

**From:** [Aram James](#)  
**To:** [Julie Lythcott-Haims](#); [Vicki Veenker](#); [Doria Summa](#); [Planning Commission](#); [Human Relations Commission](#); [Council, City](#); [Binder, Andrew](#); [Jeff Rosen](#); [citycouncil@mountainview.gov](#); [Council, City](#); [Reifschneider, James](#); [Wagner, April](#); [bryan.gobin@uncbusiness.net](#)  
**Subject:** From the archives of Richard Konda & Aram James  
**Date:** Thursday, November 3, 2022 9:32:35 PM

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To understand the connection between good policing, policing that captures the public trust, it is critical to understand the interconnection between good policing and prosecuting bad cops. Good policing and maintaining public trust requires prosecuting bad cops. You can't have systemically good policing without routinely prosecuting the bad apples of law enforcement.

See: The time has come for a police crimes unit in the DA's office

<https://www.siliconvalleydebug.org/stories/james-and-konda-the-time-has-come-for-a-police-crimes-unit>

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**To:** [Shikada, Ed](#); [citycouncil@mountainview.gov](mailto:citycouncil@mountainview.gov); [city.council@menlopark.org](mailto:city.council@menlopark.org); [Winter Dellenbach](#); [Council, City](#); [Jeff Rosen](#); [Jay Boyarsky](#); [Julie Lythcott-Haims](#); [Vicki Veenker](#); [Doria Summa](#); [Planning Commission](#); [ladoris cordell](#); [Jethroe Moore](#); [Binder, Andrew](#); [Joe Simitian](#); [Rebecca Eisenberg](#); [chuck jagoda](#); [Sean Allen](#); [Josh Becker](#); [Supervisor Susan Ellenberg](#); [Supervisor Susan Ellenberg](#)  
**Subject:** Free Brittney Griner  
**Date:** Wednesday, October 26, 2022 7:50:51 PM

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Russian court upholds Brittney Griner's sentence to 9 years in prison colony  
<https://www.nbcnews.com/news/us-news/brittney-griner-russia-appeal-decision-rcna53816>

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**From:** [Art Liberman](#)  
**To:** [AhSing, Sheldon](#); [Planning Commission](#)  
**Subject:** Regulations for bike paths  
**Date:** Wednesday, October 26, 2022 9:49:14 PM  
**Attachments:** [chp1000-a11y.pdf](#)

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Commissioners and Mr. Sing

Bike path regulations from the State of California as well as the VTA specify 10' width.. Many cyclists have complained (loudly and often) about the substandard widths of the old freeway overpass at Oregon/Embarcadero and the CalAve underpass. Furthermore now there are e-bikes and cargo e-bikes that require the full 10' width

<https://dot.ca.gov/-/media/dot-media/programs/design/documents/chp1000-a11y.pdf>

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# CHAPTER 1000 – BICYCLE TRANSPORTATION DESIGN

## Topic 1001 – Introduction

### Index 1001.1 – Bicycle Transportation

The needs of nonmotorized transportation are an essential part of all highway projects. Mobility for all travel modes is recognized as an integral element of the transportation system. Therefore, the guidance provided in this manual complies with Deputy Directive 64-R2: Complete Streets - Integrating the Transportation System. See AASHTO, “Guide For The Development Of Bicycle Facilities”.

Design guidance for Class I bikeways (bike paths), Class III bikeways (bike routes) and Trails are provided in this chapter. Design guidance that addresses the mobility needs of bicyclists on all roads as well as on Class II bikeways (bike lanes) is distributed throughout this manual where appropriate. Design guidance for Class IV bikeways (separated bikeways) is provided in DIB 89. The AASHTO Guide for the Development of Bicycle Facilities also provides additional bikeway guidance not included in this chapter. In addition, bikeway publications and manuals developed by organizations other than FHWA and AASHTO also provide guidance not covered in this manual.

See Topic 116 for guidance regarding bikes on freeways.

### 1001.2 Streets and Highways Code References

The Streets and Highways Code Section 890.4 defines a “bikeway” as a facility that is provided primarily for bicycle travel. Following are other related definitions, found in Chapter 8 Nonmotorized Transportation, from the Streets and Highway Code:

- (a) Section 887 – Definition of nonmotorized facility.
- (b) Section 887.6 – Agreements with local agencies to construct and maintain nonmotorized facilities.
- (c) Section 887.8 – Payment for construction and maintenance of nonmotorized facilities approximately paralleling State highways.
- (d) Section 888 – Severance of existing major non- motorized route by freeway construction.
- (e) Section 888.2 – Incorporation of nonmotorized facilities in the design of freeways.
- (f) Section 888.4 – Requires Caltrans to budget not less than \$360,000 annually for nonmotorized facilities used in conjunction with the State highway system.
- (g) Section 890.4 – Class I, II, III, and cycle tracks or separated bikeway definitions.

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- (h) Section 890.6 - 890.8 – Caltrans and local agencies to develop design criteria and symbols for signs, markers, and traffic control devices for bikeways and roadways where bicycle travel is permitted.
- (i) Section 891 – Local agencies must comply with design criteria and uniform symbols.
- (j) Section 892 – Use of abandoned right-of-way as a nonmotorized facility.

### 1001.3 Vehicle Code References

- (a) Section 21200 – Bicyclist's rights and responsibilities for traveling on highways.
- (b) Section 21202 – Bicyclist's position on roadways when traveling slower than the normal traffic speed.
- (c) Section 21206 – Allows local agencies to regulate operation of bicycles on pedestrian or bicycle facilities.
- (d) Section 21207 – Allows local agencies to establish bike lanes on non-State highways.
- (e) Section 21207.5 – Prohibits motorized bicycles on bike paths or bike lanes.
- (f) Section 21208 – Specifies permitted movements by bicyclists from bike lanes.
- (g) Section 21209 – Specifies permitted movements by vehicles in bike lanes.
- (h) Section 21210 – Prohibits bicycle parking on sidewalks unless pedestrians have an adequate path.
- (i) Section 21211 – Prohibits impeding or obstruction of bicyclists on bike paths.
- (j) Section 21400 – Adopt rules and regulations for signs, markings, and traffic control devices for roadways user.
- (k) Section 21401 – Only those official traffic control devices that conform to the uniform standards and specifications promulgated by the Department of Transportation shall be placed upon a street or highway.
- (l) Section 21717 – Requires a motorist to drive in a bike lane prior to making a turn.
- (m) Section 21960 – Use of freeways by bicyclists.
- (n) Section 21966 – No pedestrian shall proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility.

### 1001.4 Bikeways

- (1) *Role of Bikeways.* Bikeways are one element of an effort to improve bicycling safety and convenience - either to help accommodate motor vehicle and bicycle traffic on the roadway system, or as a complement to the road system to meet the needs of the bicyclist.

Off-street bikeways in exclusive corridors can be effective in providing new recreational opportunities, and desirable transportation/commuter routes. Off-street bikeways can also provide access with bridges and tunnels which cross barriers to bicycle travel (e.g., freeway or river crossing). Likewise, on-street bikeways can serve to enhance safety and

convenience, especially if other commitments are made in conjunction with establishment of bikeways, such as: elimination of parking or increased roadway width, elimination of surface irregularities and roadway obstacles, frequent street sweeping, established intersection priority on the bike route street as compared with the majority of cross streets, and installation of bicycle-sensitive loop detectors at signalized intersections.

- (2) *Decision to Develop Bikeways.* Providing an interconnected network of bikeways will improve safety for all users and access for bicycles. The development of well conceived bikeways can have a positive effect on bicyclist and motorist behavior. In addition, providing an interconnected network of bikeways along with education and enforcement can improve safety and access for bicyclists. The decision to develop bikeways should be made in coordination with the local agencies.

## Topic 1002 – Bikeway Facilities

### 1002.1 Selection of the Type of Facility

The type of facility to select in meeting the bicyclist's need is dependent on many factors, but the following applications are the most common for each type.

- (1) *Shared Roadway (No Bikeway Designation).* Most bicycle travel in the State now occurs on streets and highways without bikeway designations and this may continue to be true in the future as well. In some instances, entire street systems may be fully adequate for safe and efficient bicycle travel, where signing and pavement marking for bicycle use may be unnecessary. In other cases, prior to designation as a bikeway, routes may need improvements for bicycle travel.

Many rural highways are used by touring bicyclists for intercity and recreational travel. It might be inappropriate to designate the highways as bikeways because of the limited use and the lack of continuity with other bike routes. However, the development and maintenance of 4-foot paved roadway shoulders with a standard 4 inch edge line can significantly improve the safety and convenience for bicyclists and motorists along such routes.

