, that's part of the Downtown Design Guidelines. We've seen many, many renditions. The applicant is on the fourth or fifth architect. The first design was deemed not compatible. It showed no shared characteristics or design linkages with the neighboring buildings. You can see the big white structure there. It was large and massive and detracted

from pedestrian-oriented design. The next design was not compatible as well. The architect just moved the third and fourth floors back to the rear of the building, just stacking up all the massing at the rear of the building. It worsened the mass effect from Kipling Street and the alleyway. Today, you are miraculously being given three different designs with which to choose from. None of these—I want to point out this. This is so important. None of these in their exact form have been vetted or approved or even viewed by the ARB. Option 1, the original was rejected, and this is a modification of that. The ARB has not seen this or discussed this at all. Option 2 was seen and rejected. Option 3 has never been seen. If you view and approve Option 3, this has not even been seen by the ARB. I think it's inappropriate for you to be acting as architects here and approving a building that's never been seen by them. This is the scale of mass of this building. The size and mass is not compatible with the neighboring buildings. This is the view from Kipling Street. It's a four-plus-story structure. You need to know it's four stories plus an additional 15 feet for HVAC and elevator shafts. Parts of the building are 55—excuse me, 65 feet tall. This is the one-story building next door to it. It just hovers over it. There's no transition. The four-plus-story building overwhelms its one-story neighbors. Inappropriate size and massing, it's a massive building that will shadow Kipling Street and the alleyway. Then, unfortunately it turns the alleyway into a busy one-way street to service the in-and-out garage. This is the secondary business district that's listed in the Downtown Design Guidelines. Whether they are going to be adhered to or even recognized or given a nod, this is what it states there, that the Varsity Theatre, which is a mission revival designed building, is worthy of being consulted and looked at as part of whatever's across the street. Peet's Coffee is a Spanish mission-style building. It states right in the Guidelines that the new buildings should have tie-ins to the Varsity Theatre, which this building does not. I want to show you just how purposely—I'm saying purposely—misleading the view from the alleyway is to—the view of this building is from the alleyway. The architect has designed this brick-layered street, looking like it's a wide promenade with trees in the alleyway and flowers. The alleyway has no trees, no flowers at all. It's making this look like this is something that's being viewed from the front side. It's hard to see, but this corner is directly across the street from one of the residences on Kipling Street. It's a stairwell. It's a stairwell and elevator shaft. It's not a pedestrian or business-friendly corner, and it's not visibly appealing from those across at the residences. How would you like to look out your front door and see a stairwell or an elevator shaft? The other thing is this big alcove right here. An alleyway that has a big alcove (inaudible) people to hide in there. People will be scared walking down the street. It's just not appropriate, has not been well thought out. Here's the traffic on Kipling Street as it currently is. These are recent photos. This photo on the right was given to me by the owners just

this week of Vino Locale, who are also one of the appellants here. This is standing on the front steps of Vino Locale, showing that cars can barely get by one another. The owner of Vino Locale, JC Andrade, told me that if he just stands out there long enough these cars keep hitting their side mirrors against each other. It's just a demolition derby all day long. Putting a big building with in-and-out traffic on the corner will just make this worse. Michaela Dieffenbach who has also appeared here before you is against this building. She says that it's going to—the traffic will destroy her business here as well as the construction. She owns Stapleton Flowers or Michaela's Flowers. Then, we have the big, massive wall that will be right across the street from Yoga Works. The peaceful entrance of Yoga Works destroyed by the 4 1/2-story, massed building along the alleyway and the in-and-out traffic. I will save the rest of my short presentation for the summary. What I'd like to do is have you ask me questions. I've been dealing with this for 2 1/2 years. I know it backwards and forwards. I've become an expert in Municipal Code, Downtown Development Guidelines, things that I never thought that I would have to learn before. Again, what we'll talk about in the summary is some of the ways forward hopefully. I don't think this is the appropriate way with which to deal with this. Unfortunately the applicants have stonewalled every attempt of working together. I have attended every ARB meeting for the past 2 1/2 years. I've attended every meeting with the architect, and I've met with the applicant multiple times. It is true I asked not to meet with the applicant again because I've been so harassed and harangued, been called names, that I did not want to go through that again. That was my reason that I told Council Member Tanaka that I did not want to go through that again. Thank you very much for your time.

Mayor Scharff: Thank you. Now, we'll go to the applicant. Applicant's team will have 10 minutes.

Timothy Kassouni, Attorney for the Applicant: Good evening, Honorable Mayor Scharff and fellow City Council Members. My name is Timothy Kassouni of the firm Kassouni Law. I represent the project applicant, Kipling Post LP. My full comments are contained in my two letters from January 30th and my most recent letter of February 2nd. As will be explained, the appeal should be denied and Option 3 of the project approved. My comments will be followed by those of the project architect wherein the specific details of the design will be explained. As you can see here, there's four primary legal aspects to be considered by the City Council. The first is a taking, which I'll get into a moment. Second is the City has illegally granted the appellant de facto veto power over the project's design. What you'll see here on the bottom is the original, approved design by the ARB. On the top is the Option 3 before the City Council right now. The question that anybody of a reasonable mind might ask is why is the top project being

denied and the bottom one was approved by the ARB. Frankly, there is no reason other than pure politics. This project has a long history. To me in reviewing the record, it became very apparent that every step of the way the appellant simply liked the Victorian design and has used every conceivable, purely subjective excuse to impede approval. While it is appropriate for this City Council to consider the input of the appellant, that consideration has transmogrified into flat-out veto power in contravention of State law and the due process rights of Kipling Post. I have a few examples in my prior correspondence. Here's a few that bear repeating. In email dated August 31, 2016 between the City's Manager of Current Planning, Jodie Gerhardt, and the appellant, Ms. Gerhardt seeks the guidance and approval of the appellant regarding design changes. "If you can also describe what a compatible building would look like, that would be helpful. Should it only be two stories next to a one-story, existing building and step-up from there? Is three stories okay if the roofline is minimized?" In a November 22, 2016 email to me personally, Planning Director Hillary Gitelman wrote, "I hope that your client will preview her new plans with appellant to see if she can resolve his ongoing concerns." Not the concerns of the ARB, the appellant's concerns. At the March 17, 2016 ARB hearing regarding one of the numerous design revisions, Chair Gooyer stated, "I think we're in a situation. We've heard from the person who appealed it to the City Council. If we recommend a building like this, he'll just appeal it again." That the City's Architectural Review Board perceives itself as being held hostage to the whims of the appellant is an abrogation of its role as a neutral body, and that abrogation and undue deference has unfortunately permeated the Planning Department. As the Court of Appeal held in Ross versus City of Yorba Linda in 1991, "In restricting individual rights by exercise of the police power, neither a municipal corporation nor the State Legislature itself can deprive an individual of property rights by a plebiscite of neighbors. Such action is arbitrary and unlawful. In short, an exercise of approval power cannot be made to depend upon a count of noses." I want to reserve five minutes for the architectural team. If I could get maybe—where am I now, four minutes?

Mayor Scharff: Five minutes and (inaudible) seconds.

Mr. Kassouni: I'll just wrap up. This segues into a related constitutional defect in the City's Code, which imposes so many vague, ambiguous, and entirely subjective design criteria as to render them unworkable and meaningless on their face and as applied to Kipling Post. The project conforms to every objective design criteria. In this case, the vague Codes have been latched onto by the appellant as the only means by which to criticize the project. There is no explicit, textual limitations on the City's discretion. Unbridled discretionary grounds are inherent in phrases such as

harmonious transitions, rhythmic patterns, design linkages. In its August 4th ARB hearing, one ARB Board Member felt that the project feels mysterious. These kinds of vague and unworkable standards should be rejected. There are also equal protection concerns and taking concerns under the Fifth Amendment, particularly with respect to the Kipling Post transferrable development rights. I encourage the City Council to review those letters. Thank you.

Mayor Scharff: Thank you.

Joseph Bellomo, Project Architect: Good evening. My name's Joseph Bellomo. I'm the architect for the project. I apologize; I'm not feeling well. I came down with the flu, but it's important that I'm here. I've lived and worked on Kipling and University Avenue for 35 years, so I'm familiar with the fabric of the Downtown. I designed the parking structure for the City of Palo Alto, the buildings on the circle, 116 and 102 University Avenue, served on the ARB, served on the Planning Commission here, worked on Johnson Park design. I love Palo Alto. I'm definitely here to stay. The project that you're seeing today is eclectic in nature. It's expresses the structural systems much like the project at 102 University Avenue. It's a sustainable concrete we've developed. It's a proprietary mix. The building here at 429 has a combination of steel, glass, honest materials expressing the structure and minimal layering. We'll approach LEED with a platinum here, for sure. A scale model would be helpful, to bring it up there. You guys want to see it? You guys okay? There's a (inaudible) in here. It's a 55-foot building here. Again, I apologize. I'll introduce Pratima Shah, and she'll take it from here. Thank you.

Pratima Shah, Bellomo Architects: I guess I have only two or three minutes left. I will quickly …

Mayor Scharff: Two.

Ms. Shah: Two. I will quickly summarize. We have two levels of basement parking for 17 cars each, first floor retail, second floor commercial, third floor residential, three residences, and fourth floor one commercial and one residential unit. This is the program we are proposing for Council's review. This is the first-floor plan with retail space. We have kept the 20-foot storefront rhythm that we tried to maintain here. Second floor has 10-foot setback from the alley side, which can be used as a breakout space for offices. Third floor has seven-foot eight-inches setback from both Kipling Street and University Street and 10-foot setback from the alley. Fourth floor has a maximum setback of 37-foot from the Kipling Street, approximately 20-foot from University Avenue and 10-foot from the alley. This is the

elevation from the Kipling side. As you see, the fourth floor is minimally visible. This is a sustainability slide which explains what we tried to achieve, basically honest building materials with exposed structure. This is a pedestrian-oriented design. What we tried to achieve is zero front and side line setbacks, building of varied architectural styles which is the eclectic style of Palo Alto Downtown, attractive street-facing window displays, and porticoes which demarcate the building entries. As per Municipal Code, we tried to use the overhangs which protect the openings of the buildings. This is a view of the alley and Kipling. As you see, we tried to minimize the massing on the corner of the Kipling and the alley. We have totally eliminated the mass which was earlier approved and proposed by earlier revisions. Done?

Mayor Scharff: Thank you.

Ms. Shah: Thank you.

Mayor Scharff: Now we'll return to the public. Our first speaker is Beth Bunnenberg, to be followed by Ray Hing.

Beth Bunnenberg: Hello, members of the City Council. I'm Beth Bunnenberg, 2351 Ramona Street in Palo Alto. I'm speaking tonight as an individual to review with you a little bit of the history of 429 University. News reports from September of 2015, in those I was quoted as saying that the new plans for this building changed the whole landscape of that section of University Avenue. It went on to say that there were several nearby buildings designed by Birge Clark, who really has been the, in some ways, architect of Palo Alto. They all have decorative fronts, often tile. Now, right across Kipling from this proposed building was the Swain Music Company building, but it probably is better known as the first Apple store. Who can forget the Apple store with Post-Its? When Steve Jobs died, all those windows were filled with comments. This is an important building in town. Across University Avenue, there's several small Birge Clark buildings that are fairly close to the Varsity Theatre. They also have some tile front. Some of them might be one building, but it appears to have two fronts. The HRB comments included the fact that the mass and scale of the building would be a very negative impact. The HRB voted in early September that the building plans were not compatible. I ask you to look at these new plans and keep in mind the concepts that the HRB was working for. Thank you very much.

Mayor Scharff: Thank you. Ray Hing to be followed by Amy Sung.

Yungluy (Ray) Hing: The Honorable Mayor, Council Members, this is my first time to participate in the City of Palo Alto Council meeting. Officially, my name is Ray Hing. My official name is Yungluy Hing. Officially I become a

resident in February 2016. When I came over here, I met with a group of Chinese community, group of Chinese living in Palo Alto. They told me two things. I need to get involved and involved quickly. One is the election in 2016. One is 429 University Avenue. I did study; I did read this thick of the email. I find out the majority of people that against the building is because it's massive. It was a different architectural design. If Palo Alto's going to be the international favorite city for innovation and for going forward in the future, it's going to have change whatever the environment, the architect. After looking into it, after talking to (inaudible) Chinese New Year, last Saturday I believe—I attended so many Chinese New Year party I don't remember what it is. I come to the conclusion that after two—somebody said two, somebody said three, somebody four—four years of reviewing all this, after the changing from Option 1, Option 2, Option 3, one starts wondering why this is continuing to be delay on deny. Our community recommend that we go ahead and approve the building and move forward, looking for the better Palo Alto so all the public including the City can benefit from this development. Thank you.

Mayor Scharff: Thank you. Amy Sung to be followed by Cheryl Lilienstein.

Amy Sung: Good evening, Mayor, Council Members, Staff. My name is Amy Sung, and I live in Palo Alto. I'm a realtor, but tonight I'm here standing before you as somebody who's really interested in the future of Palo Alto. I'm here to seek and urge you to—I'm here to support the 429 University project. I urge you to grant it the permit that it seeks. Let me start by saying that this project really is good for Palo Alto's bottom line while it helps Palo Alto to achieve the goals that it wishes to achieve. First and foremost is that it will help with our goal of S/CAP and that is Sustainability and the Climate Action Plan. A new building is going to reduce the energy requirement and energy use. In addition to that, it will have to meet all the Green Building Codes. That will substantially reduce the energy use. That really fulfills the goal that Palo Alto is seeking. Number Two, this is a mixed-use building that encompasses retail spaces, offices and some housing units. If for nothing else, this could serve as a model to make a Downtown hub of living, working, and entertainment. This is the model, the lifestyle change that we're seeing everywhere. If for nothing else, for this four residential units that it proposes, we hope to remove four cars that occupies our busy streets and parking lot. Number three, it will help with Affordable Housing Fund. Because it is a new building, I don't know how much it will cost. I (inaudible) it cost a lot. The impact fees that it will contribute to the Affordable Housing Fund which, I think, is a good thing. That also will help us to achieve our goal for affordable housing. Finally, when the building is finally completed, it will really, really help our County for this tax reassessment. It will really help our bottom line to collect more property

tax. That will in turn help our City coffer, our schools, and our park. Thank you.

Mayor Scharff: Thank you. Cheryl Lilienstein to be followed by Vita Borgunova.

Cheryl Lilienstein: In looking through the Staff Report, there is direction that says where new projects are built abutting existing, lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through transitions of development intensity from higher density development building types to building types that are compatible with lower-intensity, surrounding uses. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller-scale buildings including setbacks and daylight planes, etc. Respecting privacy of neighboring structures with windows and upper-floor balconies positioned so they minimize views into neighboring properties. Minimizing sightlines into and from neighboring properties. Limit sun and shade impacts on abutting properties. In looking at the Shadow Study that was produced by—who was that? Something ending with E-K. I forget. You can see that on the left here that's what it looks like today. That's the shadow. With the building proposed going in, that shadow is certainly going to be a lot different. Michael, can you get me to the shadow slides? The proposal shows the upper part. The upper schematic is what the situation would be at the winter solstice at 3:00 p.m., given the present condition. That's where the shadow is. The lower slide shows where the shadow will be if this building is allowed to be built as is. It certainly intrudes all the way over the yoga studio and also into the front yards and the front faces and the roofs, although it doesn't show it, of the buildings across Kipling. This is at 9:00 a.m. What does it do at 9:00 a.m.? Again, the upper slide shows where the building casts a shadow today and where that shadow would be cast if the building is allowed to be built. This is obviously not taking into consideration the quality of life for the people, the alleyway, the pedestrians, and the residents who are living alongside. It's really not compatible. I would like this to be sent back to the ARB. I wish that the requirements that the City Council established in 2016 were something that the applicant had responded to instead of just giving you another version of the same thing. Thank you.

Council Member Filseth: Thank you very much. The next speaker will be Vita Borgunova, to be followed by Mark Mollineaux.