- (2) *Class I Bikeway (Bike Path).* Generally, bike paths should be used to serve corridors not served by streets and highways or where wide right of way exists, permitting such facilities to be constructed away from the influence of parallel streets. Bike paths should offer opportunities not provided by the road system. They can either provide a recreational opportunity, or in some instances, can serve as direct high-speed commute routes if cross flow by motor vehicles and pedestrian conflicts can be minimized. The most common applications are along rivers, ocean fronts, canals, utility right of way, abandoned railroad right of way, within school campuses, or within and between parks. There may also be situations where such facilities can be provided as part of planned developments. Another common application of Class I facilities is to close gaps to bicycle travel caused by construction of freeways or because of the existence of natural barriers (rivers, mountains, etc.).
- (3) *Class II Bikeway (Bike Lane).* Bike lanes are established along streets in corridors where there is significant bicycle demand, and where there are distinct needs that can be served

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by them. The purpose should be to improve conditions for bicyclists in the corridors. Bike lanes are intended to delineate the right of way assigned to bicyclists and motorists and to provide for more predictable movements by each. But a more important reason for constructing bike lanes is to better accommodate bicyclists through corridors where insufficient room exists for side-by-side sharing of existing streets by motorists and bicyclists. This can be accomplished by reducing the number of lanes, reducing lane width, or prohibiting or reconfiguring parking on given streets in order to delineate bike lanes. In addition, other things can be done on bike lane streets to improve the situation for bicyclists that might not be possible on all streets (e.g., improvements to the surface, augmented sweeping programs, special signal facilities, etc.). Generally, pavement markings alone will not measurably enhance bicycling.

If bicycle travel is to be provided by delineation, attention should be made to assure that high levels of service are provided with these lanes. It is important to meet bicyclist expectations and increase bicyclist perception of service quality, where capacity analysis demonstrates service quality measures are improved from the bicyclist's point of view.

Design guidance that addresses the mobility needs of bicyclists on Class II bikeways (bike lanes) is also distributed throughout this manual where appropriate.

(4) *Class III Bikeway (Bike Route)*. Bike routes are shared facilities which serve either to:

- (a) Provide continuity to other bicycle facilities (usually Class II bikeways); or
- (b) Designate preferred routes through high demand corridors.

As with bike lanes, designation of bike routes should indicate to bicyclists that there are particular advantages to using these routes as compared with alternative routes. This means that responsible agencies have taken actions to assure that these routes are suitable as shared routes and will be maintained in a manner consistent with the needs of bicyclists. Normally, bike routes are shared with motor vehicles. The use of sidewalks as Class III bikeways is strongly discouraged.

(5) *Class IV Bikeways (Separated Bikeways)*. See DIB 89 for guidance.

A Class IV bikeway (separated bikeway) is a bikeway for the exclusive use of bicycles and includes a separation required between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible posts, inflexible barriers, or on-street parking. See DIB 89 for further Class IV guidance.

It is emphasized that the designation of bikeways as Class I, II, III, and IV should not be construed as a hierarchy of bikeways; that one is better than the other. Each class of bikeway has its appropriate application.

In selecting the proper facility, an overriding concern is to assure that the proposed facility will not encourage or require bicyclists or motorists to operate in a manner that is inconsistent with the rules of the road.

An important consideration in selecting the type of facility is continuity. Alternating segments of Class I to Class II (or Class III) bikeways along a route are generally incompatible, as street crossings by bicyclists is required when the route changes character. Also, wrong-way

bicycle travel will occur on the street beyond the ends of bike paths because of the inconvenience of having to cross the street. However, alternating from Class IV to Class II may be appropriate due to the presence of many driveways or turning movements. The highway context or community setting may also influence the need to alternate bikeway classifications.

## Topic 1003 – Bikeway Design Criteria

### 1003.1 Class I Bikeways (Bike Paths)

Class I bikeways (bike paths) are facilities with exclusive right of way, with cross flows by vehicles minimized. Motor vehicles are prohibited from bike paths per the CVC, which can be reinforced by signing. Class I bikeways, unless adjacent to an adequate pedestrian facility, (see Index 1001.3(n)) are for the exclusive use of bicycles and pedestrians, therefore any facility serving pedestrians must meet accessibility requirements, see DIB 82. However, experience has shown that if regular pedestrian use is anticipated, separate facilities for pedestrians maybe beneficial to minimize conflicts. Please note, sidewalks are not Class I bikeways because they are primarily intended to serve pedestrians, generally cannot meet the design standards for Class I bikeways, and do not minimize vehicle cross flows. See Index 1003.3 for discussion of the issues associated with sidewalk bikeways.

(1) *Widths and Cross Slopes.* See Figure 1003.1A for two-way Class I bikeway (bike path) width, cross slope, and side slope details. The term “shoulder” as used in the context of a bike path is an unobstructed all weather surface on each side of a bike path with similar functionality as shoulders on roadways with the exception that motor vehicle parking and use is not allowed. The shoulder area is not considered part of the bike path traveled way.

Experience has shown that paved paths less than 12 feet wide can break up along the edge as a result of loads from maintenance vehicles.

(a) **Traveled Way.** **The minimum paved width of travel way for a two-way bike path shall be 8 feet**, 10-foot preferred. **The minimum paved width for a one-way bike path shall be 5 feet.** It should be assumed that bike paths will be used for two-way travel. Development of a one-way bike path should be undertaken only in rare situations where there is a need for only one-direction of travel. Two-way use of bike paths designed for one-way travel increases the risk of head-on collisions, as it is difficult to enforce one-way operation. This is not meant to apply to two one-way bike paths that are parallel and adjacent to each other within a wide right of way.

Where heavy bicycle volumes are anticipated and/or significant pedestrian traffic is expected, the paved width of a two-way bike path should be greater than 10 feet, preferably 12 feet or more. Another important factor to consider in determining the appropriate width is that bicyclists will tend to ride side by side on bike paths, and bicyclists may need adequate passing clearance next to pedestrians and slower moving bicyclists.

See Index 1003.1(16) Drainage, for cross slope information.



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(b) **Shoulder.** A minimum 2-foot wide shoulder, composed of the same pavement material as the bike path or all weather surface material that is free of vegetation, shall be provided adjacent to the traveled way of the bike path when not on a structure; see Figure 1003.1A. A shoulder width of 3 feet should be provided where feasible. A wider shoulder can reduce bicycle conflicts with pedestrians. Where the paved bike path width is wider than the minimum required, the unpaved shoulder area may be reduced proportionately. If all or part of the shoulder is paved with the same material as the bike path, it is to be delineated from the traveled way of the bike path with an edgeline.

See Index 1003.1(16), Drainage, for cross slope information.

(2) *Bike Path Separation from a Pedestrian Walkway.* The CVC requires a pedestrian to use a pedestrian facility when adjacent to a bike path. Thus, the bike path would be only for bicycles if there is an adjacent pedestrian facility. This may be either immediately adjacent or with a separation between the pedestrian facility and the bike path. The separation may be—but not limited to—fences, railings, solid walls, or landscaping. If a separation is used, it should not obstruct stopping sight distance along curves or corner sight distance at intersections with roadways or other paths.

(3) *Clearance to Obstructions.* **A minimum 2-foot horizontal clearance from the paved edge of a bike path to obstructions shall be provided.** See Figure 1003.1A. 3 feet should be provided. Adequate clearance from fixed objects is needed regardless of the paved width. If a path is paved contiguous with a continuous fixed object (e.g., fence, wall, and building), a 4-inch white edge line, 2 feet from the fixed object, is recommended to minimize the likelihood of a bicyclist hitting it. **The clear width of a bicycle path on structures between railings shall be not less than 10 feet.** It is desirable that the clear width of structures be equal to the minimum clear width of the path plus shoulders (i.e., 14 feet).

**The vertical clearance to obstructions across the width of a bike path shall be a minimum of 8 feet and 7 feet over shoulder.** Where practical, a vertical clearance of 10 feet is desirable.