Vita Borgunova: Hello again. I'm resident of Everett Avenue, about three blocks from the proposed project. I'm here to support an appeal of

Mr. Harbour and urge you to deny proposed development plans. To my surprise, this project made it back to the Council. No changes were made, and concerns the Council had a year ago are not addressed. The building is still a huge brick taking over half the block and replacing three distinctly separate buildings. It's still utterly incompatible with the scale and character of the neighborhood. Airbnb actually says so. Developer just haphazardly slopped some architectural elements taken from already-approved buildings in Palo Alto and just played for time, waiting for the new Council to take over and hoping to influence you with donations. Now, they present it to us with a set of alternative facts. Honestly speaking, there is no alternative facts. There is facts of life. I see (inaudible) interest in it. They're getting five times square footage they have now and more than six times actually, if you count underground. I don't see what's in it for Palo Alto. It will worsen our parking problem Downtown. It will worsen our office/housing imbalance. It will definitely not going to be an architectural gem. Nothing to be proud of. All of that on top of not following City's rules and guidelines. Honestly speaking, this project reminds me of the Cinderella inside out. It's like the stepmother is forcing ugly daughter's shoe on Cinderella. It's still size 13, like nothing what you do. It doesn't (inaudible). Developer wasted already Staff time, resources, now wasting my taxes, my time and your time too. Please deny the project. Developer apparently has no intention to work with the City on making this project and have no regard for City's resources and for good of the community. It's not true there is no other way to build it here. Walk along University Avenue and you will see plenty of modern architecture buildings which are working with the old neighbors. Somehow the owners, I guess, were not that greedy. All the reason you need to deny is imagining the University Avenue full of those projects of the same buildings. Here I am. Thank you.

Mayor Scharff: Thank you. Mark Mollineaux to be followed by Rita Vrhel.

Mark Mollineaux: Hi there. My name is Mark Mollineaux. I graduated from Stanford, and I currently live in Redwood City. I live in a warehouse in Redwood City. Just this week, I learned that my landlord has sold the warehouse, so I am not going to be living there very soon. All us equal, I would like to live in Palo Alto. It's very close to Stanford University, and I do work at Stanford University. However, rents all through the Peninsula, especially in Palo Alto, are really not very affordable. Buying a place around here is just impossible. Let's be frank about it. The question is why is this the case. It's a matter of supply; there's just not enough supply for all the renters and all the homeowners to be able to live on this limited amount of land. One small part of this is the approval process. Here in the Palo Alto City Council, it has arbitrary standards. It can find any reason to deny something, inconsistent massing, design linkages, unharmonious transitions.

You can make anything up to say why something shouldn't be approved. It's clear how this reflects a broken system. Homeowners, landowners in the area shielded from the effects of the limited supply through Prop 13 have every incentive to deny every single project. Why would they? Why would you allow a project? You don't really have any effect to you. You might make up any perceived slight to just shoot it down because there's really no balance to counteract it. In a more perfect world, residents who want to have a lower density living, they would pay for it with higher taxes. Prop 13 made this not the case. In any case, my tax dollars go to Palo Alto for its infrastructure, so I feel like I'm not getting my money's worth (inaudible) finding a place where I might be able to live. Anyway, the failure of Palo Alto to make an approval system that will actually supply this housing is catching the attention of Sacramento more and more every day. It's really up to Palo Alto to either solve its housing problem or have Sacramento try to solve it for them. I think Palo Alto has the potential to make it happen. Downtown Palo Alto, this is supposed to be the low-hanging fruit. You need to add housing. Three to five units in this place has become this massive train wreck of this approval process. How are you going to get any housing built if this blows up this way? You need to figure out big picture—what's your plan here? The problem's not going away. This is just one more example of how this is just kind of a wreck. Thanks very much for your time.

Mayor Scharff: Rita Vrhel to be followed by Neilson Buchanan.

Rita Vrhel: I have so much to say. I feel like we've seen this pig before. It keeps coming back, and it's got a little new dress on, but it's still the same fat pig that doesn't fit Downtown. I remember last year, Mayor Scharff, when you said when the applicant came back, "Why are you here?" The answer was that she couldn't get her way at the ARB. You said to her, "You need to follow the Codes." You actually shook your finger at her and said—do you remember this? I do. It was wonderful. You said, "We can take a very long, long time to approve your project." Why is this project back here again? You have the ARB, which apparently hasn't even seen some of these designs, and you're going to approve something. I think the attorney was a little disingenuous. I can see why Dr. Harbour feels like he has been slammed. I heard some very veiled threats on if you don't approve this project. To the young man who would like to live in Palo Alto, who spoke before me, these are luxury apartments. These are large, luxury apartments. All that the Planning and Transportation Commission and the ARB did was ask the applicant to reduce the size. I feel like this applicant is wasting your time, our time. Obviously it doesn't have the approval from most of the community. This is not a Chinese community versus the rest of us situation. This is an ugly building which is going to be replacing a very

charming building next to a charming street. I really hope that you will send all of this back to the ARB with clear directions to follow the rules, the Codes and what you had previously said. Thank you very much.

Mayor Scharff: Thank you. Neilson Buchanan to be followed by Sam Arsan.

Neilson Buchanan: Good evening, Council. I would like to put a little bit different twist on the comments that have been made. A couple of voices have been echoing in my head for the last couple of weeks, thinking about this evening. One of those voices is Roxy Rapp. Several years ago when I first started hanging out in City Hall, Roxy made several presentations about the maximum use of the side streets that are perpendicular to University Avenue. I can't go through what he said, but basically he was saying those are treasures, and we should be developing those to draw people down the small streets for special places. I got confirmation of that in a course I'm taking at Stanford about Paris. Believe me, I'm not standing in front of you saying I've gone to four lectures, and I have the foggiest grasp of Paris. I do know, having learned a little about 300 or 400 years of Paris, that it's constantly changing, and that they really have paid great attention to special places. They recommended that you walk around town in daylight, prime hours, and evening hours at head level and take a look at the streets. I did that on the streets that radiate from Downtown North to University Avenue. I walked both ways and all the streets. I could rate the streets, but it really doesn't matter. Kipling is a very special opportunity. Anything that's built on Kipling should be special because it radiates from University Avenue like in Paris all the way to the park in Downtown North. That should be a very special pedestrian walkway. I don't think this building enhances it. Thank you.

Mayor Scharff: Thank you. Sam Arsan to be followed by Jared Bernstein.

Sam Arsan: Good evening. My name is Sam Arsan. I represent several landlords and tenants in Downtown Palo Alto. I also manage and lease several buildings in the Downtown area. I've been working in Downtown Palo Alto for over 20 years now. I think this building is very well designed, and it's very attractive. It's a welcome addition to this part of University Avenue. I have several tenants and landlords that are concerned about the delays that we've been having with this. The building is unfortunately in need of a lot of repairs, and it needs to be redeveloped and replaced. I'm hoping that you will approve this project. Thank you.

Mayor Scharff: Thank you. Jared Bernstein to be followed by Karin Alana.

Jared Bernstein: Hello. I'm Jared Bernstein, 1330 Tasso Street. I'm coming out of the blue because I wanted to talk to you guys for the last six months

on this topic, but I didn't know it was so fraught. It's really amazing. I didn't expect this level of emotion on the topic. Maybe eight, nine years ago, I was planning to build a house. I went through the Building Code at the same time Elizabeth Wong was. I was reading about it in the newspaper. The neighbors didn't want Elizabeth Wong to build this building. I wondered why. If she's got the approval and she meets all the requirements, why can't she just build her house? It's a house on Webster somewhere. Never met Elizabeth Wong. Then, I saw this thing. It's like there's all of a sudden a building that's completely okay and conforms with all the rules. For some reason, it got stopped. This was maybe two years ago because I read the newspaper every week cover to cover. Recently, I figured out it's Elizabeth Wong again. Just recently, I met Elizabeth Wong somewhere. She had a nametag. I said, "You're Elizabeth Wong." I'm like, "Why is it that people are stopping you from building a building which apparently was originally perfectly approved?" The first time it was okay, and then somebody opposed it. For some reason, the tail is wagging the dog. If I own a property and I want to build a building and I follow all the rules, it ought to be okay. I think the same thing for every other person. We're trying to be a City of laws and not a City of people, if you know what I mean. All I'm saying is I think it should be approved somehow. I don't know which one, and I don't know all the details. The building is not too ugly; it's not too pretty; it's okay. Just a newspaper reader following it, I was puzzled. I said somebody is stopping this for who knows what reason. At any rate, thank you. You guys really put up with a lot of stuff. It's tough. You have my sympathy.

Mayor Scharff: Karin Alana to be followed by Jake Lowenheim.

Karim Allana: Good evening, Honorable Mayor and Council Members. Thank you for giving me the opportunity to speak. I live on 611 Webster, which is also in the Downtown area and own a business here as well. I own an architectural engineering company, Allana Buick and Bers in Palo Alto. We employ about 120 employees. I'm very happy to see this building go up. I think that it's a very sustainable building, which is my specialty. It's built out of concrete. It has very efficient daylighting and light and glass that is necessary today in energy efficiency. I'm also pleased to see that a building within the FAR allowable ratio and the zoning is what is allowed here. It's a mixed-use project, which is great, accommodates both people living and working, which is exactly what we need to cut down traffic and people. I also think the building is energy efficient and elegant in construction and architecture. What I am puzzled by is the opposition, especially Mr. Harbour's view. Why would a project that meets all of the City's zoning requirements, all of the FAR requirements face this type of scrutiny from a person that doesn't want it in his neighborhood? This is a NIMBY(Not in my

back yard) issue. As much as I love Downtown Palo Alto, there are parts of it that I don't like. I don't want to be surrounded by tall buildings. I don't want to have a commercial building across my street either, but I take the good with the bad. This is where we live. This is Downtown Palo Alto. We've got to accept what the City allows us to build here. If we just arbitrarily allow people, individuals to put up a fight and listen to them and not allow construction to happen, it's going to be a bad thing. It's going to be bad for businesses like mine. I'm an architectural engineering firm. I depend on construction; I depend on development. I want to see sustainable things built. I want to see laws being followed. If people are following the rules and they're following the laws and they're building within the City guidelines, I just don't get it. I don't see why the City would allow an individual who disagrees with the development, for them to put up such a fight that the developer has to go through this many submissions and this many Architectural Review Board hearings. I thank you for your time.

Mayor Scharff: Thank you. Karim Allana to be followed by Jake Lowenheim.

Jake Lowenheim: You're off by one. I'm Jake.

Mayor Scharff: Yeah, I am. They haven't changed it there. They're supposed to have.

Mr. Lowenheim: I'm here, and I want to echo the words we just heard. I'm a little bit new to this. I realize there is a lot of you that have quite a lot of passionate feelings about this. For me—many of you may not know this. I was involved in some of the civic projects down here, especially the one that is always everyone's favorite, which is parking. From both sides, I was involved in it because a I'm resident of the neighborhood, but also there's parking and monitoring and other things that I initially got started here in the City. It made me very conscious of what goes on here in terms of pain points that the City has. I want to speak in favor of this project just very quickly because I like the idea that a building that's there at the moment, that is used for office space and other purposes, which does not have its own parking, now has built-in parking if this building goes there. I also like the idea that it's a green and sustainable building that's proposed to be built here. I'm not sure if everyone's aware, but the other pieces of property that are in that block, in between Waverley and Kipling, there's a lot of it that's at the moment under construction because there's earthquake-proof things being done. Actually, it's quite a painful process, so I like the idea of something new coming in. To echo also whatever one else says, I think it's fair as long as you are putting something in the footprint of what exists, and you're actually upgrading to what's going on and not expanding past it, and

following the rules. It should be something that should be allowed. That's pretty much all I have to say about it. Thanks for your time.

Mayor Scharff: Thank you. Meredith Slaughter to be followed by Nikoo Namazian.

Meredith Slaughter: Good evening. My name is Meredith Slaughter, and I'm a resident of Downtown Palo Alto. I want to make three points tonight. The first has to do with the project site's close proximity to public transit, both the Caltrain station and the Lytton Avenue bus route. These close proximities make the project and other sites along University as well ideal for mixed-use design and to high-density uses. By building up and varying the land uses within a single project site, we are going to decrease the reliance on the automobile. The second thing I want to talk about tonight or to suggest to the Council is that, when you're considering the compatibility and context-based criteria under the Plan or the Code, the most appropriate application considers not only the existing uses of the immediate environment or the adjacent properties or the abutting properties, depending on the provision that applies, but also the potential uses under the Code. The project site is in the Downtown commercial district. Under the General Plan, it is in the regional center. It is considered a prime area for this type of development. Moreover, Kipling Street, as the appellant has made clear many times, is apparently the narrowest street in Downtown Palo Alto. That makes it even more compatible with a mixed-use, high-density design because narrower streets are inevitably more pedestrian-friendly because they encourage fewer automobiles to come down their travel way. The last thing I want to say tonight is that I hope the Council will consider the implications for future projects, not just this one but future projects that are proposed in the area if you deny this one and the limitations it will place on the City's development. Thank you.

Mayor Scharff: Thank you. Nikoo Namazian to be followed by Simone Sadri.

Nikoo Namazian: Hi. My name Nikoo Namazian. I've been resident of Palo Alto for last 30 years. I live on East Crescent Drive. I like to make it a little personal here. When we, my husband and I, graduated from college, we lived in Cambridge, Massachusetts, around Harvard and MIT and so on. We thought that we live in Cambridge, Massachusetts, forever. When the opportunity to came up and we moved to Silicon Valley and then we chose Palo Alto as our residence, we thought we would miss Cambridge, but we didn't. We never missed that place. This City has a unique and beautiful character. It has been great community to raise my daughter, my only child. This new wave of generation is trying to get to Palo Alto, rent

somewhere, buy something and start up their company and then take it to public and bring a lot of money as taxpayers. When I heard about the proposal, building on 429 University, I was curious. I looked at the plan, and I looked at the architectural drawings. I truly believe that the proposed building is designed tastefully and complements its surroundings. I was very careful when I look at the detail of this project, and I didn't see anything wrong with it. I also believe that, knowing this great City, it keeps Palo Alto's character as diverse as possible. You see modern and traditional, and it's been in-between all over. I'm sure this plan is in benefit of our City too. It's going to bring a lot of tax money after it's built. Why are we waiting? What's the reason behind all these delays? I'd like the City Council approve this. Thank you for your time.

Mayor Scharff: Thank you. Simone Sadri to be followed by Henie Faghani.

Simone Sadri: Good evening. My name is Simone Sadri. I live on 1416 Hamilton Avenue. I'm in favor of this project, and I'm here to urge you to approve the project as it meets the building and Code requirements. It also provides a mix of retail, office and much needed residential units that would contribute to the vitality and vibrancy of a beautiful Palo Alto. Thank you.

Mayor Scharff: Thank you. Henie Faghani to be followed by Herb Borock.

Henie Faghani: Hi. My name is Henie Faghani. I work in Palo Alto; also I do live in Old Palo Alto. I am pro this project. I do think it's time for us to approve it, since it has met all the Building Code and requirements. The mass and scale has been addressed. It will improve retail, office, residential shortage plus this building has addressed the parking. Thank you for your time.

Mayor Scharff: Thank you. Herb Borock to be followed by Richard Brand.

Herb Borock: Mayor Scharff and Council Members, I urge you to uphold the appeal and to deny the project. The Council over a year ago on November 30, 2015, instead of denying the project sent it back to the Architectural Review Board and directed the applicant to make changes so that the project could be in a form that could be approved by the Council. However, I attended those ARB meetings and, from one meeting to the next, the ARB was prepared to say that the applicant hasn't responded appropriately to the Council's direction. They were ready to send it back to the Council and say they haven't done what you requested. The applicant repeatedly kept asking for more time to change it and sometimes made it worse compared to what the Council was asking the applicant to do. The only thing they've accomplished is to get a different City Council to review the project this evening than the one they had before. I've presented

information based on substantial evidence that the project is larger than it is entitled to be because it is claiming to use bonus square footage from a demolished building and calling it seismic upgrade square footage. When you're presented a fair argument based on substantial evidence, as defined in the environmental law in this case, and it's not mitigated, you have to have an Environmental Impact Report if you want to proceed with the project. Perhaps you might think, "What we should do is direct the applicant to redesign the project after subtracting that amount of square footage." If you did that, you already know what the applicant's going to do. The applicant is not going to do that and will keep asking for more time, while you keep getting more revisions over and over again. Maybe after two years, there will be another Council that the applicant can try to convince what to do. I believe this has been going on too long. The only one who has kept it going this long is the applicant. Rather than following the direction that the Council had previously given the applicant and continuing to ask for more time and hoping that somehow she'll get approval for something that is worse than you saw before.