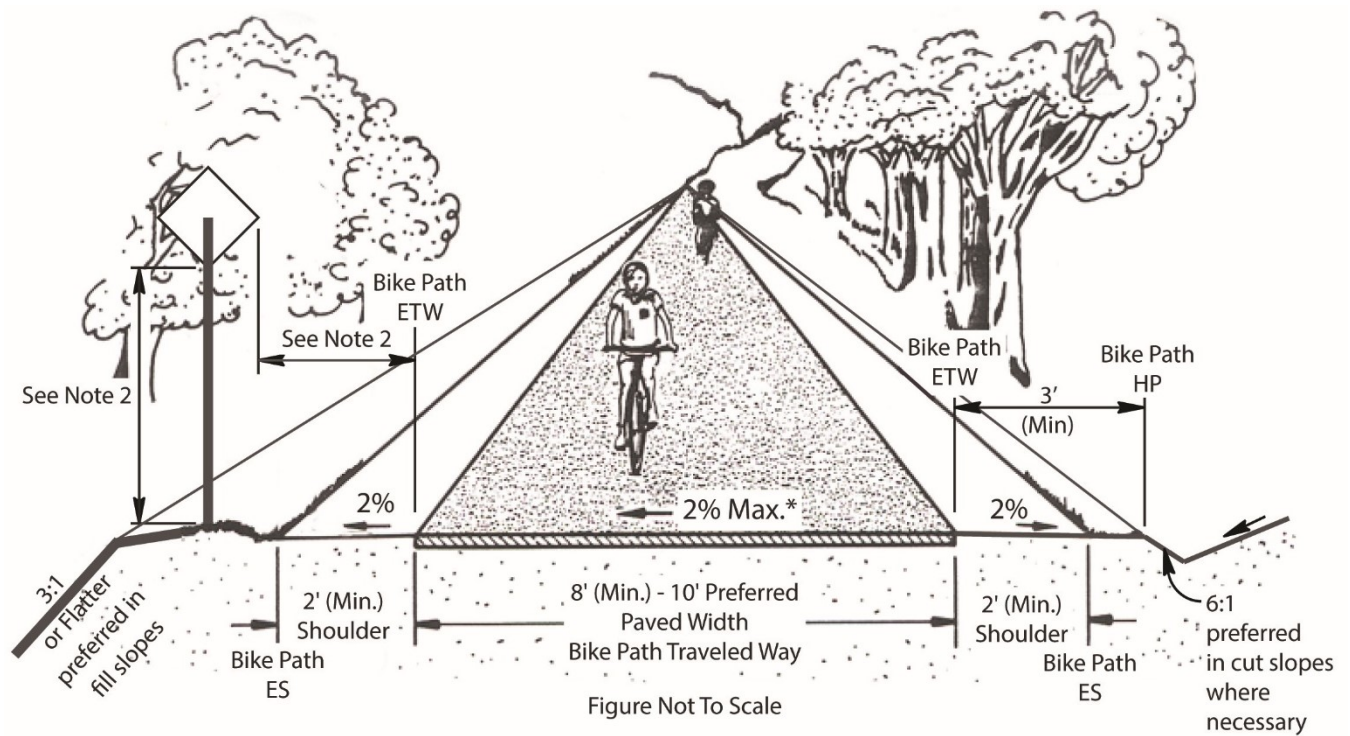
(4) *Signing and Delineation.* For application and placement of signs, see the California MUTCD, Section 9B. For pavement marking guidance, see the California MUTCD, Section 9C.

(5) *Intersections with Highways.* Intersections are an important consideration in bike path design. Bicycle path intersection design should address both cross-traffic and turning movements. If alternate locations for a bike path are available, the one with the most beneficial intersection characteristics should be selected.

Where motor vehicle cross traffic and bicycle traffic is heavy, grade separations are desirable to eliminate intersection conflicts. Where grade separations are not feasible, assignment of right of way by traffic signals should be considered. Where traffic is not

Figure 1003.1A

Two-Way Class I Bikeway (Bike Path)



NOTES:

- (1) See Index 1003.1(15) for pavement structure guidance of bike path.
- (2) For sign clearances, see California MUTCD, Figure 9B-1. Also, for clearance over the shoulder see Index 1003.1(3).
- (3) The AASHTO Guide for the Development of Bicycle Facilities provides detailed guidance for creating a forgiving Class I bikeway environment.

\*1% cross-slope minimum.

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heavy, "STOP" or "YIELD" signs for either the path or the cross street (depending on volumes) may suffice.

Bicycle path intersections and their approaches should be on relatively flat grades. Stopping sight distances at intersections should be checked and adequate warning should be given to permit bicyclists to stop before reaching the intersection, especially on downgrades. When contemplating the placement of signs the designer is to discuss the proposed sign details with their District Traffic Safety Engineer or designee so that conflicts may be minimized. Bicycle versus motor vehicle collisions may occur more often at intersections, where bicyclists misuse pedestrian crosswalks; thus, this should be avoided.

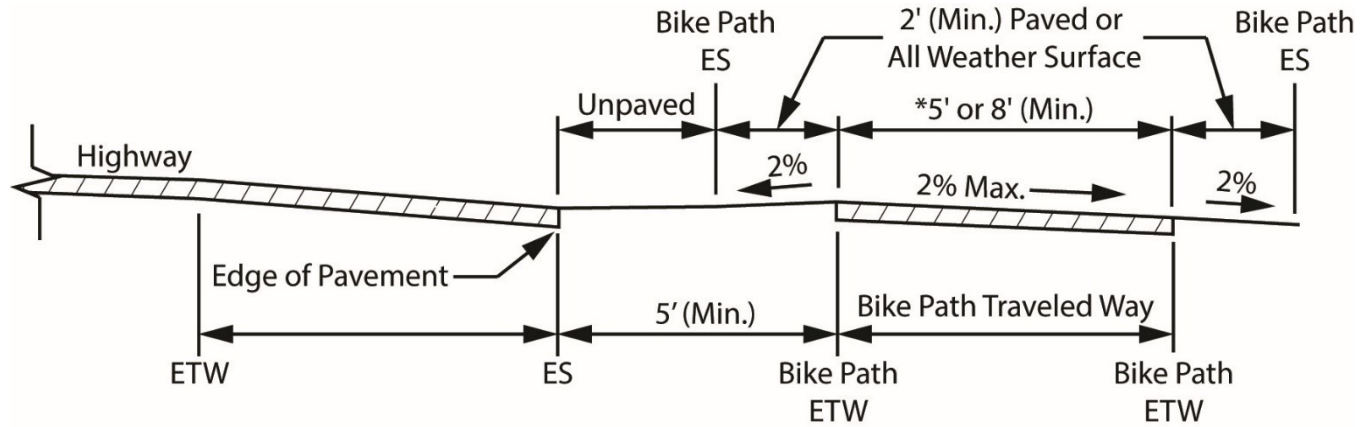
When crossing an arterial street, the crossing should either occur at the pedestrian crossing, where vehicles can be expected to stop, or at a location completely out of the influence of any intersection to permit adequate opportunity for bicyclists to see turning vehicles. When crossing at midblock locations, right of way should be assigned by devices such as "YIELD" signs, "STOP" signs, or traffic signals which can be activated by bicyclists. Even when crossing within or adjacent to the pedestrian crossing, "STOP" or "YIELD" signs for bicyclists should be placed to minimize potential for conflict resulting from turning autos. Where bike path "STOP" or "YIELD" signs are visible to approaching motor vehicle traffic, they should be shielded to avoid confusion. In some cases, Bike Xing signs may be placed in advance of the crossing to alert motorists. Ramps should be installed in the curbs, to preserve the utility of the bike path. Ramps should be the same width as the bicycle paths. Curb cuts and ramps should provide a smooth transition between the bicycle paths and the roadway.

Assignment of rights of way is necessary where bicycle paths intersect roadways or other bicycle paths. See the California MUTCD, Section 9B.03 and Figure 9B-7 for guidance on signals and signs for rights of way assignment at bicycle path intersections.

- (6) *Paving at Crossings.* At unpaved roadway or driveway crossings, including bike paths or pedestrian walkways, the crossing roadway or driveway shall be paved a minimum of 15 feet to minimize or eliminate gravel intrusion on the path. The pavement structure at the crossing should be adequate to sustain the expected loading at that location
- (7) *Bike Paths Parallel and Adjacent to Streets and Highways.* A wide separation is recommended between bike paths and adjacent highways (see Figure 1003.1B). **The minimum separation between the edge of traveled way of a one-way or a two-way bicycle path and the edge of traveled way of a parallel road or street shall be 5 feet plus the standard shoulder width. Bike paths within the clear recovery zone of freeways shall include a physical barrier separation.** The separation is unpaved and does not include curbs or sidewalks. Separations less than 10 feet from the edge of the shoulder are to include landscaping or other features that provide a continuous barrier to prevent bicyclists from encroaching onto the highway. Suitable barriers may include fences or dense shrubs if design speeds are less than or equal to 45 miles per hour. Obstacles low to the ground or intermittent obstacles (e.g., curbs, dikes, raised traffic bars, posts connected by cable or wire, flexible channelizers, etc.) are not to be used because bicyclists could fall over these obstacles and into the roadway.

Figure 1003.1B

Typical Cross Section of Class I Bikeway (Bike Path) Parallel to Highway



NOTE:

(1) See Index 1003.1(6) for guidance on separation between bike paths and highways.

\*One-Way: 5' Minimum Width

Two-Way: 8' Minimum Width

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Bike paths immediately adjacent to streets and highways are not recommended. While they can provide separation between vehicles and nonmotorized traffic, they typically introduce significant conflicts at intersections. In addition, they can create conflicts with passengers at public transit facilities, and with vehicle occupants crossing the path. They are not a substitute for designing the road to meet bicyclist's mobility needs. Use of bicycle paths adjacent to roads is not mandatory in California, and many bicyclists will perceive these paths as offering a lower level of mobility compared with traveling on the road, particularly for utility trips. Careful consideration regarding how to address the above points needs to be weighed against the perceived benefits of providing a bike path adjacent to a street or highway. Factors such as urban density, the number of conflict points, the presence or absence of a sidewalk, speed and volume should be considered.

(8) *Bike Paths in the Median of Highway or Roadway.* Bike paths should not be placed in the median of a State highway or local road, and shall not be in the median of a freeway or expressway. Bike paths in the median are generally not recommended because they may require movements contrary to normal rules of the road. Specific problems with such facilities may include:

- (a) Right-turns by bicyclists from the median of roadways are unexpected by motorists.
- (b) Devoting separate phases to bicyclist movements to and from a median path at signalized intersections increases intersection delay.
- (c) Left-turning motorists must cross one direction of motor vehicle traffic and two directions of bicycle traffic, which may increase conflicts.
- (d) Where intersections are infrequent, bicyclists may choose to enter or exit bike paths at midblock.
- (e) Where medians are landscaped, visibility between bicyclists on the path and motorists at intersections may be diminished. See Chapter 900 for planting guidance.

(9) *Bicycle Path Design Speed.* The design speed of bicycle paths is established using the same principles as those applied to highway design speeds. **The design speed given in Table 1003.1 shall be the minimum.**

Installation of "speed bumps", gates, obstacles, posts, fences or other similar features intended to cause bicyclists to slow down are not to be used.

(10) *Horizontal Alignment and Superelevation.* The minimum radius of curvature negotiable by a bicycle is a function of the superelevation of the bicycle path surface, the coefficient of friction between the bicycle tires and the bicycle path surface, and the speed of the bicycle.

For all bicycle path applications the maximum superelevation rate is 2 percent.

The minimum radius of curvature should be 90 feet for 20 miles per hour, 160 feet for 25 mile per hour and 260 feet for 30 miles per hour. No superelevation is needed for radius of curvature meeting or exceeding 100 feet for 20 miles per hour, 180 feet for 25 miles per hour, and 320 feet for 30 miles per hour. When curve radii smaller than those given because of right of way, topographical or other considerations, standard curve warning signs and supplemental pavement markings should be installed. The negative

**Table 1003.1**

**Bike Path Design Speeds**

Type of Facility	Design Speed (mph) <sup>(1)</sup>
Bike Paths with Mopeds Prohibited	20
Bike Paths with Mopeds Permitted	30
Bike Paths on Long Downgrades (steeper than 4%, and longer than 500')	30

NOTE:

<sup>(1)</sup>On bike paths with mopeds prohibited, a lower design speed can be used for the crest vertical curve, equivalent to 1 mile per hour per percent grade for grades exceeding a vertical rise of 10 feet, when at a crest in path.

effects of nonstandard curves can also be partially offset by widening the pavement through the curves.

(11)*Stopping Sight Distance.* To provide bicyclists with an opportunity to see and react to the unexpected, a bicycle path should be designed with adequate stopping sight distances. **The minimum stopping sight distance based on design speed shall be 125 feet for 20 miles per hour, 175 feet for 25 miles per hour and 230 feet for 30 miles per hour.** The distance required to bring a bicycle to a full controlled stop is a function of the bicyclist's perception and brake reaction time, the initial speed of the bicycle, the coefficient of friction between the tires and the pavement, and the braking ability of the bicycle.

Stopping sight distance is measured from a bicyclist's eyes, which are assumed to be 4 ½ feet above the pavement surface to an object ½-foot high on the pavement surface.

(12)*Length of Crest Vertical Curves.* Figure 1003.1C indicates the minimum lengths of crest vertical curves for varying design speeds.

(13)*Lateral Clearance on Horizontal Curves.* Figure 1003.1D indicates the minimum clearances to line of sight obstructions, *m*, for horizontal curves. It is assumed that the bicyclist's eyes are 4 ½ feet above the pavement surface to an object ½-foot high on the pavement surface.

Bicyclists frequently ride abreast of each other on bicycle paths, and on narrow bicycle paths, bicyclists have a tendency to ride near the middle of the path. For these reasons, lateral clearances on horizontal curves should be calculated based on the sum of the stopping sight distances for bicyclists traveling in opposite directions around the curve. Where this is not possible or feasible, the following or combination thereof should be

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Figure 1003.1C

**Minimum Length of Bicycle Path Crest Vertical Curve (L) Based on Stopping Sight Distance (S)**

$$L = 2S - \frac{1600}{A} \quad \text{when } S > L$$

Double line represents S = L

L = Minimum length of vertical curve – feet

A = Algebraic grade difference – %

$$L = \frac{AS^2}{1600} \quad \text{when } S < L$$

S = Stopping sight distance – feet

Refer to Index 1003.1(11) to determine “S”, for a given design speed “V”

Height of cyclist eye = 4½ feet

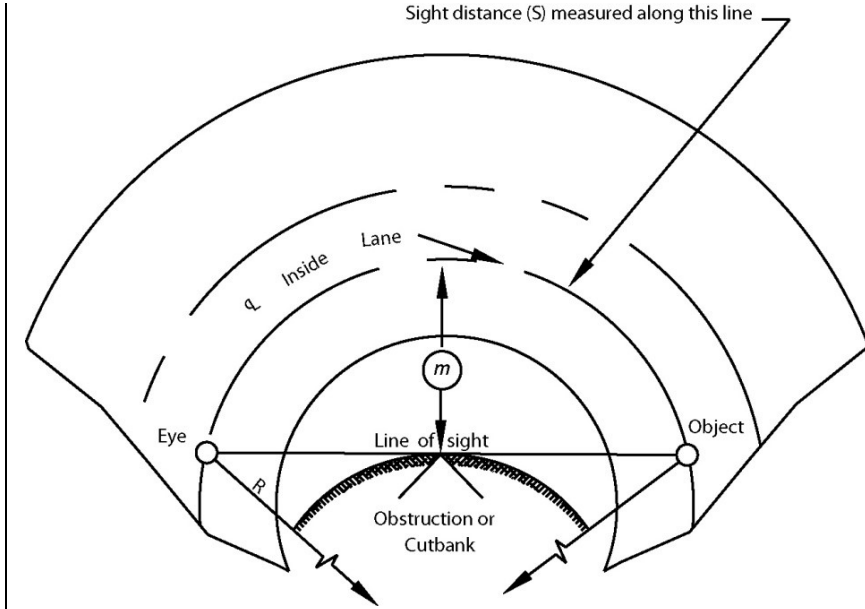
Height of object = ½ foot

A (%)	S = Stopping Sight Distance (ft)												
	70	90	110	125	130	150	170	175	190	210	230	250	270
3													7
4									20	60	100	140	
5							20	30	60	100	140	180	220
6		S > L				33	73	83	113	153	193	233	270
7				21	31	71	111	121	151	191	231	273	319
8			20	50	60	100	140	150	180	221	265	313	365
9		2	42	72	82	122	162	172	203	248	298	352	410
10		20	60	90	100	140	181	191	226	276	331	391	456
11		35	75	105	115	155	199	211	248	303	364	430	501
12	7	47	87	117	127	169	217	230	271	331	397	469	547
13	17	57	97	127	137	183	235	249	293	358	430	508	592
14	26	66	106	137	148	197	253	268	316	386	463	547	638
15	33	73	113	146	158	211	271	287	338	413	496	586	683
16	40	80	121	156	169	225	289	306	361	441	529	625	729
17	46	86	129	166	180	239	307	325	384	469	562	664	775

S < L

Figure 1003.1D

Minimum Lateral Clearance (m) on Bicycle Path Horizontal Curves



$S$  = Sight distance in ft.

$R$  = Radius of  $\phi$  of lane in ft.

$m$  = Distance from  $\phi$  of lane in ft.

Refer to Index 1003.1(11) to determine “S” for a given design speed “V”.

Angle is expressed in degrees

$$m = R \left[ 1 - \cos \left( \frac{28.65S}{R} \right) \right]$$

$$S = \frac{R}{28.655} \left[ \cos^{-1} \left( \frac{R-m}{R} \right) \right]$$

Formula applies only when  $S$  is equal to or less than length of curve.

Line of sight is 28” above  $\phi$  inside lane at point of obstruction.

Height of bicyclist’s eye is 4 ½ ft.

R (ft)	S = Stopping Sight Distance (ft)										
	60	80	100	120	140	160	180	200	220	240	260
25	15.9										
50	8.7	15.2	23.0	31.9	41.5						
75	5.9	10.4	16.1	22.8	30.4	38.8	47.8	57.4	67.2		
95	4.7	8.3	12.9	18.3	24.7	31.8	39.5	48.0	56.9	66.3	75.9
125		6.3	9.9	14.1	19.1	24.7	31.0	37.9	45.4	53.3	1.76
155		5.1	8.0	11.5	15.5	20.2	25.4	31.2	37.4	44.2	51.4
175		4.6	7.1	10.2	13.8	18.0	22.6	27.8	33.5	39.6	46.1
200		4.0	6.2	8.9	12.1	15.8	19.9	24.5	29.5	34.9	40.8
225			5.5	8.0	10.8	14.1	17.8	21.9	26.4	31.3	36.5
250			5.0	7.2	9.7	12.7	16.0	19.7	23.8	28.3	33.1
275			4.5	6.5	8.9	11.6	14.6	18.0	21.7	25.8	30.2
300			4.2	6.0	8.1	10.6	13.4	16.5	19.9	23.7	27.7
350				5.1	7.0	9.1	11.5	14.2	17.1	20.4	23.9
390				4.6	6.3	8.2	10.3	12.8	15.4	18.3	21.5
500					4.9	6.4	8.1	10.0	12.1	14.3	16.8
565					4.3	5.7	7.2	8.8	10.7	12.7	14.9
600					4.1	5.3	6.7	8.3	10.1	12.0	14.0
700						4.6	5.8	7.1	8.6	10.3	12.0
800						4.0	5.1	6.2	7.6	9.0	10.5
900							4.5	5.6	6.7	8.0	9.4
1000							4.0	5.0	6.0	7.2	8.4



July 1, 2020

provided: (a) the path through the curve should be widened to a minimum paved width of 14 feet; and (b) a yellow center line curve warning sign and advisory speed limit signs should be installed.