Mayor Scharff: Thank you. I'm just going to interrupt for a second. It's now 9:35. In five minutes, we're supposed to be starting the Stanford GUP. We're clearly behind. We've talked to Stanford, and they're willing to move their presentation to the next Council meeting on February 27th, I think it is. I think we're just going to go with that and do this tonight and not get to the Stanford Item. If you're here for the Stanford Item, we're going to do it on February 27th. Thank you. Richard, go ahead.

Richard Brand: Good evening, Council Members. Good to see everybody tonight. Mayor Scharff, it's interesting you're bringing this up because my issue here is policy and procedures. I'm really concerned about you taking your very precious time to deal with a project that should be at the ARB and being adjudicated and redone and looked at all the rules and regulation issue it brings up in the ARB. That said, I'm very concerned about this project. According to the Comp Plan, it's under-parked. You know my sensitivity about parking. One of the things that really concerns me about this is it's a very aggressive proposal. You've seen my note. My brother-in-law's picture is up there, Kirke Comstock. He died last year. He was a Mayor, worked a lot of time. Ethics was a big issue for him. He really felt that this Council was the epitome of how government should be run on a local basis. I'm concerned with the money being spent to push and influence potentially a project of this level on one of our most lovely streets in the City. I will say one thing about this. The appellant had mentioned about the shadow effect. We all love, at least I do, the Palo Alto Celebrates the Arts. In the afternoon in the summertime, if you walk along University Avenue for Palo Alto Celebrates the Arts, big buildings shadow that part of the celebration that

goes on, on a weekend in August. If you have been to the area down east where we call the Bank of America building, the tall building there, that's a shadow area, and it's very cold in the summertime at Palo Alto Celebrates the Arts. This big building is oversized in massing in terms of what it does with the adjacent buildings. While it may meet the rules and regulations, what it doesn't do is meet the look and feel of what our City should be. It has some housing. I know the fellow was talking about housing in Palo Alto. Yes, we need that, but these are luxury apartments. I encourage you to turn this back to the ARB and reject it tonight. Thank you.

Mayor Scharff: Thank you. Bill Lou to be followed by Rene Wood.

Bill Lou: Good evening. Many words have been said before, so I found out the best way is talk about yourself and personal experience. I've been living here with my family for 18 years, worked at CalTech for a few years. I also lived in Europe for eight years, mainly in Zurich. In Palo Alto, I thought it was good thing to be a builder with watching my kids here. A few years ago, I decided to better use my intelligence, going back to renewable energy. Today's meeting made me feel like I did the right thing. I've been here a few times. ARB processes have not changed. I think today three things. Take away number one, it's still about people not about a Code, which is sad. Second thing, change is inevitable. It's very hard to do it here. Third thing is no brainer to me. The design came from the same architect group who has built here. The initial denial two years ago was clearly a mistake. I've been through that process a few years ago. I'm in support of both Elizabeth and Jaime. The architecture is a natural—it's good stuff. Thank you.

Mayor Scharff: Thank you. Rene Wood to be followed by Andrew Gottlieb.

Rene Wood: Good evening, Mayor and Council Members. My name is Rene Wood, and I'm not a resident of Palo Alto, but I visit here frequently and follow your politics intensely. The thing that I'm hearing tonight was an excellent presentation by City Staff, whereby they went through point-by-point the history on this project and pointed out very clearly to those who were listening what the ARB has asked for this design, Option Number 1. They were also very clear in pointing out that Option Number 2 and Option Number 3 have not been reviewed by the ARB, which is your process. The attorney and the architect for Ms. Wong came up, and there was a lot of hocus pocus in my view. There's a lot of shell-shifting going on. They did not address the points that were made by the City Staff. In fact, they basically insulted the City Staff by saying that selected emails which sought to bring together various people on this project, which every City

department should try to do. Should I stop until the matter is cleared up back there?

Mayor Scharff: We can hear you just fine.

Ms. Wood: Thank you. I really take offense at the attorney and the architect and their comments. There's nothing wrong with a neighbor and a group of people who become very involved in City politics. This is there home. As we've heard multiple times, homes here are very, very expensive. They're just looking out for what they feel is their investment in Palo Alto as well as conforming to what the Planning Department said. I would urge you to not be taken in by this appeal and to realize that what it is, is an attempt to go around your clearly defined process, which is for your ARB to review these matters. I am struck, as someone who has been over 15 years in my hometown politics, at the patience with which this Council has given this matter and the basic disrespect that has been given to your process, in particular your ARB. For what it is worth, I would go with those people who have recommended that you deny this and send it back to the ARB. If it cannot be worked out, kill this matter because you have an applicant who is not respecting you, this town, its residents, or your process. Thank you.

Mayor Scharff: Thank you. Andrew Gottlieb to be followed by David Lieberman.

Andrew Gottlieb: Good evening. My name is Andrew Gottlieb. I'm a longtime resident of Downtown Palo Alto. Mr. Buchanan's comments struck me earlier as being very applicable. Kipling Street is a special street. In looking at and approving a building to go up on that street, the special nature of it should be taken into consider. I think the Architectural Review Board was doing that. I think they were doing their job. I believe at this point they should continue to be able to do their job to either accept or reject this project and not circumvent the Council. I'd encourage the Council to allow them to do their job and not be influenced by other types of discussions going on tonight. Specifically the attorney for the applicant, I think they are denigrating the process in suggesting that a resident is taking over the process and not allowing a project to go forward. I think what's simply happening is a resident is exercising his right to object to a project and express the concerns of himself and apparently other members of the community. I'd encourage you to listen to that, listen to the appellant and the objections before the Council, and not be discouraged by the side conversation about an appellant taking over the process. It's simply not happening; he's encouraging it. He's just making sure the rules are being followed. Just following on that, there are reasons why the project has been delayed for several years based on objections because the applicant has not

followed the suggestions of the ARB, has not followed the rules, and has not taken into consideration the concerns of the community. Finally, I'd like to say in this day and age, respect for the process and the public's confidence in the process is critical in local government and Federal government. Listening to Council Member Tanaka's expression of explaining why he's not recusing himself is a concern. I think even the appearance of impropriety is discouraging. I would encourage you to recuse yourself from this process based on the campaign contribution. Even though you refunded it, I think it creates a cloud and appearance of impropriety, which would undermine the public's confidence in the process if you didn't recuse yourself. Thank you.

Mayor Scharff: Thank you. David Lieberman.

David Lieberman: Hi. This project was first presented to the City in 2013. It was approved by the Planning Staff in 2015. It meets all building and Code requirements and requires no variances or exceptions. Yet, four years later here we are. Is Palo Alto governed by law or by ad hoc decisions based on individual whims? As a resident of Palo Alto, I am required to obey all municipal laws and regulations whether I like them or not, and frequently I don't. There is no exception to that requirement for Council Members. You members of the City Council have the ability to change the law, but you don't have the right to ignore it. Do the right thing. Obey the law. Approve this project. I'd just like to add one thing. If the nine of you went into a room and designed the site, designed a building, you would come out and you would vote it down.

Mayor Scharff: Now, we return to the appellant, who will have three minutes in rebuttal.

Mr. Harbour: I thought you said the applicant was first.

Mayor Scharff: Let me look at my thing here. I get that confused. Does the applicant object to going first? Nope, then the applicant can go first.

Jaime Wong, Applicant: Good evening. My name's Jaime Wong. I want to start by saying an earlier speaker talked about Birge Clark, and we're trying to honor Birge Clark. In fact, the American Institute of Architects elected to give the Birge Clark award for sustained architectural excellence to Joe Bellomo, my architect. People have tried to brand me as a developer. I don't object to that, but it's not a bad thing. I'm also your neighbor; I live here. I've raised my family here. I vote here. I shop here. Yes, I invest here. Everything for me is Palo Alto. I care about this town. I'd better because my whole future and the future of my family depends on it. We have seen the tactic of fearmongering here. People talk about ignoring the professionals who have said shadow studies, no impact. No, no, no,

shadows are—nuclear winter is coming. Traffic and parking, no impact. Yet, we're supposed to stand there and watch cars ram into each other on Kipling Street. I don't believe that. Pictures opposing my project show flat elevations because we're required by City Code to present flat elevations. That puts the building in its worst light because nobody looks at a building that way. You look at it in 3-D. The Comprehensive Plan, you can find quotes in the Comprehensive Plan that oppose it, and the appellant has found many. I have found many that support it, and I've enclosed those in a letter to Council including quotes from the Comprehensive Plan and the Urban Design Guide. This project is good for Palo Alto; it's good for me. The Architectural Review Board has seen every page on that project except for the one with the sizes because the numbers changed a little bit, so I had to redo a new page. If you liked Option 1, you will love Option 3. All the pages are the same, and the ARB has seen all those drawings. The ARB went on record to say, "We need approval of the appellant or else the appellant will appeal again." I don't think that's right. To continue on with the presentation from earlier, here is a view of what it looks like from the alley right now. It's a service alley. It has dumpsters, and the garbage trucks come every day and pickup garbage from there, and cars park there. That's it. It's hardly used by pedestrians as the Traffic Study that we presented to the City shows. We have some slides about compatibility to show that Palo Alto is really a diverse collection of tall buildings, small buildings, modern buildings, older buildings. They take design cues from each other, but it's all diverse. This building does the same. Thank you.

Mayor Scharff: Thank you. Now, Michael Harbour.

Mr. Harbour: I wanted to summarize here and thank you again. This is a colossal building on the narrowest street in Downtown Palo Alto. I want to point out in terms of some metrics Bryant Street is 49 feet wide versus Kipling at 29. It's about 70 percent larger. That same four-story building, which would be allowed on Bryant, is going to appear much larger and have much greater impact on that narrow Kipling Street. We've heard many people come up and tell you emphatically that this building meets all the Code requirements, the FAR, the square footage. Code requirements do include FAR and square footage, but they also include the Municipal Codes about context and compatibility. Those are just as important, the Codes, as just the square footage alone. The only reason why we are at almost a 3.0 FAR is because of a transfer of development right, which the City has admitted probably would not be granted in this day and age. It doesn't mean that the applicant gets to use all of it. You have to look at the receptor site for this area. Don't feel sorry for the applicants here. The applicant went to the media. The front page of the newspaper in August, the applicant has agreed to reduce the size of the Downtown project. It was

a bait and switch. She actually made the building smaller before she made it bigger and changed everything around and has gotten everybody confused. The options that you've seen here before are not her little, small project or smaller project. Please don't feel sorry for them. The applicant willfully did not address the issues outlined by the May 4th City Council Motion. There have been multiple violations that still exist with regard to size and massing. The Staff Report states the applicant has only partially been responsive and ignored other repeated requests. The total size and mass of the building is as large as it was when we filed our original appeal. The applicant and the architect have ignored repeated suggestions by the ARB to bring this project into compliance. Board Member Lew, who's here tonight, actually gave two separate slide presentations with photos—something I've never seen—demonstrating what success would be like. He brought these photos and showed how other applicants have done this. Again, deaf ears. I personally have met with every architect, applicant, attended every ARB meeting. The applicant has made the massing worse by enlarging the top floors. I want to make this very clear. This appeal is not meant to prevent the applicant from developing this piece of property. I am not against that. I actually come from a family of developers. One of the things that we do is actually work with the community to make sure that the needs are being met. This has not happened at all. Again, I've mentioned these here before. The only decision now is to reject the current plan. It's the only decision. The ARB hasn't even seen the existing plans of all three options and weighed in on them. Thank you very much.

Public Hearing closed at 9:53 P.M.

Mayor Scharff: Thank you. Now, we return to Council for questions and comments. I'm going to close the public hearing at this point as well. I just want to reiterate that for Council to take any action, it's going to take five votes. Council Member Wolbach.

Council Member Wolbach: I actually just want to make a couple of comments about the process and the kinds of things that we focus on tonight in response to some of the things we've heard from members of the public. First, on the question of who should be participating in this, we've heard a lot of discussion about this around other issues as well. There's no obligation for anybody to recuse themselves from this decision. There's no legal obligation. There was not even a legal obligation for anybody on Council to return any checks. The one person who saw that that might create the appearance of impropriety returned the check to remove that appearance of impropriety. Personally, I never took any money from developers when I was running for office, but everybody's able to make their own choices. When issues of Castilleja come back, I'm not going to

encourage anybody to recuse themselves, because I think the accusations are ridiculous. I think the same thing applies here. I think the people can make informed, reasonable decisions regardless of what kinds of donations they took. This is, again, coming from somebody who decided not to take those donations myself. I just think that we should be fair to the process, and we should be honest, and we should be consistent. There's been a lot of accusations thrown around over the last year regarding the idea that just because somebody took a donation from somebody that influences their decision-making. Again, in this case it's not relevant. We've heard, frankly, from both sides of this discussion a lot of ad hominem attacks. I find that dismaying as well. This isn't a question of whether we feel some personal affinity for either the applicant or the appellant or we find their attitude to be in any manner offensive to our personal sensibilities. That's not the question in front of us. It's unfortunate that the acrimony is quite severe around this project. It would have been great if everybody had a kumbaya moment, but we're going to have disagreements. That's okay. I'm actually going to reserve—I'm actually not going to make a Motion. I want to listen to my Colleagues …

Mayor Scharff: You can't make the Motion. So we're clear, it's supposed to be comments and questions.

Council Member Wolbach: Excellent. I'm not planning on making one. Whatever decision we make tonight, it should be very, very clear. We should focus on those issues that have not been resolved. Obviously, one of my biggest concerns previously was around the historic impact on neighboring buildings. HRB looked at it, said they were unable to come to a finding. We talked about this the last time it came before us. That issue wasn't a primary issue. The major questions here are around mass and scale and things like that and whether this project sufficiently meets the findings necessarily. I'm going to leave it to my Colleagues to weigh in on those. I'll be listening attentively.

Mayor Scharff: Council Member Filseth.

Council Member Filseth: A quick question to Staff. I know we talked about this in the last meeting. A couple of people brought up the issue of the applicability of TDRs. Can Staff comment briefly on that?

Mr. Lait: The Municipal Code sets forth the requirements and standards for having potential floor area transferred from one development site to another. There's a variety of requirements for that. Applicant has initiated that effort, has secured the Transfer Development Rights (TDRs) for the 429 University site. The area of conflict or concern that the community member

was speaking to was that the new Apple store was one of the sites for which TDRs were granted. The Code's interest is to remove seismically vulnerable buildings and shore them up and replace them with buildings that meet the current standards. In the process of the building permit construction, it turned out that the existing walls that were to be retained couldn't be retained, and they were removed. The site was essentially demolished and built anew. That's not inconsistent with how some other projects in the City have been previously reviewed with respect to TDRs, but it did raise the conversation that the Council did talk about and directed Staff with respect to seismic upgrades of buildings where the Council had expressed an interest that Staff no longer allow complete demolition to be a means for meeting that standard. Now, you do have to retain and actually rehabilitate the existing structure. That was a conversation that happened subsequent to the City granting the TDRs for that site.

Council Member Filseth: Where does that leave this project? You're saying it was okay under the old rules but not the new rules. Did I understand that right?

Mr. Lait: We're saying that this project was evaluated consistent with City practice, and we believe that the TDRs are valid for this development site.

Mayor Scharff: Council Member DuBois.

Council Member DuBois: If it's all right with the Mayor, I see a member of the ARB. I wanted to ask a couple of questions.

Mayor Scharff: Sure, go right ahead. That's what you get for coming.

Council Member DuBois: I have two questions for you. The first one was—Option 3 has been described as highly similar to designs that you guys looked at. Do you agree with that?

Alexander Lew, Architectural Review Board Chair: I do want to be clear that normally when a representative for the Board comes here, we represent the whole Board's opinion. The Board has not seen Option 3, so I can't tell you what the Board thinks about Option 3. You're actually asking is Option 3 similar to Option 1. The Board only saw a preliminary drawing set of Option 1. It was like a pencil drawing set. Not all the drawings were included. We didn't have perspective renderings from different sides or whatnot. Option 1 really has not been thoroughly reviewed by the ARB.

Council Member DuBois: The second question is—in November of 2015 Council made a specific Motion to ask the ARB to evaluate the project on six specific findings. What was the result of that review?

Mr. Lew: We did review those particular findings on one of the earlier schemes. I think that was in the second architect on the project. We're on the fourth architect now. I personally did go through all the context based findings in my last review of the project. The two other Board Members who reviewed the project said they may or may not agree with what I had said, but they didn't specifically cite where they would have a differing opinion. I couldn't give you something specific. If you looked at this last Staff Report, I did highlight areas where the Staff did not think that the context based criteria were met.