(14)*Grades.* Bike path grades must meet DIB 82. The maximum grade rate recommended for bike paths should be 5 percent. Sustained grades should be limited to 2 percent.

(15)*Pavement Structure.* The pavement material and structure of a bike path should be designed in the same manner as a highway, with a recommendation from the District Materials Branch. It is important to construct and maintain a smooth, well drained, all-weather riding surface with skid resistant qualities, free of vegetation growth. Principal loads will normally be from maintenance and emergency vehicles.

(16)*Drainage.* For proper drainage, the surface of a bike path should have a minimum cross slope of 1 percent to reduce ponding and a maximum of 2 percent per DIB 82. Sloping of the traveled way in one direction usually simplifies longitudinal drainage design and surface construction, and accordingly is the preferred practice. **The bike path shoulder shall slope away from the traveled way at 2 percent to 5 percent to reduce ponding and minimize debris from flowing onto the bike path.** Ordinarily, surface drainage from the path will be adequately dissipated as it flows down the gently sloping shoulder. However, when a bike path is constructed on the side of a hill, a drainage ditch of suitable dimensions may be necessary on the uphill side to intercept the hillside drainage. Where necessary, catch basins with drains should be provided to carry intercepted water under the path. Such ditches should be designed in such a way that no undue obstacle is presented to bicyclists.

Culverts or bridges are necessary where a bike path crosses a drainage channel.

(17)*Entry Control for Bicycle Paths.* Obstacle posts and gates are fixed objects and placement within the bicycle path traveled way can cause them to be an obstruction to bicyclists. Obstacles such as posts or gates may be considered only when other measures have failed to stop unauthorized motor vehicle entry. Also, these obstacles may be considered only where safety and other issues posed by actual unauthorized vehicle entry are more serious than the safety and access issues posed to bicyclists, pedestrians and other authorized path users by the obstacles.

The 3-step approach to prevent unauthorized vehicle entry is:

- (a) Post signs identifying the entry as a bicycle path with regulatory signs prohibiting motor vehicle entry where roads and bicycle paths cross and at other path entry points.
- (b) Design the path entry so it does not look like a vehicle access and makes intentional access by unauthorized users more difficult. Dividing a path into two one-way paths prior to the intersection, separated by low plantings or other features not conducive to motor vehicle use, can discourage motorists from entering and reduce driver error.
- (c) Assess whether signing and path entry design prevents or minimizes unauthorized entry to tolerable levels. If there are documented issues caused by unauthorized motor vehicle entry, and other methods have proven ineffective, assess whether the issues posed by unauthorized vehicle entry exceed the crash risks and access issues posed by obstacles.

If the decision is made to add bollards, plantings or similar obstacles, they should be:

- Yielding to minimize injury to bicyclists and pedestrians who may strike them.
- Removable or moveable (such as posts, bollards or gates) for emergency and maintenance access must leave a flush surface when removed.
- Reflectorized for nighttime visibility and painted, coated, or manufactured of material in a bright color to enhanced daytime visibility.
- Illuminated when necessary.
- Spaced to leave a minimum of 5 feet of clearance of paved area between obstacles (measured from face of obstacle to face of adjacent obstacle). Symmetrically about the center line of the path.
- Positioned so an even number of bicycle travel lanes are created, with a minimum of two paths of travel. An odd number of openings increase the risk of head-on collisions if traffic in both directions tries to use the same opening.
- Placed so additional, non-centerline/lane line posts are located a minimum of 2 feet from the edge of pavement
- Delineated as shown in California MUTCD Figure 9C-2.
- Provide special advance warning signs or painted pavement markings if sight distance is limited.
- Placed 10 to 30 feet back from an intersection, and 5 to 10 feet from a bridge, so bicyclists approach the obstacle straight-on and maintenance vehicles can pull off the road.
- Placed beyond the clear zone on the crossing highway, otherwise breakaway.

When physical obstacles are needed to control unauthorized vehicle access, a single non-removable, flexible, post on the path centerline with a separate gate for emergency/maintenance vehicle access next to the path, is preferred. The gate should swing away from the path.

**Fold-down obstacle posts or fold-down bollards shall not be used within the paved area of bicycle paths.** They are often left in the folded down position, which presents a crash hazard to bicyclists and pedestrians. When vehicles drive across fold-down obstacles, they can be broken from their hinges, leaving twisted and jagged obstructions that project a few inches from the path surface.

Obstacle posts or gates must not be used to force bicyclists to slow down, stop or dismount. Treatments used to reduce vehicle speeds may be used where it is desirable to reduce bicycle speeds.

For obstacle post visibility marking, and pavement markings, see the California MUTCD, Section 9C.101(CA).

(18)*Lighting.* Fixed-source lighting raises awareness of conflicts along paths and at intersections. In addition, lighting allows the bicyclist to see the bicycle path direction, surface conditions, and obstacles. Lighting for bicycle paths is important and should be considered where nighttime use is not prohibited, in sag curves (see Index 201.5), at

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intersections, at locations where nighttime security could be a problem, and where obstacles deter unauthorized vehicle entry to bicycle paths. See Index 1003.1(17). Daytime lighting should also be considered through underpasses or tunnels.

Depending on the location, average maintained horizontal illumination levels of 5 lux to 22 lux should be considered. Where special security problems exist, higher illumination levels may be considered. Light standards (poles) should meet the recommended horizontal and vertical clearances. Luminaires and standards should be at a scale appropriate for a pedestrian or bicycle path. For additional guidance on lighting, consult with the District Traffic Electrical Unit.

### **1003.2 Class II Bikeways (Bike Lanes)**

Design guidance that address the safety and mobility needs of bicyclists on Class II bikeways (bike lanes) is distributed throughout this manual where appropriate.

For Class II bikeway signing and lane markings, see the California MUTCD, Section 9C.04.

### **1003.3 Class III Bikeways (Bike Routes)**

Class III bikeways (bike routes) are intended to provide continuity to the bikeway system. Bike routes are established along through routes not served by Class I or II bikeways, or to connect discontinuous segments of bikeway (normally bike lanes). Class III facilities are facilities shared with motor vehicles on the street, which may be indicated by placing bike route signs along roadways. Additional enhancement of Class III facilities can be provided by adding shared roadway markings along the route. For application and placement of signs and pavement markings, see the California MUTCD Sections 9B and 9C.

Minimum widths for Class III bikeways are represented, in the minimum standards for highway lanes and shoulder.

Since bicyclists are permitted on all highways (except prohibited freeways), the decision to designate the route as a bikeway should be based on the advisability of encouraging bicycle travel on the route and other factors listed below.

- (1) *On-street Bike Route Criteria.* To be of benefit to bicyclists, bike routes should offer a higher degree of service than alternative streets. Routes should be signed only if some of the following apply:
  - (a) They provide for through and direct travel in bicycle-demand corridors.
  - (b) Connect discontinuous segments of bike lanes.
  - (c) They provide traffic actuated signals for bicycles and appropriate assignment of right of way at intersections to give greater priority to bicyclists, as compared with alternative streets.
  - (d) Street parking has been removed or restricted in areas of critical width to provide improved safety.
  - (e) Surface imperfections or irregularities have been corrected (e.g., utility covers adjusted to grade, potholes filled, etc.).

(f) Maintenance of the route will be at a higher standard than that of other comparable streets (e.g., more frequent street sweeping).

(2) *Sidewalk as Bikeway.* Sidewalks are not to be designated for bicycle travel. Wide sidewalks that do not meet design standards for bicycle paths or bicycle routes also may not meet the safety and mobility needs of bicyclists. Wide sidewalks can encourage higher speed bicycle use and can increase the potential for conflicts with turning traffic at intersections as well as with pedestrians and fixed objects.

In residential areas, sidewalk riding by young children too inexperienced to ride in the street is common. It is inappropriate to sign these facilities as bikeways because it may lead bicyclists to think it is designed to meet their safety and mobility needs. Bicyclists should not be encouraged (through signing) to ride their bicycles on facilities that are not designed to accommodate bicycle travel.