Council Member DuBois: Thank you.

Mr. Lait: Excuse me, Mayor. If I may supplement that. I concur with Chair Lew's response to that. I would note that the Motion that was made on October 20th was a reference to draft findings that were included in the Staff Report. The Motion stated to accept the draft findings that were included in the Report. That speaks to the findings that were made. I can quickly just summarize a few of those if that would be helpful for the …

Council Member DuBois: This is against which option?

Mr. Lait: This would have been against Option 2. The findings that the ARB adopted, one had to do with the—we had a conversation of the old ARB findings. Finding 1, that the design was not consistent or compatible with the applicable elements of the Comprehensive Plan. Finding 16, that the design is not consistent with the purpose of architectural review, which has to promote orderly and harmonious development in the City, enhance the desirability of residential or investment in the City. It goes on to cite a couple of different components. Specifically with respect to those findings, the Board found that the building's size, scale, and mass would not enhance the pedestrian environment, that it would conflict with the following goals, and it listed, in policies of the Comprehensive Plan: Goal L-1, Policy L-5, to avoid land uses that are overwhelming and unacceptable due to their size and scale; Goal L-4 speaks to pedestrian scale; Policy L-20 speaks to reinforcing street corners or that form corner plazas; Policy L-23, promote the quality of design that recognizes the regional and historic importance of the area and reinforces the pedestrian character; Policy L-24, Goal L-6, creating well-designed buildings that create a coherent development pattern, enhance City streets and public spaces. It goes on. Finding 2, Finding 4, Finding 5 and 6 of the old findings were not supported with explanations as to why. Then, it went on to the design compatibility standards, which I can elaborate on further, but there's a whole set of findings that the Board found for Option 2 was not supportable.

Council Member DuBois: Just a couple of quick comments. This project has been to Council twice. My impression is the applicant really hasn't been responsive to Council direction. I did ask the City Clerk—I think she did it—to provide the verbatims from our previous meetings. I hope my Colleagues got a chance to look through those or at least watch the videos. We've had very extensive discussion. I don't think we need to repeat that discussion tonight. Just quickly, I do think the issue with the loading dock remains. I think that's going to be addressed. The scale on the first floor and the eaves and the entryways, I think, does make the building appear to tower over its neighbors. The visual mass and scale along Kipling remains an issue. Just to clarify for some of the speakers that came—I think somebody else already said this earlier—the quantitative zoning is not a right to the maximum amount. It's up to that amount. It's not the starting point, and it's not the minimum. We did have extensive experience about Ordinance 18.18.110, which is our Compatibility Ordinance. Again, when I look at those conditions, it still appears that they have not been met. Thank you.

Mayor Scharff: Council Member Holman.

Council Member Holman: Thank you. It's always dangerous when you make a comment in the presence of somebody who's been around for a long time. Just to clarify the record, not that it's something that we're considering tonight but just to clarify the record because I think it's important to do so. TDRs for seismic improvement many years ago were allowed for demolition, but also a good number of years ago, probably—this I would have to guestimate—a good 12 years ago, 10, 12 years ago, that practice was assured to the Planning Commission and the public that that practice would no longer continue because it seemed to be contradictory to the purpose of the seismic TDR Ordinance. To my knowledge, this is the only project in the recent past that has gotten seismic TDRs for a demolition. That said and understanding that's not in front of us, I just wanted to try to correct the record. As Council Member DuBois said, there are a couple of members of the ARB here. I know Board Member Lew has had a lot of experience with this. I'd like to ask you a question, if I could please.

Mayor Scharff: You may.

Council Member Holman: Thank you. Other cities—I know you do work in a lot of other cities—have more than just the numerical standards for project review and approval. Not to put you on the spot here, but I know San Francisco being one that you work in a fair amount. Can you describe what criteria they have that are not numerical or how they might relate to our findings that are required in our Context Based Design Criteria? We're not unusual in this, correct?

Mr. Lew: No. I think I mentioned this in one of the ARB meetings about this project. Just as an example, in San Francisco for what they call their pedestrian areas, which are their neighborhood shopping areas, just for example, they would restrict lot mergers to a prescribed size. That's actually a numerical issue. The intent is to keep the pedestrian street attractive and variable. They actually discourage putting fake fronts, multiple storefronts on one big building in an attempt to mask it to make it look smaller. That's why they restrict the lot size, lot mergers. Also, they would require driveway curb cuts or garage entrances to be on an alley side and not facing any pedestrian street. They have requirements for clear glazing along pedestrian frontages. Is there something in particular that you're looking for?

Council Member Holman: I'm not familiar with San Francisco's Code, but I just use them because I know you are familiar with them. Is there any just quick thing that you want to describe about how they might deal with street rhythm?

Mr. Lew: That's one I was getting at …

Council Member Holman: I know about the lot mergers, but …

Mr. Lew: … the first thing with the lot size. They prescribe a dimension for each street, each pedestrian street. Market Street, which is a big commercial street, has a larger dimension. Some of the more neighborhood-oriented streets would have a smaller dimension, say 50 or 60 feet; whereas, Market Street might have a maximum building frontage of 125 feet or 150 feet wide. That's to make the buildings scaled to the neighborhood to ensure new buildings are scaled to the neighborhood. They also have restrictions against chain stores. We've talked about this a little bit with the (inaudible) of California Avenue to try to keep the character of an established street.

Council Member Holman: Thank you very much. Just a couple of comments. I and, I would imagine, at least the Colleagues who have been here for a while and seen this project before think it unfortunate that this project is still coming before us and not having a particularly successful or popular response. You can pick any one of these sets of plans. I'll look at Option 3, for instance. Our Context Based Design Criteria and various other aspects of the non-numerical findings that have to be made talk about the rhythm of the street. The rhythm of the street is described as 25-foot storefronts and the differentiation. If you look at—it's in the Staff presentation. Slide 10 is actually not a bad representation of that. If you look at the other storefronts, they are differentiated by either different

window treatments, different street-level window heights or a little bit of entry heights. On the second level, the same thing. They're all finer grained. If you look then at what is being proposed in either Option 1, 2 or 3, you have very dominant and prominent concrete features that step forward, that are as single units larger than the whole of an articulated building front adjacent to or down that block. If you look on the Kipling side, that's true not for the storefronts particularly, but that kind of larger-scale rhythm is very inconsistent with the rhythm of the houses on the street. That's of great concern. These proposals for the most part—depending on which one you look at, it's either more or less the case. This building has very strong horizontal elements that run the length of the project. There's not an attempt to break up the mass and scale of this building. There have been a lot of comments made about the size of the building. As I've said recently, it's not the square footage; it's how the square footage is expressed. If you look at a building that often gets referenced because it's so successful, if you look at what used to be the University Art Building, how a lot of people still think of it, where Shinola is now. That building is a very large building and adjacent to someone and two-story buildings. What it does to make itself presented to the public as a pedestrian-scale building is it has very much differentiated storefronts. The elements of the building—it's all one building. People don't even realize that sometimes when looking at it. The elements of the building have differentiated roof angles, roof shapes, roof heights, different window treatments. Those make for a very much more smaller-grained, fine-grained, more compatible building that is much more likely to be compatible with the surroundings. It's not about style. It's not at all about style. I want to be clear about that. It's about the design, which is not the same as style. This building, I think, does not respond to those transitions, does not respond to the rhythm of the street. The height of the first floor, I would have to say, also—again, these are very dominant, concrete, forward-setting elements. Those projections are about a story and a half tall. How I look at this. I think of it as, if you go through a neighborhood that's in a floodplain—if there's a replacement building and the replacement house has to be raised the three feet or sometimes three-feet-plus, it's how that house has a very negative impact on the other houses on that block or in that neighborhood. It stands out considerably. This building does that same thing. I'll stop there. Those are some of my comments.

Mayor Scharff: I have a couple of comments on this. First of all, I'd say that for me the issue is Kipling Street. University Avenue has no unified architectural feel to it. There's a 50-foot building virtually across the street from this building. It really comes down to how this interacts with Kipling Street for me. The Staff Report does a really good job really starting on Packet Page 526 when it talks about Option 1 being the most responsive to

concerns about the overall building mass and provides better transitions to neighboring properties. As the Staff Report points out, most of the commercial buildings have two-story volumes, are greater in height on University, and the buildings across the alley are the ones in the exception. That's Kipling Street. The character of the buildings on North Kipling Street are Victorian homes. That's really the compatibility issue I think the community is struggling with. There's a stark transition between this building and Kipling Street. Whereas, on University Avenue, I don't think there's that issue at all, frankly. University Avenue is eclectic with many different styles of architecture, some 50-foot buildings, some 80-foot buildings, some much taller buildings, 525 University down the street. When we look at University Avenue, I don't think that's the issue in any way. I actually think that Option 1 works well as a three-story building. One of the frustrations for me in this is what seems to be important is the Kipling-facing rendering and what it looks like from Kipling Street. The applicant, frankly, hasn't provided that. The fact that the stairway and elevator goes up to 56 feet—I think the Staff Report is correct that that would need to be brought down. If we move forward on something similar to Option 1, we would need to bring it down. The problem I have with Option 1 is that I can't really tell on the pop-up residential there what the effect of the massing is and what that looks like from Kipling Street. For me, this should be a three-story building. That takes away the transition issues on Kipling Street, and that feels comfortable and, I think, meets the Architectural Review findings, which we have frankly in Attachment A. It's really Packet Page 533 and 532. As a three-story building, I think it meets the Architectural Review findings. As a four-story building, I don't think the design is compatible with the immediate environment of the site. I don't think it's compatible with the character of Kipling Street, which would really be Number 4. There's no harmonious transition in scale and character as a four-story building. As a three-story building, I think there is. I'm a little bit stuck on the issue that I can't see how this looks with the pop-up residential. That tends to make me feel that we should approve this, frankly, simply as a three-story building and bring the elevator height down as well to be in that same range as the three-story height. It could pop up a little bit over that three-story like we do normally in our Code on the three-story height, but not on the four-story height. That becomes a real problem. Option 1 has a lot of really good features in terms of moving us forward in that direction. I'm just primarily concerned about that transition to Kipling Street and how we make that transition work. I think as a three-story building it works. Thanks. Now, I see no further lights. Does anyone want to speak further or should we just move to Council Member motions and further comments and questions? Council Member Fine.

Council Member Fine: This is actually following up on your question about the eclectic nature of Downtown. Given we have two members of the ARB here, I was wondering if you have any advice on whether the Downtown area does have a unified design character. If so or if not, how does that relate to the Downtown North neighborhood and how does that transition out along Kipling? If you could just give us some thoughts on that, if the Mayor will allow it.

Mayor Scharff: Yeah, I'll allow it. Mr. Lew.

Council Member Fine: I know it's an open, wide question.

Mr. Lew: You're going to put me on the spot, and I'm not speaking—I'm speaking off the cuff and not on behalf of the rest of the Board. I would just say that because of this project, I've started working on a Downtown map of all buildings. I'm actually going back in history too, back to like 1925. I think we just have to acknowledge a couple of things, because we have—this whole area, like Kipling Street and Lytton and Hamilton, was originally all Victorian houses. The zoning was changed, and they are intended to be—they're all in the commercial district. The City was doubling in size, and the City was trying to make room for growth Downtown. The original pattern of Downtown was based on the 25-foot module, which Karen and the Staff Report have mentioned. What is not quite correct, though, is that a lot of the storefronts, like around the Varsity Theatre, are actually only 15 feet wide. They're really narrow. They're actually narrower than any commercial developer would put in a new development. Typically a chain store would want something at least 20-feet or really in a shopping mall it would be at least 25-feet wide. It is diverse. Things have changed over time, but there is in that block, I believe, a unified pattern of narrow storefronts, low storefronts with balconies on the second floor. It's stronger, I would argue, than any of the other blocks Downtown. I could make an argument that—I think people are trying to make the argument that there are other big buildings Downtown, and there are. They're at 3.0 floor area Downtown. We don't get complaints about them. They're very attractive. It's entirely conceivable to me that a 3.0 floor area building could work on this site if it were designed to meet our Codes. My personal take is this one does not.

Council Member Fine: That's actually very helpful, especially the history there. Thank you.

Mr. Lew: We have another Board Member too. He's here if he wants to weigh in.

Mr. Lait: Council, just to advise you. The other Board Member who is here was actually conflicted on the hearing of the Item. I don't know if there's a

perspective from a resident, but speaking for the Board I would discourage that engagement at this point.

Mayor Scharff: Council Member Kou.

Council Member Kou: I'm looking over here at the Packet that the applicant had submitted in terms of some of the other buildings that are here in Downtown. I'm looking at this, and I think one of the best examples is 626 Waverley Street, with its massive, tall building. The thing is Waverley is actually a wider street. You're putting a building of that mass and that size on a much smaller street. While it fronts University, which is also wider, there is also Kipling that is much more narrow. I think the diagrams that we've received show the lanes to be wider, so it takes it off—even these diagrams up here, you can see that the streets appear to be much wider, and there's a lot more room. When I drove down Kipling, I agree with JC Andrade. There were cars coming at me, and I thought I was going to lose my mirror also. It is not as wide as it looks over here. I do have a great concern in terms of the mass of this building and how it transitions to the rest of the street over there. I was actually looking at it from Lytton, looking down towards University. If this building goes up, it's just this big wall when you're looking down the street. I really can't see this as a good transition or harmonious to the neighborhood or even fitting with the Victorian homes that are on that street. It is a narrow street, and it is a very pretty street. I love walking down it and looking at the homes. It's a very different building.

Mayor Scharff: Council Member Filseth.

Council Member Filseth: Just really briefly, I think there's been some discussion gravitating toward Option 1 being in the direction that we had discussed some months ago. I just want to comment briefly on Options 2 and 3. Most of the discussion that we're really having, in fact that we had in the last meeting, was about harmonious transition, scale, and massing, and context. To me, again these things, as has been pointed out, have an element of subjectiveness to them. To me, Options 3 and 2, which are basically four-story buildings, the transitions are obviously pretty sharp. To me, that one obviously fails. Option 2 fails on Kipling, and Option 3 fails on University. I'll stop there.

Mayor Scharff: Council Member Holman.

Council Member Holman: Just a couple of things I hope we'll keep in mind here. Our alleyways are important connectors in our Downtown area. The City's actually looking to activate a number of alleyways in the very near future and recognize the importance of our alleyways. Again, if we're going to make a good environment and a pedestrian-friendly environment, we

shouldn't overlook the alleyway either. Kipling especially at night is a street of very strong character, and it's very obvious. During the daytime, it is. At night time, it especially is. When looking at compatibility, rhythm, transition, and scale, we're not looking at 429 University Avenue in comparison to 525 University Avenue. We're looking at the building in its context of the more immediate vicinity, the more immediate environment. I would point to the recent Citizens Survey. What it seems to me is that when we have projects that don't comply with, aren't consistent with our Downtown Urban Design Guidelines and our Context Based Design Criteria and our ARB findings, projects are either appealed or they're very unpopular as we see and hear comments. The Citizens Survey has given us a declining score on development the last several years. I think it's really important that we pay attention to these matters. While they're not numerical, they are just as important. Board Member Lew has brought forward and I've mentioned too there are ways that buildings—not to repeat what I said earlier—there are ways that even this building could make itself more compatible and more transitional. I don't know why the applicant has been resistant to making those changes. To this point, they seem to have done that in ways that I've described previously and other Council Members have spoken to and members of the public.

Mayor Scharff: Council Member Tanaka.

Council Member Tanaka: I have a few questions for Staff. A lot of the public speakers and a lot of the emails that we got had concern around three topics. One was traffic; another was parking, and then the third was the idea of mass or square footage or FAR. I want to take each of these Items one-by-one. For traffic, with the studies that Staff has done, is there an issue with traffic here at this project?

Mr. Lait: Thank you, Council Member. We did do a Traffic Study. In fact, we also did a—what did we call it? We did a TIA, but then we also did the residential one, the traffic index—some other study that we don't typically require because of the concerns that we heard expressed about this issue. This was in support and concurrence with the applicant. The results of that showed that this did not trigger any threshold for significance in terms of traffic impacts related to this project.

Council Member Tanaka: What about parking?

Mr. Lait: Parking is a function of meeting Code. The project meets the development standards with respect to the parking. It is located within the Parking Assessment District. The property owner has been assessed parking spaces for contribution to the parking lot. There's a, I'll say, credit for those

spaces not having to be provided on site. Some of the TDRs that we've talked about this evening were parking exempt TDRs, which is not a current standard that we allow in Code, but the applicant did have an opportunity to use that. The parking that is provided onsite assumes the Parking Assessment, the parking-exempt TDRs, and the balance is provided onsite in the two subterranean structures.

Council Member Tanaka: Is the accusation that the project is under-parked true or not according to your findings?

Mr. Lait: I guess what I can tell you is that the parking as required by the Municipal Code is met with the designs.

Council Member Tanaka: What about square footage and FAR? Is it within the limits of that? I've heard from some of the members of the public in letters that say it's way too much and it's not compliant. What is the truth there?

Mr. Lait: A mixed-use project is allowed to have up to a 1.0 FAR for commercial development and up to 1.0 for the residential development. With the transfer of development rights, the applicant is available to take up to another 1.0 FAR. In no instance shall the site exceed a 3.0 FAR. That would take it to—I think the collective parcels are 11,000 square feet. A 3.0 FAR would take it to 33,000 square feet, which they are compliant with.

Council Member Tanaka: Really we're left with the architectural aspects in terms of the compatibility.

Mr. Lait: I would refer the Council to the findings, the Architectural Review Board findings and the context compatibility findings.

Council Member Tanaka: When I looked at it, the rules did look very arbitrary, so it's kind of hard to know what the—exactly how do you compare. Let me give you an example. Let's say, for instance, adjacent to the building was a vacant lot. There's nothing; it was just vacant land. Is that (inaudible) compare against, a vacant lot, or would you compare it against other nearby buildings? I guess I'm trying to understand how close to the—what is the basis of comparison? A lot of the buildings next to it, I assume, could be built taller. Is that right or not?

Mr. Lait: What I would do is refer the Council to the different findings that are made and are required pursuant to the Code. One of the findings that the project is subject to is that it is compatible with the immediate environment of the site, that it is compatible with the adjacent and neighboring structures. That's the guidance that's provided in the Code.

Council Member Tanaka: What I'm wondering about is two things. Is it what's there right now or what could be there? What I'm wondering is—let's say, for instance, it was a vacant lot. That means it has to be compared to a vacant lot or you compare it against a one-story building, which could actually be two stories? I'm just trying to understand how does this work.

Mr. Lait: Again, I would refer you to the finding language itself. It doesn't put forth that scenario. It just refers you to the neighborhood character and the context of the neighborhood setting.

Council Member Tanaka: How immediate is immediate? Does that mean next door or does it mean one block down? What does immediate mean?

Mr. Lait: I think that's a discussion that the Council has been having over the course of this project. There's certainly examples that the Council and the community members have drawn from, that are immediate to the subject site and then also drawn from other properties that are nearby.

Council Member Tanaka: This is kind of a technical question. Kipling is a very narrow street. I can't quite tell by looking at the picture on plan A.82. From Kipling, if I stood on Kipling, on the sidewalk across the street from the project, and looked up, could I see the fourth floor?

Mr. Lait: On Option 1 or …

Council Member Tanaka: Three.

Mr. Lait: Three.

Council Member Tanaka: It's such a narrow street you can't—the picture in this plan looks like you're like—I don't know—pretty far from the project. I'm not even sure if I could see—how much I could see given such a narrow street?

Mr. Lait: I don't have the exact information about the perspective angle that this is taken from. Typically, it's taken from about a six-foot elevation. Kipling is narrow at 29 feet, I believe is the right-of-way. I think this is representative of what one might see out there, but I couldn't tell you for certain what the specific dimension of that would be.

Council Member Tanaka: Does maybe the applicant know or does anyone know can we see the fourth floor from the other side of Kipling if this was built?

Mr. Lait: I would direct that through the Mayor to see if that's something that you wanted to open up.

Mayor Scharff: The question is you want to ask the applicant on Option 3 …

Council Member Tanaka: Yeah. If we stood on Kipling, on the other side of the street from this project, on the sidewalk at ground level, could we see the fourth floor?

Mayor Scharff: I will allow the applicant to answer the question.

Elizabeth Wong, Applicant: That answer can be—we can estimate by looking at the real model. I also want to tell you on Options 1 and 3 the building is three stories high. There's no way to see the fourth story, because the fourth story is 39 feet from the property line on Kipling Street. The only thing that you see from Kipling Street is the elevator, and the glass structure next to the elevator is the landing from the third floor to the fourth floor, which we moved from the corner back 11 feet so that it would be less visible to the passerby. Basically, the Options 1 and 3 are identical on Kipling Street. The difference, if I could say only difference maybe with a little range of error, is that the difference from Option 1 and Option 3 is that we added the residential square footage on the fourth floor on the west side of the building. We cannot make that building any shorter. It is three stories on Kipling. This was done in deference to the appellant. We also made the structure for the elevator glass because the approved version was concrete, and he complained that the concrete was too much in his face. We moved the building on the alley side 10 feet away from the alley at that corner, again, to give him relief as he walked south on Kipling Street. Basically, the only way to get rid of the elevator to make it truly three-stories high is to get rid of the elevator. I'm not really sure that by Code you're allowed to have a floor where you cannot access by handicap rules. I'm pretty sure that you cannot eliminate the elevator to that floor, because then there would be—handicapped people cannot get to that floor. If you're going to have a fourth floor, then you're going to need the elevator. We did not pursue Option 1 because, after giving up 3,000 square feet of residential/office space, the appellant wrote to Jodie Gerhardt that is that all she's doing. If that's all she's doing, then let's put the square footage back, and let's put it away from Kipling so that he would not be able to see it.

Mayor Scharff: Thank you.

Council Member Tanaka: I just wanted to ask Staff. I'm not an architect …

Male: Could I be recognized just one moment? I was a resident on Kipling …

Mayor Scharff: Nope, nope, nope.

Council Member Tanaka: I just wanted to ask Staff. This is the applicant's point of view. Is this true that you could only really probably see the elevator from the sidewalk on the other side or is …

Hillary Gitelman, Planning and Community Environment Director: Thank you, Council Member Tanaka. Hillary Gitelman, the Planning Director. In our view, Option 1 and Option 3 are very similar from Kipling. From right across the street, we don't think very much would be visible at all. We would further enhance Option 1 with the condition we've suggested to bring the height of the elevator down, so it doesn't exceed 50 feet. You are going to be able to see the elevator and that other piece behind it, depending on where you are on Kipling, because you'll see it at an angle. It has to a large extent addressed what some of the other schemes had as a much more prominent fourth-floor mass on Kipling. The elevator and the stair tower were much more prominent. We do think that Option 1 and Option 3 are going in the right direction on the Kipling side.

Mayor Scharff: Are you done? One more. Go ahead.

Council Member Tanaka: Can you go back to the Code which says immediate. What I'm interested in knowing from Staff's experience is when we say immediate environment, for previous projects that's come before Staff, what did immediate environment mean?

Ms. Gitelman: Thank you, Council Member Tanaka. I think we shouldn't take one of these findings out of the context of all the other findings about context. It really takes some interpretation and thought when looking at these Architectural Review findings and the Context Based Design Criteria. While you could probably parse them and find some of them that are applicable to just the building right next door, I think as a whole they allow you to read projects and the site in a larger setting, both the immediately adjacent buildings and then the general vicinity, how these buildings are experienced on the street.

Council Member Tanaka: I see. You're saying that we should look at the larger picture, and there's actually a little bit of leeway. It's not just immediate, adjacent building.

Ms. Gitelman: Yes.

Council Member Tanaka: Thank you.

Mayor Scharff: I think Option 1 meets what we're looking for, for the most part, with what Staff has put forward on Packet Page 527 under recommended Conditions of Approval. I think it brings down the elevator

adjacent to Kipling Street inclusive of any associated mechanical equipment shall not exceed the 50-foot height limit. With all of that, I think we would be good on Kipling Street. With that, I wanted to say that Staff has done a really good job on this project in terms of outlining Option 1 and how it moves us forward to be responsive to what Council suggested. I actually appreciate the applicant putting forth Option 1 on this process as we go through it. With that, I'll move that we do Option 1 with all of the recommended Conditions of Approval, which are on Packet Page 527 and Packet Page 528 and partly on Packet Page 529.

Council Member Filseth: I'll second.

MOTION: Mayor Scharff moved, seconded by Council Member Filseth to:

A. Deny the Appeal; and

B. Approve the Mitigated Negative Declaration and Mitigation and Monitoring Plan; and

C. Approve a modified project (Option 1) with conditions included in the Staff Report, Pages 6-8; and

D. Direct Staff to return with written findings for adoption.

Mayor Scharff: Let's first get the Motion up there. While we're doing that, I'll speak to my Motion. This has been a long road in the community. It's been a long road for the appellant and everyone. It's time to basically put this issue behind us. I think by going with Option 1, we're being responsive to the concerns on Kipling Street. We're being responsive to the concerns of the community, and we are putting this process forward for Mrs. Wong, who actually ends up with a project. She is entitled to have a project. By going through it in this way, I think Staff did a really good job on the Conditions of Approval. I hope you'll support it. Council Member Filseth.

Council Member Filseth: Thanks very much. I think there's been a lot of discussion about the pros and cons of this building with respect to the community. All of that stuff kind of isn't relevant for what we're talking about here. Just on that subject, because the public's talked about it, not because it's covered in the appeal, this makes our housing crunch worse, not better. It's bad for sustainability, not good for sustainability. It gets rid of 1,500 square feet of retail and so forth. That's not really what we're here to discuss. We're really here to discuss the applicant's property rights in the context of our Codes. The Codes include the compatibility and Context Based Design Criteria, and that's what we're looking at here. It's pretty obvious to me that Options 2 and 3 don't meet the compatibility criteria. It's

not completely obvious to me that a three-story building does, but I can't be certain it doesn't, so I think we should support going forward. I think I concur with the Mayor that Staff's done a very good job on this. We've worked through our process, and I think it's going to produce an outcome which is consistent with our Codes. That's what's important here. Thanks.

Mayor Scharff: Council Member Kou.

Mayor Scharff: You want to pass. Council Member Holman.

Council Member Holman: I'm going to offer a Substitute Motion. My Motion is to deny the project due to inability to make the findings recorded as part of the Council's prior review of this project, found on Pages 4 and 5 of the Staff Report, and consistent with the ARB denial. I'll speak to the Motion after hopefully getting a second.

Council Member Kou: I'll second it.

SUBSTITUTE MOTION: Council Member Holman moved, seconded by Council Member Kou to deny the Project due to the inability to make Architectural Review Findings as part of the Council's prior review from Staff Report Pages 4-5 and the Architectural Review Board recommendation to deny the Project.

Mayor Scharff: Speak to your Motion.

Council Member Holman: Several things. Some of this is a repeat of some of the things I've said earlier, and some of it is not. This building continues to be prominently one design for the length of the University Avenue frontage. It's not broken down into matching the rhythm that's on the street. The same design elements that are larger in scale than other buildings in the vicinity continue to be prominent and dominant. The most forward of the concrete, large box design are not consistent with the pattern of the street, and they are the dominant elements. That's true whether it is the former Apple store across the street, across the corner, or whether it is the buildings on the same block on University Avenue. It's also true when looking at the Varsity Theatre. There aren't shared—I'm not talking about style here. Again, I'm talking about design. There aren't any shared criteria, no rhythm on the street, no pedestrian-scale elements that you find in the Varsity Theatre, which is the terminus of Kipling Street. On the Kipling side, it's very hard to see what we're going to get because that rendering was not provided along with the plans for Option 1. I'm not sure how clear it is what we would be adjusting or how it is or isn't compatible. Just looking at the line drawings, it looks like it suffers the same failings that it does on University Avenue. That's what it seems to be. Just as a

comment, I actually don't find that Options 3, 2 and 1 are that similar. I think there are pretty significant differences among them. For instance, Option 3 differs in mass, scale, FAR, setback, design features including on the University Avenue side of the project nearest Kipling, and the number of parking places. That's a lot of differences if we're saying that they're similar. I don't see how we could actually say that. I will stop there. Again, focusing on the Council's prior review of this project and those findings that we could not make then on Pages 4 and 5 of the Staff Report and also on the ARB findings that they could not make as well in making the denial recommendation for the project.

Mayor Scharff: Council Member Kou.

Council Member Kou: I'll go back to my earlier comments. This is a massive building. The mass and the scale of it is very large. I brought up the 636 Waverley property. That's what I fear will be on that corner of Kipling and University. With Kipling being a narrow street, I just don't see a three-story with that kind of mass and scale as something that would be considered as compatible. Council Member Holman has mentioned the other parts of it. I still think that it is not compatible. Just going back for modified projects, it's looking at a building that's going to be there for 50-plus years, that is going to be an impact on the other houses on Kipling Street.

Mayor Scharff: Council Member DuBois.

Council Member DuBois: I've been listening to my Colleagues and looking at these various options. I've heard Option 1 referred to as a three-story building. Just to clarify, it is a four-story building. Correct? I still cannot make the findings that are consistent with our earlier meetings on Pages 4 and 5, particularly 18.18.110. I keep looking at these findings. I find that I will support the Substitute Motion because I don't believe I can make these findings.

Mayor Scharff: Seeing no further lights, let's vote on the Substitute Motion. The Substitute Motion fails on a 5-3 vote with Council Members DuBois, Kou, and Holman voting yes.

SUBSTITUTE MOTION FAILED: 3-5 DuBois, Holman, Kou yes, Kniss absent

Mayor Scharff: Now, let's vote on the—I see no lights, so now let's vote on the—you want to put your light on?

Council Member Holman: I don't think anybody's spoken to the main Motion except for the maker and seconder, I think.

Mayor Scharff: Feel free to speak; I just saw no lights. I'm not …

Council Member Holman: I think there are some basic design changes that we could recommend for this. It's not like you really want to design from the dais. That's not what's particularly a good thing to do. I strongly suggest that we incorporate into the Motion that the height of the, as I've referred to them, dominant and prominent first-floor concrete elements be lowered to be more consistent with what the first-floor pattern is on the street. That doesn't change the interior ceiling heights. It brings the exterior visual effect down to be more consistent with the street pattern.

Mayor Scharff: That's your (inaudible). I'd have to ask Staff. I noticed that the Staff Report talks about that the Option 1 plans reflect the pattern of development of doorway and glazing space, roughly 25 feet in width. I just ask Staff about that, about the …

Council Member Holman: Can I comment first? If I could.

Mayor Scharff: Sure.

Council Member Holman: The reason that the 25-foot—it's hard to tell because dimensions weren't really well provided for this. I appreciate that the entrances are, in theory at least, at 25-foot intervals, but that's not the experience that one is going to have on the street. The experience one is going to have of this building is again these prominent and dominant concrete elements that are forward of the entrances, especially because they're lighter in color. The light's going to hit them. The doorways are recessed, which isn't necessarily a bad thing. The way that they're recessed here behind these sections, it's not the experience that you're going to have on the street.

Mayor Scharff: I'm waiting for Staff to respond.

Ms. Gitelman: Thank you. Through the Mayor, just quickly I'm not sure that I completely understand what the Council Member is suggesting in terms of design changes. We do have a condition that we're suggesting, that's been incorporated into the Motion, that the applicant would return to the Architectural Review Board for review and recommendations of exterior building materials, colors, and craftsmanship. While that wouldn't create room for a total redesign, some of these finish and design choices on the exterior could be addressed in that context.

Council Member Holman: This isn't materials or finishes. This is literally the design. It's literally design.

Ms. Gitelman: I guess I'm having trouble understanding exactly what kind of changes you would be requesting.

Mayor Scharff: Council Member Holman. Council Member Holman, I'm not going to accept it. I think it's a little scary to be designing it from the dais, especially when Staff seems unclear on it. If there's a clearer sense—I guess I'm just not going to accept it. If you get a second.

Council Member Holman: Is there a laser I can point on the screen to what I'm talking about?

Mayor Scharff: I will allow, if there is such a thing, for you to explain if you want to.

Council Member Holman: Is there a laser anywhere? Can anybody see that? I'm talking about that element right there, that runs the—except for the one interruption in the sort of middle. That element, if it were lowered to be—if I can do this—if that element were lowered—I can't even find it now. Here we go. If this element, this design feature here—how do I get rid of that—was lowered down to about here so that it provides more of a cover and a pedestrian-scale cover over the entrances and is more consistent with what you see in the other buildings on the block like here—right now this is about at a story and a half when compared to the buildings next door. This goes half way up the parapet of the building next door.