(3) *Shared Transit and Bikeways.* Transit lanes and bicycles are generally not compatible, and present risks to bicyclists. Therefore sharing exclusive use transit lanes for buses with bicycles is discouraged.

Bus and bicycle lane sharing should be considered only under special circumstances to provide bikeway continuity, such as:

- (a) If bus operating speed is 25 miles per hour or below.
- (b) If the grade of the facility is 5 percent or less.

## 1003.4 Trails

Trails are generally, unpaved multipurpose facilities suitable for recreational use by hikers, pedestrians, equestrians, and off-road bicyclists. While many Class I facilities are named as trails (e.g. Iron Horse Regional Trail, San Gabriel River Trail), trails as defined here do not meet Class I bikeways standards and should not be signed as bicycle paths. Where equestrians are expected, a separate equestrian trail should be provided. See DIB 82 for trail requirements for ADA. See Index 208.7 for equestrian undercrossing guidance.

- Pavement requirements for bicycle travel are not suitable for horses. Horses require softer surfaces to avoid leg injuries.
- Bicyclists may not be aware of the need to go slow or of the separation need when approaching or passing a horse. Horses reacting to perceived danger from predators may behave unpredictably; thus, if a bicyclist appears suddenly within their visual field, especially from behind they may bolt. To help horses not be surprised by a bicyclist, good visibility should be provided at all points on equestrian paths.
- When a corridor includes equestrian paths and Class I bikeways, the widest possible lateral separation should be provided between the two. A physical obstacle, such as an open rail fence, adjacent to the equestrian trail may be beneficial to induce horses to shy away from the bikeway, as long as the obstacle does not block visibility between the equestrian trail and bicycle path.

See FHWA-EP-01-027, *Designing Sidewalks and Trails for Access* and DIB 82 for additional design guidance.

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## 1003.5 Miscellaneous Criteria

The following are miscellaneous bicycle treatment criteria. Specific application to Class I, and III bikeways are noted. Criteria that are not noted as applying only to bikeways apply to any highway, roadways and shoulders, except freeways where bicycles are prohibited), without regard to whether or not bikeways are established.

Bicycle Paths on Bridges – See Topic 208.

- (1) *Pavement Surface Quality.* The surface to be used by bicyclists should be smooth, free of potholes, and with uniform pavement edges.
- (2) *Drainage Grates, Manhole Covers, and Driveways.* Drainage inlet grates, manhole covers, etc., should be located out of the travel path of bicyclists whenever possible. When such items are in an area that may be used for bicycle travel, they shall be designed and installed in a manner that meets bicycle surface requirements. See Standard Plans. They shall be maintained flush with the surface when resurfacing.

If grate inlets are to be located in roadway or shoulder areas (except freeways where bicycles are prohibited) the inlet design guidance of Index 837.2(2) applies.

Future driveway construction should avoid construction of a vertical lip from the driveway to the gutter, as the lip may create a problem for bicyclists when entering from the edge of the roadway at a flat angle. If a lip is deemed necessary, the height should be limited to ½ inch.

- (3) *At-grade Railroad Crossings and Cattle Guards.* Whenever it is necessary for a Class I bikeway, highway or roadway to cross railroad tracks, special care must be taken to ensure that the safety of users is protected. The crossing must be at least as wide as the traveled way of the facility. Wherever possible, the crossing should be straight and at right angles to the rails. For bikeways or highways that cross tracks and where a skew is unavoidable, the shoulder or bikeway should be widened, to permit bicyclists to cross at right angles (see Figure 1003.5). If this is not possible, special construction and materials should be considered to keep the flangeway depth and width to a minimum.

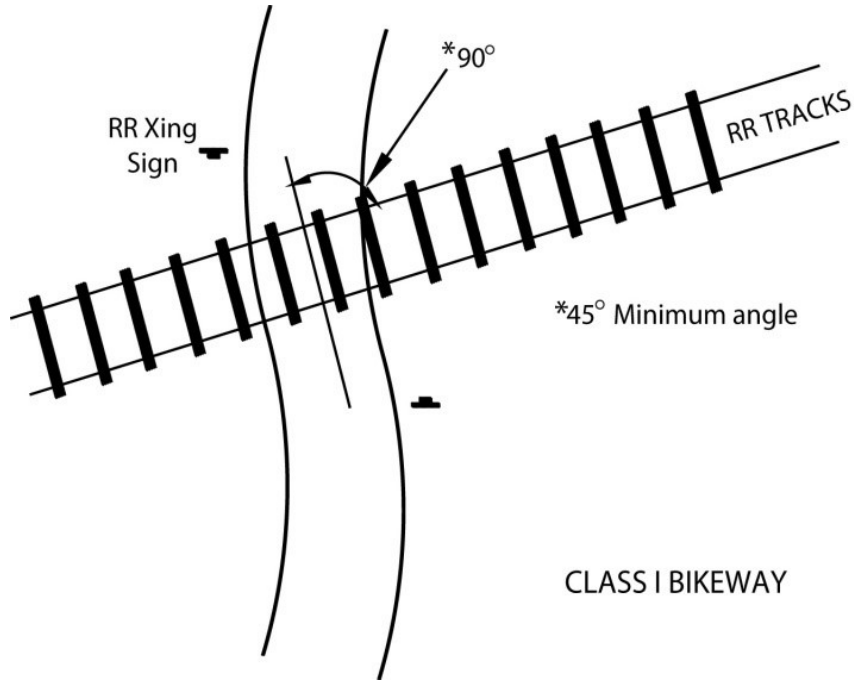
Pavement should be maintained so ridge buildup does not occur next to the rails. In some cases, timber plank crossings can be justified and can provide for a smoother crossing.

All railroad crossings are regulated by the California Public Utilities Commission (CPUC). All new bicycle path railroad crossings must be approved by the CPUC. Necessary railroad protection will be determined based on a joint field review involving the applicant, the railroad company, and the CPUC.

Cattle guards across any roadway are to be clearly marked with adequate advance warning. Cattle guards are only to be used where there is no other alternative to manage livestock.

The California MUTCD has specific guidance on Rail and Light Rail crossings. See Part 8 of the California MUTCD.

**Figure 1003.5**  
**Railroad Crossing Class I Bikeway**



**NOTE:**

See Index 403.3 Angle of Intersection for Class II and Class III facilities.

From: [pacificgrovepd@gmail.com](mailto:pacificgrovepd@gmail.com)  
To: [pacificgrovepd@gmail.com](mailto:pacificgrovepd@gmail.com)  
Subject: Palo-Alto Chief Andrew--What's up bringing back a \$1Million Racist Dog?  
Date: Wednesday, October 26, 2022 11:37:43 PM  
Attachments: [pmao002.png](#)  
[pmao003.png](#)

Some people who received this message don't often get email from [pacificgrovepd@gmail.com](mailto:pacificgrovepd@gmail.com). [Learn why this is important](#)  
**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

From: pacificgrovepd@gmail.com <pacificgrovepd@gmail.com>  
Sent: Wednesday, October 26, 2022 11:36 PM  
To: Andrew.Binder@cityofpaloalto.org  
Cc: nspaulding@law.stanford.edu; ouellette@law.stanford.edu; paulgold@stanford.edu; pbrest@stanford.edu; pmalone@law.stanford.edu; polinsky@stanford.edu; rbanks@stanford.edu; rcraswell@stanford.edu; rford@stanford.edu; rgilson@stanford.edu; rrabin@stanford.edu; rlyler@law.stanford.edu; rwgordon@stanford.edu; schacter@law.stanford.edu; schewick@stanford.edu; simar@law.stanford.edu; sklansky@stanford.edu; student@stanford.edu; tgrey@law.stanford.edu; theller@stanford.edu; triants@stanford.edu; wbgould@stanford.edu; weisberg@stanford.edu  
Subject: Palo-Alto Chief Andrew--What's up bringing back a \$1Million Racist Dog?

Newly Installed Chief Andrew Binder---

Why are you bring back a dog when you've been informed that Dogs have been historically by Nazis and slavers and continue to disproportionately chomp unarmed, non-violent behaving non-white citizens?

Is that your vision for a safer city?

According your own department stats (which one would expected are biased low) in the article below, your last dog bit 5 people over 2 years. At \$52k per average insurance claim payout for dog bites, we're talking \$250k. Over the lifespan of your dog, the city will end up paying out **\$1 million over 8 years plus** all the EXTRA costs of doggy training, care, facilities, etc.  
How well did you do in your accounting and risk management classes?

Do explain your doggy calculus.

Not to mention the negative externality of having a strong tendency to chomp black & brown men for no good reason.  
Why don't you look at the landmark first-of-its-kind report by the Marshall Institute about your racist, juvenile-biting dogs.

<https://www.themarshallproject.org/2020/10/02/we-spent-a-year-investigating-police-dogs-here-are-six-takeaways>

Heil Rover.

What's your problem. Wanna be a big shot dog owner and show everybody how tough you are? Hmm? Do we have little penis problem Chief? What are you trying to compensate for by bringing back a dog that nobody wants and no taxpayer wants to pay insurance claims for.

-Bryan Gobin

October 24, 2022

Letter to Editor from Advocate for Best Police Practices, Aram James

Dear Editor: I'm not surprised by Police Chief Andrew Binder's unilateral decision to bring back a violent dog-biting canine unit to the streets of Palo Alto. More than 3,600 people are hospitalized annually due to attacks by police dogs. Bl="Picture\_x0020\_3" o:spid="x0000\_s1026" type="#\_x0000\_t75" style="position:absolute;margin-left:.05pt; of using weaponized canines on African-Americans is embedded in this country's racist history going back to when blacks were enslaved. Binder's attitude reflects an ignorance of this ugly history and a willingness to bury his head in the sand. So much for our new chief's promise to be transparent and to work with the community before making any critical decision on a hot-button police issue. I encourage you to contact him at [Andrew.Binder@cityofpaloalto.org](mailto:Andrew.Binder@cityofpaloalto.org) to voice your anger and outrage.---by Aram James

<https://www.themarshallproject.org/2020/10/02/we-spent-a-year-investigating-police-dogs-here-are-six-takeaways>

## California Leads in Bite Claim Volumes and Costs

### States With Highest Dog Bite Average Cost Per Claim

Rank	State	Average Cost per Claim	Number of Claims	Total Claim Payout (millions)	Population (Million)	\$Claims/Population
1	New York	\$55,800	893	\$50	20	2.5
2	New Hampshire	\$54,142	98	\$5	1	3.8
3	Florida	\$53,603	1,268	\$68	22	3.1
4	Vermont	\$52,761	34	\$2	1	2.8
5	Arkansas	\$52,551	137	\$7	3	2.4
6	Oklahoma	\$52,148	229	\$12	4	3.0
7	Hawaii	\$51,498	62	\$3	1	2.2
8	California	\$51,265	2,396	\$123	39	3.1
9	Montana	\$50,396	56	\$3	1	2.6

## Police to get a new dog

October 26, 2022 12:57 pm



Palo Alto Police Agent Nick Enberg poses with his dog Balko and a girl who painted a picture of the dog in 2018. Photo from the Police Department's Twitter account.

By Braden Cartwright  
Daily Post Staff Writer

A police dog and an officer are getting ready to take to the streets of Palo Alto, restarting a program that has been on pause since June. Palo Alto police deploy dogs to apprehend suspects by biting them and to search for drugs, explosives or personal items.

The officer and dog are in training until next month, and the department isn't identifying the officer until they're done. "We'd like to wait until both handler and canine have successfully passed their training before discussing them in any detail," Capt. James Reifschneider said. "While we don't anticipate that either will be unable to do so, it is always a possibility."

Palo Alto police have been working without a dog team since two dogs retired from working with Agent Nick Enberg and Officer Julie Tannock.

### Incidents with dogs

Palo Alto's dogs bit people five times over the course of two years, according to a memo from then-Chief Bob Jonsen in March 2021. Some of those bites have put the city in legal trouble.

On April 7, 2016, a Palo Alto High School senior named Tajae Murray was mauled by a police dog at a street corner when officers were responding to a report of someone with a BB gun.

Police officers said they didn't intend to release the dog, but the dog jumped out of the window.

Murray received a \$250,000 settlement in April 2018.

On June 25, 2020, Enberg ordered his dog, Balko, to bite Joel Alejo, who was innocently sleeping in his backyard. Police were searching for a kidnapper in Mountain View, and Enberg was surprised by Alejo, who had no connection to the case.

Alejo received a \$135,000 settlement from the city in January.

On Oct. 10, 2021, Enberg sent Balko up a stairwell in downtown Palo Alto to go after a suspect who allegedly attacked a gay man in his 60s while yelling homophobic slurs, and then ran from police.

The suspect, Alexander Furrer, filed a legal claim against the city saying that Balko bit him for longer than was reasonable or necessary, even though he wasn't threatening any violence.

The city rejected Furrer's claim, opening the door for him to file a lawsuit.

### Dog policy

Police dogs are supposed to be deployed in the following instances, according to the department policy manual:

- When there is a reasonable belief a suspect poses an imminent threat of violence or serious harm to the public or an officer.
- When a suspect is physically resisting or threatening to resist arrest and the use of a dog reasonably appears to be necessary to overcome such resistance.
- When a suspect is believed to be concealed in an area where entry by other than the dog would pose a threat to the safety of officers or the public.

Dog handlers must live within one hour of Palo Alto, in a single-family home with a locked garage and a fence. They must agree to be assigned to the position for at least five years and take care of the dog when they're off duty, the manual says.

The department wants to restore a second dog team once more officers are hired but there isn't a timeline for doing so, Reifschneider said.





**From:** [Aram James](#)  
**To:** [gmah@sccoe.org](mailto:gmah@sccoe.org); [Supervisor Otto Lee](#); [Shikada, Ed](#); [Jeff Rosen](#); [Winter Dellenbach](#); [Binder, Andrew](#); [Linda Jolley](#); [Bill Johnson](#); [Sue Dremann](#); [Sherwin De Leon](#); [Council, City](#); [GRP-City Council](#); [Diana Diamond](#); [Tony Dixon](#); [bob nunez](#); [Betsy Nash](#); [Supervisor Cindy Chavez](#); [Assemblymember.Berman@assembly.ca.gov](mailto:Assemblymember.Berman@assembly.ca.gov); [Raj; Planning Commission](#)  
**Cc:** [Lewis, james](#); [Jason Green](#); [Vara Ramakrishnan](#)  
**Subject:** These brutal police dog attacks were captured on video. Now some cities are curtailing K-9 use. - The Washington Post  
**Date:** Thursday, October 27, 2022 5:59:48 PM

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>  
>  
> <https://www.washingtonpost.com/nation/2020/11/29/these-brutal-police-dog-attacks-were-captured-video-now-some-cities-are-curtailling-k-9-use/>  
>  
>  
> Sent from my iPhone

**From:** [Carla Violet](#)  
**To:** [Carla Violet](#)  
**Subject:** Portola Valley Housing Element, Safety Element, and Conforming GP and Zoning Amendments IS/MND  
**Date:** Friday, October 28, 2022 4:24:01 PM  
**Attachments:** [2022 Notice of Intent HE 22 1026.pdf](#)

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Some people who received this message don't often get email from [cviolet@up-partners.com](mailto:cviolet@up-partners.com).

[Learn why this is important](#)

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Hello,

The purpose of this email is to inform you that an Initial Study and Mitigated Negative Declaration has been recommended for the Portola Valley Housing Element Update, Safety Element Update, and Conforming General Plan and Zoning Amendments.

Please see the attached Notice of Intent for more information and how to view the IS/MND.

Thank you,  
Carla

**Carla Violet (she/her)**

*Associate Principal*

**URBAN PLANNING PARTNERS, INC.**

388 17<sup>th</sup> Street, Suite 230

Oakland, CA 94612

510.251.8210 ext. 1005

[cviolet@up-partners.com](mailto:cviolet@up-partners.com)



**Town of Portola Valley  
Notice of Intent to Adopt a  
Mitigated Negative Declaration  
(Town of Portola Valley Housing Element, Safety  
Element and Conforming General Plan and Zoning  
Amendments)**

**Purpose of Notice:**

The purpose of this notice is to inform you that an Initial Study and Mitigated Negative Declaration has been recommended for this project. Approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project is a separate action.

**Project Title:** Town of Portola Valley Housing Element Update, Safety Element Update, and amendments to the General Plan and Zoning Ordinance

**Contact Person:** Laura Russell, AICP  
Planning & Building Director

**Contact Email:** [lrussell@portolavalley.net](mailto:lrussell@portolavalley.net)  
**Contact Address:** 765 Portola Road  
Portola Valley, CA 94028

**Project Location:** Affects all of Portola Valley

**Project Description:**

The Housing Element Update is proposed to comply with California Government Code Sections 65580-65589.8, which requires local jurisdictions to update the Housing Element of their General Plans every eight years to adequately plan for the regional housing needs of residents of all income groups, as well as Government Code Section 65103 requiring jurisdictions to periodically revise their General Plans. Associated General Plan and Zoning Amendments are proposed to implement the Housing Element.

The Safety Element Update comprehensively updates the Town's previous Safety Element adopted in 2010. An update of the Safety Element is needed given the land use and regulatory changes that have taken place over the last 12 years, and in response to new State law requiring jurisdictions update their safety element in conjunction with their housing element update, which occurs on an eight-year cycle.

**Address where document may be reviewed:**

Portola Valley Town Hall, 765 Portola Rd., Portola Valley, California or online at:  
<https://www.portolavalley.net/housingelement>

**Public Review Period** Begins: October 28, 2022 Ends: November 28, 2022

Written comments on the Initial Study/ Mitigated Negative Declaration should be sent to the attention of Laura Russell, Planning & Building Director by 5:00 PM on November 28, 2022. Comments may also be submitted to [housing@portolavalley.net](mailto:housing@portolavalley.net).