Mayor Scharff: Would it satisfy you if we made that up to the discretion of the ARB?

Council Member Holman: Except that it's not in the Motion because the discretion of the ARB does not include design.

Ms. Gitelman: I'm afraid that that sounds like really a structural change to the building that would take—I don't think it's something we can do right here. I think it would require consultation with the architectural design team to determine whether that request could be accommodated.

Mayor Scharff: No, I can't accept that then.

Council Member Holman: How could we give some kind of guidance to the ARB? Again, I agree. It's not good to be sitting here and trying to design a project. I'm trying to point out things that are reasons that I can't make findings and trying to get the project closer to being able to make the findings, which is difficult given where we're starting here. Staff is being mum on how we can go about doing that.

Mayor Scharff: Council Member Holman, I think we need to move on, unless you can get a second. Council Member Holman, are you done?

Council Member Holman: Yeah. I'm not hearing a second.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "that the height of the prominent First Floor concrete elements be lowered to be consistent with the prevailing street pattern."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

Mayor Scharff: Council Member Fine.

Council Member Fine: Just very quickly. Being a newbie here on the Council, I'm still learning. It's very clear that this process did not work well on this project, whether we talk about Council, ARB, the applicant. In fact, I would commend you, Mr. Harbour. In many ways you've provided a very professional interaction here, presented good evidence around this issue and helped shape this project. Everything else, I think, has not been that professional. That said, I am going to support the Motion. I do believe Option 1 is compatible with our Downtown, which is a mixed area. As some others have mentioned here, property owners do have rights, which our City has a responsibility to uphold. While this isn't perfect, it is what it is. I will be supporting the original Motion.

Mayor Scharff: Council Member Wolbach.

Council Member Wolbach: I think I'm going to support the Motion, especially because it has the additional conditions that Staff took the time to stipulate. Those kind of seal the deal for me. Do I love the building? No, but that's not the question. The law is the law. The law doesn't say everybody must love the building. I certainly don't; it's not my favorite style. There's a limit to what we've allowed ourselves to do through the law. I do feel that it does meet the conditions barely, but I think it does. The impact on Kipling, there will be some. I'm not going to say that there's not going to be an impact. The question is whether it's compatible enough that we can allow the applicant to move forward. I just, again, want to commend Staff and the ARB and the applicant and the appellant for a tremendous amount of patience through a very long process. I'm just going to throw out a couple of things to think about. I don't want to get too deep into them because they're not exactly what's on our Agenda right now. A couple of things to think about as far as improving our process. We're talking about this gray area and this question and uncertainty about how many stories can you have next to X number of stories that are present. Our neighboring city

of Mountain View, I know, has some step-down requirements. I don't know the details of how that works in Mountain View. I'd heard it works well to have—they have some clear rules maybe that we might want to look at about based on the surrounding buildings how high can you build next to that or across from that. Something to think about. It's also another example of why we should look at having mixed-use zoning that is more housing, more homes, and smaller unit homes over retail. As Council Member Filseth pointed out, this makes the jobs/housing imbalance worse, not better. That's what our zoning is. When this project started, the calls for more housing in the community weren't as strong as they are now. It just kind of reinforces the discussions that have been happening around the need to change the zoning priorities to be housing over retail. It's also a good example of where we might want to think about a future of having coordinated area plans as a more regular zoning tool. This kind of complex intersection of styles, not just streets, and the complexity of this area, I wish we'd had a better process, but it's the process that we have. I wish we had better zoning and better Codes, but they're the zoning and the Codes that we have. I'm not super thrilled with this, but I am going to support it reluctantly.

Mayor Scharff: Council Member DuBois.

Council Member DuBois: Staff talks about this would be subject to more detailed Code review when it comes to a building stage. If we're approving Option 1 here, do we have sufficient detail to know that Option 1 is what gets submitted?

Ms. Gitelman: I think we're going to have to make sure that what we get matches the Council's Motion here. We're committing to do that.

Council Member DuBois: I'd offer a friendly Amendment, "E," that this approval is subject to the actual project matching Option 1. Just because we've had so many variations, I think we need to be very clear that's what we're approving.

Mayor Scharff: That's fine. From what I understand, Council Member DuBois' Motion is that the approval is subject to the project actually matching Option 1 as described by Staff. Is that—I see no downside to that.

Council Member DuBois: Is that accepted then?

Mayor Scharff: Unless Staff has some objection, forever hold your peace.

Ms. Gitelman: That would be how we would implement this Motion. I guess with the reiteration we would come back to you if we felt like the plan set we got was trending off in another direction.

Mayor Scharff: That's fine.

Council Member DuBois: That's what I'm asking for.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "this approval is subject to the actual Project matching Option 1 as described by Staff." (New Part E)

MOTION AS AMENDED RESTATED: Mayor Scharff moved, seconded by Council Member Filseth to:

A. Deny the Appeal; and

B. Approve the Mitigated Negative Declaration and Mitigation and Monitoring Plan; and

C. Approve a modified project (Option 1) with conditions included in the Staff Report, Packet Pages 527-528; and

D. Direct Staff to return with written findings for adoption; and

E. This approval is subject to the actual Project matching Option 1 as described by Staff.

Mayor Scharff: I see no further lights. If we could vote on the board. That passes on a 5-3 vote with Council Members DuBois, Kou, and Holman voting no.

MOTION AS AMENDED PASSED: 5-3 DuBois, Holman, Kou no, Kniss absent

Mayor Scharff: Thank you all for coming tonight. Congratulations on your approval.

12. ~~PUBLIC HEARING: Review and Adoption of an Ordinance Amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to Update Code Sections Regarding Accessory Dwelling Units.~~

STAFF REQUESTS THIS ITEM BE CONTINUED TO MARCH 6, 2017.

Study Session

2. ~~Update on Stanford University's General Use Plan (GUP) Application to Santa Clara County.~~

This Agenda Item continued to February 27, 2017.

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Mayor Scharff: Now, we go to Council Member Questions, Comments and Announcements. Tom, did you put on your light or did I just not turn yours off?

Ms. Gitelman: I'm sorry.

Mayor Scharff: Council Member Holman.

Council Member Holman: It's going to be a little bit noisy I think. Can we ask the public to move to the lobby? I've actually provided to David Carnahan something I'm going to be reading. My comments are these. The Staff bring back to the Council at the earliest opportunity the consideration of taking the programs out of the body of the Comprehensive Plan. While I acknowledge that reconsideration of an action is typically made by a member of the prevailing side, this referenced action had a number of unusual and far-reaching implications including—these are in no particular order—(a) no discussion by Council or presentation by Staff as an option; (b) a radical departure from the Comp Plan work that has been ongoing since 2008 and most intensively the last 18-24 months; (c) lack of clarity among at least some Council Members, Staff, and public what happens to the programs and their influence if other than in the body of the Comprehensive Plan. Could we ask the public to move to the lobby please? Could we ask the public to move to the lobby please or lower the tone? (d) Concern about a show of disrespect for the intensive efforts of members of the CAC; (e) the manner of voting was not one that supports transparency or discussion of issues and, while the Chair has discretion on running meetings, the Comp Plan deserves a consensus discussion around process given the radical departure from typical procedures. Making policy is not a lightning-round event. (f) It is further procedurally not clear if we were actually voting on whether to discuss the various matters or voting on a Motion to approve the matter. While not part of what I ask here, I am also greatly concerned about other far-reaching, impactful decisions brought up

last week in such rapid-fire manner, without consensus of the body to proceed thusly, and about things not previously vetted by Staff, CAC, public or Council such as 3.0 FAR for hotels.

Mayor Scharff: Seeing no further lights, we're adjourned.

Council Member Holman: Wait, wait, wait. Is no one going to comment on that? I thought …

Mayor Scharff: This is not a discussion (inaudible).

Council Member Holman: No, but this acts as a Colleagues' Memo if someone else wants to comment.

Council Member DuBois: I would second that. Were you making a Motion?

Council Member Holman: I'm sorry?

Council Member DuBois: Were you making a Motion?

Council Member Holman: Yes. I'm putting this forward as a Colleagues' Memo. It's how we do it. It's what our procedures are. If someone puts something forward at the end of a meeting and somebody else supports it, it acts as a Colleagues' Memo.

Molly Stump, City Attorney: Council Members, there have been very few number of cases in the past number of years where Colleagues' Memos have been made orally. As you know, in your procedures, they do call for a written Colleagues' Memo process that gets distributed to Staff and has Staff input, and then is placed on the Council's Agenda. I would maybe just note also that perhaps this is really a timing question because the Staff was intending to bring back this item anyway based on the preliminary direction that Staff received from Council on Monday. I don't know that it's clear to us …

Council Member Holman: This goes a little bit—not to interrupt you. I'm sorry. This goes a little further than that. What I understand Staff's going to bring back to Council is talking about what the action that was taken means. What I'm asking for here is that the Staff bring back to the Council at the earliest opportunity the consideration of taking the programs out of the body of the Comprehensive Plan …

Mayor Scharff: Council Member Holman …

Council Member Holman: … because we don't know what that means.

Mayor Scharff: … what you're asking for is a Motion for reconsideration. Under our procedures, a Motion for reconsideration would not be appropriate at this time. The answer is no, and I'm adjourning the meeting. Meeting adjourned.

Adjournment: The meeting was adjourned at 11:11 P.M.

City of Palo Alto (ID # 7376)

City Council Staff Report

Report Type: Action Items **Meeting Date: 2/6/2017**

Summary Title: 429 University Avenue: Appeal of Mixed Use Project

Title: PUBLIC HEARING: 429 University Avenue [14PLN-00222]: To Consider a Continued Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-foot, Four Story, Mixed use Building With Parking Facilities on two Subterranean Levels on an 11,000 Square-foot Site. Environmental Assessment: Mitigated Negative Declaration was Circulated on November 17, 2014 to December 12, 2014. Zoning District: CD-C (GF)(P). The Council Previously Considered this Appeal on November 30, 2015 and Remanded it to the Architectural Review Board for Redesign and Further Review Based on Council's Direction

From: City Manager

Lead Department: Planning and Community Environment

Recommendation:

Staff recommends the City Council direct staff to prepare a Record of Land Use Action to either:

1) deny the appeal, approve the Mitigated Negative Declaration (Attachments F-H) and Mitigation and Monitoring Plan (Attachment I) and approve a modified project (Option 1, 2, or 3) with or without conditions, directing staff to return with written findings for adoption;

   Or

2) uphold the appeal and deny a modified project (Option 1, 2, and 3) based on the Architectural Review Board's recommendation of October 20, 2016 and a finding that proposed project modifications have not addressed the Council's previous concerns, directing staff to return with written findings for adoption.

[*Note: Option 1 is similar to that reviewed by the Architectural Review Board on September 1,*

2016 and was revised and resubmitted by the Applicant on October 26, 2016 to address the Board's comments. Staff believes that with the adjustments discussed below Option 1 best addresses the Council's previous concerns. Option 2 was reviewed by the Architectural Review Board on October 20, 2016 and recommended for denial. Option 3 is a middle option submitted by the Applicant on December 8, 2016. All of these options can be considered for approval (with or without additional conditions) or denial based on required architectural review findings.]

Executive Summary:

The applicant is proposing redevelopment of three properties at the southwest corner of University Avenue and Kipling Street. The director's decision on the project was appealed and the Council remanded the project to the Historic Resources and Architectural Review Boards to address several specific design issues. It has been 18 months since the Council's initial appeal hearing and 12 months since the Council's second appeal hearing. In the elapsed time, the applicant has changed architects – and designs – several times, submitting revised project plans and extending the review time required to address Council direction and comments from the HRB and ARB.

Most recently, the ARB reviewed the iteration of the project referred to here as Option 2 (Attachment M) on October 20, 2016, and recommended the Council uphold the appeal and deny the project due to an inability to make the required findings. Prior to this recommendation, the ARB had reviewed a set of schematic drawings that reduced the proposed building mass at the fourth floor and resulted in about 3,000 square feet in less building area at a study session on September 1, 2016. Staff believes these plans (referenced in this report as Option 1 and available as Attachment L) were more responsive to Council and Board member comments. However, the applicant did not develop this schematic drawing further until after the ARB's October 20, 2016 meeting and recommendation.

Following ARB's recommendation, the applicant elected to submit additional information about Option 1, including some of the changes requested by the ARB at their study session. Rather than send the matter back to ARB, staff previously made this supplemental information available to the appellant and, through this report, to the public with the calendaring of this public hearing in front of the Council. Staff continues to have concerns with some elements of the design, which it believes can be remedied through the conditions discussed below, but on balance, the design presented here as Option 1 appears most responsive, compared to all other iterations, to earlier Council comments. Attachment D contains a link to these comments from the City Council meeting on November 30, 2015.

A third option (Option 3) was submitted by the applicant in December. According to the applicant, this design is essentially the September 1, 2016 study session proposal with the fourth floor from an earlier submission (discussed by the ARB on August 4, 2016). A summary of the square footages of the three options is provided below:

Table 1. Summary of Current Design Options - 429 University Ave.

Option	Non Res. Square Footage	Res. Square Footage	Total Square Footage	Res. Dwelling Units	Parking Spaces On Site	Notes
Option 1	20,407	8,140	28,547	3	34	Discussed at ARB Study Session 9/1/16 and subsequently modified to address comments.
Option 2	20,407	11,000	31,407	5	38	Recommended for denial by the ARB 10/20/16.
Option 3	20,407	10,750	31,157	4	34	Further modification submitted by the applicant 12/8/16 to address ARB and Council concerns.
Note: See Attachment E for a more detailed comparison of all three options with code requirements.						

Source: Palo Alto Planning & Community Environment, January 2017

Background:

The subject project has been an active application since its filing in June 2014. The project as approved by the Director in February 2015 complied with the development standards of the code, but was appealed based on compliance with required findings. On November 30, 2015 the Council on 9-0 vote agreed that further refinement was needed to address a variety of concerns related to the project's mass and scale, transition to other buildings (contextual setting) and nearby historic properties, parking and loading, and other issues.

The project takes advantage of provisions in the code that allow a transfer of floor area, or development rights, to this building. Additionally, the project is located in the parking district and relies on parking in downtown garages due to the property owner's contributions to the parking district. Another concern raised with this project is the lack of an on-site loading space. Consistent with prior downtown approvals, including Council approved projects on appeal, the loading space is not provided on site and relies instead on other loading zone opportunities downtown and the alley immediately behind the building. Council has since directed staff to make changes to the code to clarify conditions when on-site loading is required; the Planning and Transportation Commission recently completed its review of a draft ordinance and the matter will be presented to the City Council in February.

Attached to this report (Attachment D) is a chronology of the project from the filing of the application to this appeal hearing. There are links provided within the chronology to all prior staff reports, minutes and videos available.

The architectural review findings and context-based criteria that apply to this project are included for the Council's reference as Attachments A and B, respectively.[1] The city's downtown urban design guidelines are available online at http://www.cityofpaloalto.org/civicax/filebank/documents/6514; these guidelines may be informative to the Council's review. A compliance review of the project (Options 1 and 2 and 3) to code development standards is also provided (Attachment E). Finally, to re-familiarize the Council with the project, a detailed project description is included that also reflects the project revisions and various interactions over time (Attachment C).

It should be noted that there have been 14 hearings before the ARB, HRB and Council, including the subject hearing, on this project. The applicant has also engaged four architects over the last 18 months, which has complicated reviews and extended the application processing timelines. Additionally, despite the various plan modifications over time, on balance, the project designs have not significantly deviated from the overall mass and size as first reviewed by the City Council in May 2015. Changes have been incremental and not responsive to the volume of information provided in the administrative record. Notwithstanding the above, staff believes there is one conceptual plan concept (Option 1) that was presented to the ARB in September 2016 that, among the various iterations, best responds to Council concerns.

Discussion:

The City Council last reviewed the project on November 30, 2015. At that time, the Council requested the applicant explore project revisions with the ARB to advance the specific findings and criteria listed below.

While the applicant's proposal has generally been consistent with the Code's objective development standards, the appellant's objections have focused on the equally applicable subjective design standards contained in the Code. Due to the applicant's proposed lot consolidation of two parcels, the University Avenue facing side of the lot serves as a gateway to a vibrant downtown consisting of modestly scaled, but architecturally and historically significant buildings. On the other hand, the Kipling facing side of the building anchors an eclectic grouping of Victorian homes, at least one of which is still in residential use. The Council's earlier focus on the architectural findings and context-based design criteria summarized below provided guidance on how the proposal could be modified to address this design challenge.

Architectural Review Findings:

Palo Alto Municipal Code (PAMC) Chapter 18.76.020(d)

[1] Please note that on December 12, 2016, the City Council adopted an ordinance which consolidated and clarified the City's Architectural Review findings without making major, substantive changes. This ordinance became effective on January 12, 2017. While the revised findings will be applicable to the project at 429 University and will be cited in the final Record of Land Use Action, the findings in place at the time of the prior City Council and ARB reviews of this project have been used in this report. Both versions of the findings are included in Attachment A for the Council's reference.

- Finding 4: Architectural Review Findings in relation to design's compatibility with areas as having a unified design character or historic character
- Finding 12: Architectural Review Findings in relation to compatibility and appropriateness in materials, textures, colors, details of construction and plant materials to the project's function and to adjacent structures, landscape elements and functions

Context-Based Design Criteria to Consider:

PAMC Chapter 18.18.110

- (a)(1)(B): Contextual and Compatibility Criteria – Context: to provide appropriate transitions to those surroundings. "Context" is also not specific to architectural style or design, though in some instances relationships may be reinforced by an architectural response.
- (a)(2)(B)(i): Contextual and Compatibility Criteria – Compatibility goal in relation to siting, scale, massing and materials
- (a)(2)(B)(iii): Contextual and Compatibility Criteria – Compatibility goal in relation to pattern of roof lines and projections
- (b)(2)(B): Context-based Design Considerations and Findings – Street building facades in relation to eaves, overhang, porches and other architectural elements that provide human scale and help break up building mass

Option 1 has been the most responsive to concerns about the overall building mass and provides better transitions to neighboring properties than others. Nearly all commercial buildings in the immediate area have flat roof designs with false mansards/parapets facing the street, including the commercial property across Lane 30 on Kipling Street. Most of the commercial buildings have two story volumes or greater in height; the building across the alley being a notable exception. The character for the balance of properties north on Kipling Street has decidedly different architectural styles and building volumes that represent the residential origins of these structures.

The pattern of the commercial areas on University Avenue at times and within this area, have a rhythmic 25 foot (approximately) storefront design that contributes to a positive pedestrian experience. However, there are exceptions to this design feature as well. The Option 1 plans attempt to reflect this pattern of development with doorway and glazing spaced roughly 25 feet in width. It has a two-story volume adjacent to both streets and sets back the third floor five feet from both streets. One exception to this statement, however, is the stairway and elevator area adjacent to Kipling Street, which is at the property line. The stairway/elevator has been a repeated concern from Council from the outset and there has been limited adjustment of this design feature, except at the fourth floor.

Regarding the fourth floor, the Option 1 plan shows the fourth floor office area as setback between 37 and 40 feet from Kipling Street and University Avenue, respectively. There is the

elevator shaft setback eleven feet from Kipling Street; bathrooms six feet from the adjacent building at University Avenue (but all approximately 55 feet from University Avenue); and, the rear setback at this floor level is close to nineteen feet from the alley.

A refinement between the Option 1 plan submitted to the ARB and now presented to the City Council is the addition of a library at the third floor street corner. This is further addressed below along with other recommended conditions of approval for Council consideration, if there is interest in approving this design solution.

A challenge for this project is the massing dictated by its modern architectural style and development program. Unlike other older buildings in the area, which have more traditional design features, ornamentation and detailing, the proposal relies on a more modern expression. There has been a lot change on University Avenue and many buildings reflect the historic character of the street, but not all, including some in close proximity to the project site. As previously noted by Council, compliance with the architectural finding regarding the project's design compatibility with areas having a unified design character remains a discussion point. Approval or denial of the project may suggest there is or is not a unified design character along this portion of University Avenue. Consideration should also be given to the unified design and historic character of Kipling Street and to the extent that character should influence building design on University Avenue. The Historical Resources Board reviewed the project on September 10, 2015, and found that there are no offsite historical resources that would be affected by the project. Additional information, including the staff report and minutes, are linked in Attachment D.

Recommended Conditions of Approval

Should the Council's deliberation on this matter conclude that Option 1 warrants approval, staff recommends, in addition to typical conditions of approval, that the following conditions be added:

- Applicant shall submit detailed plans that demonstrate compliance with floor area and other applicable development standards

  The purpose for this condition is to ensure project compliance with development standards. This design solution evolved recently and staff has not had sufficient time to conduct a comprehensive review.

- The fourth floor guardrails and planters shall be set back a minimum of five feet from the edge of the third floor roofline (all elevations), as modified by these conditions.

  The purpose for this condition is to reduce the building mass at that fourth floor.

- The 'library' shown on the third floor, floor plans, at the street corner, shall be removed.

  The purpose for this condition is to reduce building mass at the street corner and third floor, provide building articulation and be consistent with the conceptual plans reviewed by the ARB and staff in September 2016.

- The third floor roofline above the removed 'library' area shall be setback to follow the third floor building footprint; reducing the building mass at the street corner.

  The purpose for this condition is to reduce building mass at the street corner and third floor, provide building articulation.

- A decorative wall design treatment, feature or element, shall be applied to the exterior walls immediately adjacent to the southern property line (project's south elevation) starting at an elevation equivalent to the building height of the adjacent structure and extending to the roofline of the proposed building, subject to review by the Architectural Review Board.

  The purpose for this condition is to address the blank wall that will be visible when approaching the site from University Avenue. The intent of this condition is to provide visual interest and minimize the appearance of mass with the understanding that a future development on the adjacent property may someday obscure this design feature. One way to comply with this provision may be to set the building back a couple of inches to create visual relief. Staff proposes that any lost floor area specifically related to this condition, up to 100 square feet, be relocated to the fourth floor to maximize a creative solution without reducing the proposed square footage.

- The elevator adjacent to Kipling Street, inclusive of any associated mechanical equipment, shall not exceed fifty feet (50') in height.

  The purpose for this condition is to reduce building mass and provide a better transition to properties along Kipling Street.

- The applicant shall return to the Architectural Review Board for review and recommendation to the Director of Planning and Community Environment for landscape details and plans for all proposed planting, including individual planters, the greenwall, and landscaping near the rooftop elevator.

The project uses landscaping to provide visual interest; however, these have been conceptually discussed and a more focused discussion and review is needed to ensure these concepts can be successfully implemented.

- The applicant shall return to the Architectural Review Board for review and recommendation to the Director of Planning and Community Environment of exterior building materials, colors and craftsmanship-related detailing associated with the project.

  The ARB reviewed only a schematic drawing of Option 1. The intent of this condition is to ensure the ARB reviews the exterior materials and colors and architectural details to improve design linkages, while still preserving the applicant's intent to construct a contemporary building.

The above are staff recommended conditions should the Council find the project (Option 1) compliant with applicable findings, guidelines and other criteria. The City Council may augment or modify the above list as appropriate. One additional condition the Council may want to consider has to do with recessed pedestrian entries. The ARB has consistently sought to improve the pedestrian experience of this building, but there has been little refinement of this feature over the different iterations.

In addition, it should be noted that all of the options discussed in this report will be subject to more detailed review for code compliance at the building permit stage, if/when a single design option has been advanced.

Options 2 & 3

For the purpose of this appeal hearing, staff agrees with the ARB that the project plans, identified in this report as Option 2, do not meet the required findings, based on the previously stated Council concerns. This plan set is provided to the Council for review and consideration in case there is a different perspective from staff and the ARB.

As noted earlier, Option 3 was submitted by the applicant on December 8, 2016 with the intention of reflecting the September 1, 2016 study session version (similar to Option 1), with a fourth floor similar to an earlier design reviewed by the ARB on August 4, 2106. Option 3 plans are included in Attachment N, and links to meeting minutes from the respective hearings are provided in Attachment D. Due to the lateness of the submittal the ARB has not reviewed the plans, nor has staff performed a detailed analysis other than to evaluate the project for code compliance. However, it is noted that the most substantive change between the staff supported Option 1 and Option 3 appears to be the addition of 2,610 square feet of floor area primarily at the upper floor level to accommodate an additional housing unit. The mass and scale of this option is similar to (and 250 square feet less than) Option 2, which was previously reviewed by the ARB. If the City Council is interested in exploring Option 3 further, staff

Carnahan, David

From: Roberta Ahlquist <roberta.ahlquist@sjsu.edu>
Sent: Thursday, August 23, 2018 4:41 PM
To: Council, City
Subject: Why Privatize the 'Commons', the Public Sphere?

Ths is a letter re the privatization of the public good.

The Palo Alto City Council/staff have PRIVATIZED the Rinconada City PUBLIC Pool! Why?

It used to be a wonderful place, with diverse kids from all over, parents, and friends, in both pools on Sundays. It was a festive, happy, active place, full of children learning to swim. Last Sunday the kids round, wading pool w/ fountains was closed, (Yet I think this is their regular schedule) and only a few swimmers were there at first (1pm), in lap lanes only. When I left at 2:30 there were no more than 30 folks there, mostly adult lap swimmers, and only 1 life guard on at 1pm, 2 later. Prices are nearly double what they were a couple of years ago. And prices for swimming lessons are higher! What happened to our public, community pool??

Take it back. High school life-guards cost less, and they were very helpful, and the prices were reasonable, even for non-residents!. Do a survey! Take the pool back so that it will be fully utilized, and kids can enjoy the local, public swimming pool.

Roberta Ahlquist

Palo Alto resident

AGENDA ITEM NO.

COUNCIL MEETING 8-27-2018

☑Received Before Meeting

6

CITY OF PALO ALTO

CITY OF PALO ALTO
MEMORANDUM

TO: **HONORABLE CITY COUNCIL**

FROM: **CITY MANAGER** **DEPARTMENT: Public Works**

AGENDA DATE: **August 27, 2018** **ID#: 9237**

SUBJECT: **Agenda item 6: Acceptance of the 2018 Zero Waste Plan; Direction to Staff to Develop a Proposed Contract Extension to the Current Refuse Hauling and Processing Contract with GreenWaste of Palo Alto to Implement the New Zero Waste Plan; and Direction to Staff to Prepare a Request for Proposal (RFP) for Related Refuse Services.**

In light of two additional recommendations suggested by Bob Wenzlau and other community members, staff recommends adding two more "Recommendations" (Nos. 4 & 5) to CMR 9237 (Item #6) as shown below.

Recommendations
Staff recommends that Council:

1) Accept the 2018 Zero Waste Plan (Attachment A);

2) Direct staff to develop a contract amendment to add scope and extend the term of the current contract with GreenWaste of Palo Alto, Inc. (GreenWaste) for collection of all refuse containers, processing recyclable and compostable materials (contents of blue and green containers), and implementation of key Zero Waste Plan initiatives; and

3) Direct staff to prepare and issue a Request for Proposals (RFP) for garbage (contents of black containers) processing and disposal services that would begin in 2021.

4) **Direct staff to include a contract amendment with GreenWaste (as part of No. 2 above) which requires GreenWaste to determine and report on the intermediate and final disposition of Palo Alto's paper and plastic recovered materials within six months of the Contract date in order to allow Palo Alto to determine whether the disposition of these materials meets Palo Alto's environmental and social goals.**

5) **Direct staff to prepare an update to the Zero Waste Plan (Attachment A) within 9 months of the GreenWaste Contract Amendment date (referenced in No. 2 above) that contains alternative diversion rates which do not include as "diverted" any materials where the management or disposition falls short of Palo Alto's environmental or social goals.**

Brad Eggleston
Interim Public Works Director

James Keene
City Manager

City of Palo Alto
Budget Comparison
Aug-18

COUNCIL MEETING
8/27/18
[ ] Placed Before Meeting
[✓] Received at Meeting

Expenses by Office	Budget 2005-2006	Budget 2018-2019	Variance	Percentage Increase
City Attorney	$ 2,743	$ 3,263	$ 520	119%
City Auditor	$ 839	$ 1,258	$ 419	150%
City Clerk	$ 923	$ 1,282	$ 359	139%
City Council	$ 164	$ 488	$ 324	298%
City Manager	$ 1,751	$ 3,259	$ 1,508	186%
Administrative Services	$ 6,344	$ 7,963	$ 1,619	126%
Office of Sustainability	$ -	$ 417	$ 417	0%
Community Services	$ 19,635	$ 28,915	$ 9,280	147%
Development Services	$ -	$ 12,561	$ 12,561	0%
Fire	$ 20,160	$ 31,826	$ 11,666	158%
Human Services	$ 2,355	$ 3,634	$ 1,279	154%
Library	$ 5,633	$ 9,664	$ 4,031	172%
Office of Emergency Services	$ -	$ 1,509	$ 1,509	0%
Planning and Community	$ 8,766	$ 8,791	$ (941)	89%
Police	$ 23,314	$ 41,951	$ 18,637	180%
Public Works	$ 11,451	$ 18,492	$ 7,041	161%
Non-Departmental	$ 9,043	$ 7,825	$ (1,218)	87%
subtotal	**$ 113,121**	**$ 183,098**	**$ 69,011**	**162%**
Transfer to Infrastructure	$ -	$ 25,173	$ 25,173	0%
Operating Transfer Out	$ 6,572	$ 5,725.00	$ (847)	87%
	$ 119,693	**$ 213,996**	**$ 93,337**	**179%**

City of Palo Alto
Budget Comparison
Aug-18

Expenditures by Categories	Budget 2005-2006	Budget 2018-2019	Variance	Percentage Increase
Salaries and Benefits	$ 81,572,572	$ 125,452,000	$ 43,879,428	154%
Contract Services	$ 9,340,938	$ 21,334,000	$ 11,993,062	228%
Supplies and materials	$ 3,130,478	$ 3,563,000	$ 432,522	114%
General expenses	$ 8,971,745	$ 10,074,000	$ 1,102,255	112%
Rents and Leases	$ 597,189	$ 1,690,000	$ 1,092,811	283%
Debt Services	$ -	$ 613,000	$ 613,000	0%
Facilities and Equipment Purchases	$ 500,304	$ 522,000	$ 21,696	104%
Allocated Charges	$ 10,006,793	$ 19,850,000	$ 9,843,207	198%
subtotal	**$ 114,120,019**	**$ 183,098,000**	**$ 68,977,981**	160%
Operating Transfers Out	$ 6,572,356	$ 5,725,000	$ (847,356)	87%
	$ 120,692,375	**$ 188,823,000**	$ 68,130,625	156%

City of Palo Alto
Budget Comparison
Aug-18

Revenues	Budget 2005-2006	Budget 2018-2019	Variance	Percentage Increase
Sales Tax	$ 19,036	$ 31,246	$ 12,210	164%
Property tax	$ 16,986	$ 45,332	$ 28,346	267%
Transient Occupancy Tax	$ 6,173	$ 25,049	$ 18,876	406%
Utility Users Tax	$ 8,341	$ 16,092	$ 7,751	193%
Document transfer fee	$ -	$ 7,434	$ 7,434	0%
Other Taxes and Fines	$ 6,845	$ 2,032	$ (4,813)	30%
Charges for Services	$ 18,760	$ 28,015	$ 9,255	149%
Permits and Licenses	$ 4,084	$ 8,949	$ 4,865	219%
Return on Investment	$ 2,215	$ 1,166	$ (1,049)	53%
Rental Income	$ 12,332	$ 15,806	$ 3,474	128%
From other agencies	$ 204	$ 370	$ 166	181%
Charges to Other Funds	$ 8,924	$ 10,093	$ 1,169	113%
Other Revenue	$ 1,721	$ 2,361	$ 640	137%
subtotal	**$ 105,621**	**$ 193,945**	**$ 88,324**	184%
Operating Transfer In	$ 15,108	$ 19,772	$ 4,664	131%
subtotal	**$ 120,729**	**$ 213,717**	**$ 92,988**	177%

Statement on Agenda Item # 9 on 27th August 2018
from Cherrill Spencer, 725 Los Robles, Palo Alto

Good evening Councillors. I am Cherrill Spencer, member of the Local branch of Women's International League for Peace and Freedom. I have been following the progress of the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women since 1985.

I support Commissioner Steven Lee's plan for how to proceed with developing a Palo Alto ordinance based on CEDAW.

To help you understand why a gender analysis of our City operations is a good idea, let me give you a statistic that was published today in the California Women's Well-Being Index. This California Women's Well-Being Index provides data on Women's health, safety, economic security, employment and earnings, and political empowerment for all of California's 58 counties. One indicator the index lists is the ratio of women's to men's median earnings for individuals employed full time, year round, aggregated over 4 years for each of California's 58 counties. This wage gap statistic for Santa Clara County, in which our city sits, is 74.1% and this rather large gap puts Santa Clara as the 50th county out of 58, that is, 49 other counties have lower wage gaps between women and men than our county, which I think you will agree is rather shocking and leads me to believe an analysis of our city's wage gap would be useful towards making Palo Alto a model city to work for. I will give the data to the clerk.

COUNCIL MEETING
8/27/18
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Wage Gap: County Figures and Rankings

Ratio of Women's to Men's Median Earnings for Individuals Employed Full-Time, Year-Round in Past 12 Months, 2010-2014 (2014 dollars)

	VALUE	RANK (1=BEST)		VALUE	RANK (1=BEST)
California	.854		Orange	.825	29
Alameda	.844	26	Placer	.778	44
Alpine	.845	25	Plumas	.697	55
Amador	.741	51	Riverside	.805	36
Butte	.765	45	Sacramento	.866	15
Calaveras	.801	37	San Benito	.846	22
Colusa	.818	35	San Bernardino	.856	18
Contra Costa	.782	41	San Diego	.847	21
Del Norte	.709	52	San Francisco	.842	27
El Dorado	.668	57	San Joaquin	.821	33
Fresno	.881	11	San Luis Obispo	.750	48
Glenn	.885	7	San Mateo	.867	14
Humboldt	.825	30	Santa Barbara	.850	19
Imperial	.779	43	Santa Clara	.741	50
Inyo	.691	56	Santa Cruz	.859	17
Kern	.754	47	Shasta	.756	46
Kings	.824	31	Sierra	.697	55
Lake	.622	58	Siskiyou	873	13
Lassen	.697	55	Solano	.886	6
Los Angeles	.935	3	Sonoma	.884	10
Madera	.947	2	Stanislaus	.793	39
Marin	.790	40	Sutter	.826	28
Mariposa	.880	12	Tehama	.780	42
Mendocino	.885	9	Trinity	.885	9
Merced	.823	32	Tulare	.862	16
Modoc	1.030	1	Tuolumne	.845	25
Mono	.845	25	Ventura	.819	34
Monterey	.903	5	Yolo	.848	20
Napa	924	4	Yuba	.797	38
Nevada	.750	49			

← Santa Clara County

Note: Data compare the median earnings for all women to the median earnings for all men, across all races and ethnicities. Data include individuals age 16 and over. Estimates for certain counties were deemed unreliable due to data limitations. The following counties have been grouped to improve the reliability of the data for this indicator: 1) Alpine, Mono, and Tuolumne; 2) Lassen, Plumas, and Sierra; and 3) Mendocino and Trinity.

California Budget & Policy Center

the WOMEN'S FOUNDATION of CALIFORNIA

BY KRISTIN SCHUMACHER

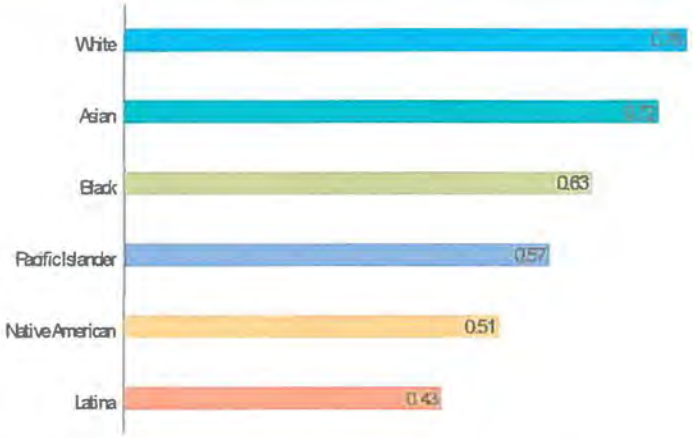
MARCH 2018

California Women's Well-Being Index

Wage Gap Fact Sheet

The California Women's Well-Being Index provides a comprehensive, composite measure of how women are faring in each of the state's 58 counties. The Index encompasses five "dimensions" – Health, Personal Safety, Employment & Earnings, Economic Security, and Political Empowerment – each of which is made up of six indicators. This fact sheet shows statewide data by race and ethnicity for the Wage Gap Indicator, as well as the value and rank for all 58 counties.

Ratio of Women's to Men's Median Earnings for Individuals Employed Full-Time, Year-Round in Past 12 Months, 2010-2014 (2014 dollars)



Note: Data compare the median earnings for women for each racial and ethnic group to the median earnings for White men. Data include individuals age 16 and over. "White" excludes individuals who also identify as "Latina," which means that the White and Latina categories are mutually exclusive. For race categories other than White, individuals who identify as Latina may be counted in both a racial category (e.g., "Black") and in the Latina category. As such, Latina and the non-White racial categories are not mutually exclusive.
Source: Budget Center analysis of US Census Bureau, American Community Survey data

This publication is made possible in part by support from JPMorgan Chase & Co.

California Women's Well-Being Index

In Partnership With the Women's Foundation of California

Kristin Schumacher of the California Budget & Policy Center prepared this analysis.

Policy Recommendations

Get Data (http://calbudgetcenter.org/wp-content/uploads/WWBI_Data.xlsx)

Embed

Economic Security > Food Insecurity

California, 43.1%

Marin, 28.3%
Nevada, 29.5%
Mendocino, 31.5%
San Mateo, 31.7%
San Luis Obispo, 31.8%
Yolo, 35.8%
Orange, 36.1%
Placer, 36.9%
San Francisco, 37.2%
Sonoma, 37.3%
Santa Clara, 39.7%
Stanislaus, 39.8%
Imperial, 40.8%
Santa Cruz, 41.1%
Tulare, 41.2%
Merced, 41.4%
Sutter, 41.4%
Napa, 41.7%
Ventura, 41.8%
Contra Costa, 41.9%
Sacramento, 42.1%
Monterey, 42.4%
San Diego, 42.6%
San Bernardino, 42.7%
Humboldt, 42.9%
Los Angeles, 43.3%
Shasta, 43.3%
Kings, 43.9%
Butte, 44.8%
Del Norte, 45.3%
Lassen, 45.3%
Modoc, 45.3%
Plumas, 45.3%
Sierra, 45.3%
Siskiyou, 45.3%
Trinity, 45.3%
Alpine, 45.8%
Amador, 45.8%
Calaveras, 45.8%
Inyo, 45.8%
Mariposa, 45.8%
Mono, 45.8%
Tuolumne, 45.8%
Lake, 46.1%
Riverside, 46.2%
Madera, 46.3%
San Benito, 46.5%
Santa Barbara, 46.8%
Colusa, 47.7%
Glenn, 47.7%
Tehama, 47.7%
Solano, 49.0%
San Joaquin, 50.0%
Fresno, 50.2%
Alameda, 50.5%
Yuba, 50.9%
Kern, 53.0%
El Dorado, 58.3%

Percentage of low- and moderate-income women age 18 and over who are food insecure, 2011-2014

Download Indicator Fact Sheet (http://calbudgetcenter.org/wp-content/uploads/Fact-Sheet_Food-Insecurity_March2018.pdf)

Statewide by Race and Ethnicity

California, 43.1%

Pacific Islander, 25.1%*

Asian, 27.8%

White, 37.5%

Black, 48.2%

Latina, 48.4%

Native American, 48.8%

Notes

Sources

Acknowledgments

the WOMEN'S FOUNDATION of CALIFORNIA

Well-Being Index

The Women's Well-Being Index, created in partnership with the California Budget & Policy Center (http://calbudgetcenter.org/), is a first of-its-kind online resource provides data on women's health, safety, economic security, employment and earnings, and political empowerment for all of California's 58 counties.

Good Evening

City Council members,

As a member of the Palo Alto Cities for CEDAW Coalition, I strongly urge you to follow the suggestions made by Human Relations Commissioner Steven Lee. Our Coalition is comprised of many groups and individuals from our community who all agree in the importance of incorporating the essential principles of the UN Convention on the Elimination of all Forms of Discrimination Against Women, into our local government.

This city has indeed already passed a strong resolution in support of CEDAW, Resolution no. 8217, back in October 2002.

And on the first page it reads:

"WHEREAS, municipal governments have an appropriate and legitimate role in affirming the importance of international law in our communities as universal norms and to serve as guides for public policy; "

Council members, please move this forward by:

(1) Authorizing a task force

(2) Giving that task force a year to do its work

(3) Provide that task force with access to data and information, and

(4) Allow us 10 hours of staff time per month.

We've spent more than enough time as a community talking about how we support gender equality. We need to begin right away, let us get the gender analysis underway by Jan 1, 2019.

We are now at a moment in which nationally and locally, the public conscience is again focused on all too common instances of gender discrimination and gender inequality. Palo Alto has a chance to make things right, and this CITY COUNCIL has the capacity to leave a lasting legacy.

Thank you.

Shelly L. Kosak

SHELLY KOSAK
Cities for CEDAW Coalition
UNA Midpeninsula Chapter

Herb Borock
P. O. Box 632
Palo Alto, CA 94301

COUNCIL MEETING
8/27/18
[ ] Placed Before Meeting
[ ] Received at Meeting

August 27, 2018

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

AUGUST 27, 2018, CITY COUNCIL MEETING, ORAL COMMUNICATIONS
PROHIBIT NEW APPLICATIONS FOR PC ZONE DISTRICTS
RETAIN EXISTING PC ZONE DISTRICT REGULATIONS FOR:
INSPECTIONS AND ENFORCEMENT
MINOR CHANGES TO DEVELOPMENT PLAN AND SCHEDULE
FAILURE TO MEET A DEVELOPMENT SCHEDULE
ADD LANGUAGE TO PC ZONE DISTRICT REGULATIONS FOR TERMINATION
ADD LANGUAGE TO CHAPTER 18.77 FOR ADEQUATE NOTICE OF PROPOSED MINOR CHANGES

Dear City Council:

I urge you to direct staff to place on your next agenda an ordinance that would prohibit new applications for PC zone districts, while retaining appropriate regulations for existing PC zones and enacting new regulations for termination of PC zone districts and adequate notice for allowed changes to existing development plans and development schedule.

The adoption of Ordinance No. 5438 to add Palo Alto Municipal Code (PAMC) Chapter 18.30(J) for an Affordable Housing Combining District means that the PC zone district is no longer necessary to provide affordable housing.

The adoption of Ordinance No. 5443 to add a new Combining District, PAMC Chapter 18.30(K), for Workforce Housing in the Public Facility (PF) zone district is just the latest example of amending the PF zone district to allow a worthwhile use.

For example, in 1996 the Council adopted Ordinance No. 4330 to add "Outpatient medical facilities with associated medical use" as a Conditional Use in the PF zone district to enable the Palo Alto Medical Foundation to develop and move to its current site on El Camino Real.

If necessary, the uses or conditional uses in the PF zone district can be amended to facilitate development and use of another worthwhile use such as a history museum.

The Council has a history of adding regulations to the Zoning Ordinance (PAMC Title 18) to benefit uses the Council believes are worthwhile.

The PC zone district is not needed to achieve the same objective.

For example, PAMC Chapter 18.60, Alternative Development Standards for Stanford Lands created three new overlay districts AS1, AS2, and AS3 that were needed to implement the Mayfield agreement.

Also, the South of Forest Avenue (SOFA) Coordinated Area Plan Phase 1 and Phase 2 created an alternative multifamily zone district (AMF), a zone district for detached houses on small lots (DHS), two residential transition zone districts (RT35 and RT50), and moderate density and high density mixed use designations (MU-1 and MU-2).

PAMC Chapter 18.36, the HD Hospital District was enacted to accommodate medical and educational uses including the Stanford Hospital and Clinics, Lucille Packard Children's Hospital, the uses at the Stanford Hoover Pavilion Site, and School of Medicine buildings.

Specifically, I urge you to take the following action:

Direct staff to place a draft ordinance on your next agenda to:

(a) Prohibit new PC zone district approvals for all applications that have not received final Council approval as of the date the draft ordinance first appears on the Council agenda.

(b) Retain the regulations for existing PC zone districts for:

(i) minor changes to a development plan (portion of PAMC Section 18.38.070);

(ii) changes in the development schedule (PAMC Section 18.38.130);

(iii) failure to meet the development schedule (PAMC Section 18.38.140(b), but not including the last subsection of 18.38.140(b) that shall be eliminated; and

(iv) inspections (PAMC Section 18.38.160).

(c) Add a new section to the PC zone district regulations that provides for termination of the PC zone district if the use authorized by that PC zone district is discontinued for a period of twelve months.

(d) Add a new section to the PC zone district regulations (or elsewhere in PAMC Title 18) providing adequate notice of applications for, and decisions on minor changes; the right of any aggrieved party to appeal the Director of Planning and Community Environment's decision on a minor application; the prohibition of ministerial approvals, staff level approvals, and major approvals that must instead apply for a zone change to a zone district that is not a PC zone district.

Thank you for your consideration of these comments

Sincerely,

Herb Borock

City Council Meeting August 27, 2018

RE: 429 University Avenue Proposed Development Update

BY: Michael Harbour, MD, MPH Lead Appellant for 429 University Ave

REQUEST: Request that City Council schedule a formal agenda item to discuss at a future City Council Meeting that failure of the Applicant to adhere to the Council Motion

1. This council approved a Motion on February 6, 2017 that set into motion the future development of a parcel of land at the intersection of University Ave and Kipling Street in the downtown district.

2. The Council chose Building Option #1 at the template design with numerous conditions that were passed as part of that Motion.

3. The project was set to be designed and reviewed by the ARB and Planning Department.

4. The most important conditions of the Motion were as follows:
   a. **Applicant to return to ARB for review and recommendations for landscaping review**
   b. **Applicant to return to ARB for review and recommendation to Director of Planning of building materials, colors, and craftsmanship related detailing associated with building**
   c. **Also recommended ARB consider recessed pedestrian entries as ARB has consistently sought to improve the pedestrian experience of this building, but there has been little refinement of the feature over the different iterations.**

5. The Motion also stated that ***"it should be noted that all of the options in this report will be subject to more detailed review for code compliance at the building permit state, if/when a single design option has been advanced."***

6. The Motion directs Staff to return with the written findings of adoption. This has not occurred.

7. The applicant's building permit expired after one year in February 2018. The applicant never returned to the ARB as directed. The staff renewed the permit without any notice to council or appellants.

8. Applicant finally returned to ARB on August 16, 2018 where the submitted design was unanimously rejected as incomplete and not cohesive.

TIMELINE: 1693 Mariposa

2006: Permit pulled in October.

2007: Old house demolished in January; excavation for habitable basement and the pouring of concrete for the floor, walls and cap occurred during the spring and summer.

2008: Work on the house stopped and construction of the garage began. Just enough progress was made to keep the permit from expiring through June 2009. Owner claimed he was working on the Maybell house and work on Mariposa would go quickly as soon as Maybell was finished.

2009: Permit expired in December and not renewed. No activity during 2010, 2011 or 2012.

2013: Neighbors organized and appeared before the Council which resulted in *Ordinance 5227 (passed 01/13/2014) requiring that a renewal application be made within 30 days of expiration and providing penalties for non-compliance.*

2014: New permit issued in September. Again just enough work was done to have an inspection every 6 months and keep the permit alive.

2016: *Ordinance 5389 passed setting a 48-month time limit for issuance of final inspection.*

2017: In the spring the walls went up and an inspection passed in June . Little was done thereafter. The November inspection was failed, permit expired, and confirmation letter sent from the City to the owner Nov. 27.

2018: On May 1 the next door neighbor contacted the Chief Building Inspector about enforcement of the stalled construction ordinance. He responded immediately and posted a Stop Work order. Council member Holman was contacted and has spoken with City staff. As of tonight, 8 months after the

ordinance could have been implemented, no activity has occurred on the site and no contact has been made with the neighbors as to any action taken by the City.

UNDERLYING CONCERN: 628 Maybell.

Construction of house begun PRIOR to demolition of 1693 Mariposa (2007) and still not completed. The rumor is that the dome leaks and the owner does not know how to remedy the construction fault. Mariposa has the same dome roof construction. Our concern is that the fault will be repeated and Mariposa will never be signed off either.