**Scheduled Public Hearing (date, time, place):**

- Planning Commission on November 16, 2022, 7 pm, Hybrid Meeting via Zoom or in person at the Historic Schoolhouse, Portola Valley Town Center, 765 Portola Road, Portola Valley, CA 94028.  
*Additional meeting instructions will be provided ten days prior to this meeting.*

**From:** [Aram James](#)  
**To:** [EPA Today](#); [Lee, Craig](#); [cromero@cityofepa.org](mailto:cromero@cityofepa.org); [rabrica@cityofepa.org](mailto:rabrica@cityofepa.org); [wilpf.peninsula.paloalto@gmail.com](mailto:wilpf.peninsula.paloalto@gmail.com); [Binder, Andrew](#); [Winter Dellenbach](#); [ParkRec Commission](#); [Planning Commission](#); [Pat Burt](#); [Tom DuBois](#); [Figueroa, Eric](#); [Reifschneider, James](#); [Filseth, Eric \(Internal\)](#); [Alison Cormack](#); [Jeff Rosen](#); [Sean Webby](#); [Raj](#); [Jethroe Moore](#); [Shikada, Ed](#); [Jay Boyarsky](#)  
**Subject:** The inherently dangerous nature of attack-trained police K-9s  
**Date:** Saturday, October 29, 2022 11:27:33 AM

---

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---

<https://www.plaintiffmagazine.com/recent-issues/item/the-inherently-dangerous-nature-of-attack-trained-police-k-9s>

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [ladoris cordell](#); [Pat Burt](#); [Tom DuBois](#); [Council, City](#); [Winter Dellenbach](#); [Shikada, Ed](#); [Rebecca Eisenberg](#); [Jethroe Moore](#); [Sean Allen](#); [Human Relations Commission](#); [Lydia Kou](#); [Filseth, Eric \(Internal\)](#); [Curtis Smolar](#); [Jay Boyarsky](#); [citycouncil@mountainview.gov](#); [Julie Lythcott-Haims](#); [vicki@vickiforcouncil.com](#); [Doria Summa](#); [Planning Commission](#); [ParkRec Commission](#); [Joe Simitian](#); [chuck jagoda](#)  
**Subject:** From The Mercury News e-edition - More evidence of why Kremen should be ousted  
**Date:** Sunday, October 30, 2022 11:10:58 AM

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I saw this The Mercury News e-edition article on the The Mercury News e-edition app and thought you'd be interested.

More evidence of why Kremen should be ousted

[https://edition.pagesuite.com/popovers/dynamic\\_article\\_popover.aspx?guid=7de7f768-1e52-4e1d-827d-e8cb418401d5&appcode=SAN252&eguid=6ee01de0-7240-4ea0-aac3-729e212be62c&pnum=21#](https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=7de7f768-1e52-4e1d-827d-e8cb418401d5&appcode=SAN252&eguid=6ee01de0-7240-4ea0-aac3-729e212be62c&pnum=21#)

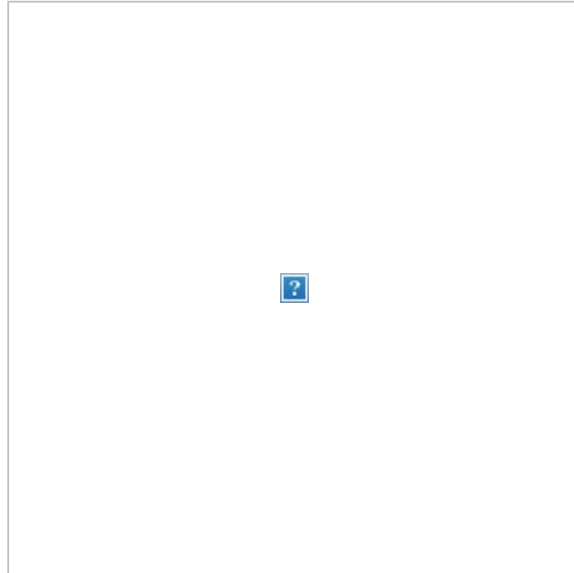
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Sent from my iPhone

**From:** [Friends of Rebecca Eisenberg for Santa Clara Valley Water District](#)  
**To:** [Planning Commission](#)  
**Subject:** "Kremen is wrong on policy issues." - the Mercury News \*Really\* Wants You to Vote for Rebecca Eisenberg  
**Date:** Monday, October 31, 2022 11:05:25 AM

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Dear Planning,

I wasn't going to say it. My opponent has been playing dirty tricks. Misquoting me to misinform voters. Lying about my experience. Making up unfounded accusations and conspiracy theories. Using anti-semitism and misogyny to belittle, bully, and discredit me. **But his tricks are not working.** I wasn't going to say anything, and I don't have to. In a highly unusual move, the newspaper of record -- the Mercury News -- published a [second editorial urging voters to dump my opponent at the Polls on November 8 and replace him with me.](#)

Why? Because my opponent -- in their words -- not only is "abusive" to staff and has "overstepp[ed] his authority," but also is plain old **"wrong on policy issues and willing to mislead voters."** Well put, Mercury News Editorial Staff. Read the editorial below, including some of the findings made against my opponent by his own paid investigator. [Read the entire report here.](#)

[Trigger Warning: Verbal Abuse, Threats. Profanity]

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## **Editorial: Report shows why voters should oust Kremen from water board**

**Valley Water board member violated governance policies on multiple occasions**

**By [MERCURY NEWS EDITORIAL BOARD](#) | Mercury News**

**PUBLISHED: October 29, 2022 at 5:30 a.m. | UPDATED: October 29, 2022 at 4:24 p.m.**

The findings of a new [independent investigation](#) showing that Gary Kremen overstepped his authority as a member of the Santa Clara Valley Water board and abusively treated district staff confirms why voters should replace him in the Nov. 8 election.

A report released this week concludes that Kremen violated board governance policies by bullying, verbally assaulting or threatening Valley Water employees. In other cases where Kremen did not violate board policies, he nevertheless acted in a manner unbecoming of a public official. The report also indicates that Kremen failed to alter his behavior despite being admonished by Valley Water CEO Rick Callender.

Investigators from the Renne Public Law Group interviewed more than 50 witnesses, including Kremen and Callender. After investigating 25 allegations, their report concluded that, in six instances based on a preponderance of evidence, Kremen broke board governance policies:

- In March 2020, Kremen called in financial planning and management division workers to tell them to place a subordinate on a personal improvement plan. When an employee disagreed that

step was warranted, **Kremen reportedly told the employee that he would rip the employee's subordinate to shreds** during the next Board appearance and the employee, too. Kremen allegedly also said that the subordinate would be the first to be fired if Valley Water suffered financial hardship as the result of the pandemic.

- In July 2020, Kremen used profanity in a hostile manner toward a finance employee that constituted abusive conduct. The employee said Kremen wanted a district financial statement to be presented in the manner of a private company's report and told the employee **"don't tell me government GAAP (Government Accepted Accounting Principles) is the reason why you can't do that because I don't give a f—."**

- In a June 2021 board subcommittee meeting, Kremen bullied and threatened the job of an Integrated Water Management Division employee. Kremen criticized staff on the lack of progress on a Valley Water initiative. Investigators listened to an audio recording in which **"Kremen's tone is angry, exasperated and aggressive."**

Kremen was first elected to the District 7 seat on the board in 2014. [He raised nearly \\$350,000](#) — most of it out of his own pocket — to defeat incumbent Brian Schmidt. That was at least five times more than had ever been spent by a candidate for the water district.

**Since then, the Valley Water District's problems keep getting worse. In September, we recommended that voters replace Kremen on the board with Rebecca Eisenberg.**

We noted the district's over budget projects, support for the \$19 billion Delta tunnels, failure to recognize the Coyote Creek flood threat that caused \$100 million damages, and inaction on Anderson Dam that puts the valley's water supply at risk during one of California's worst droughts.

And there was the [self-serving June ballot measure](#), backed by Kremen, Tony Estremera, John Varela and Richard Santos, to extend their terms in office by an additional four years. The wording of Measure A, which cost \$3.2 million to put on the ballot, implied that it was more restrictive of how long a board member could serve than what was already in place. The opposite was true.

**It's bad enough that Kremen is wrong on policy issues and willing to mislead voters to extend how long he can serve.** Now, the details of his **abusive behavior and overstepping of authority** further make clear to voters why [he must go](#).

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**Paid for by Rebecca Eisenberg for Santa Clara Valley Water District 2022  
FPPC #1427865**

Rebecca Eisenberg for Santa Clara Valley Water District 2022 | 2345 Waverley St., Palo Alto ,  
CA 94301

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**From:** [Scott O'Neil](#)  
**To:** [Council, City; Planning Commission](#)  
**Subject:** Groundtruthing letter - Nest, T&C, Portage  
**Date:** Tuesday, November 1, 2022 2:46:37 PM  
**Attachments:** [Groundtruthing Letter - TnC Portage Nest.pdf](#)

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Dear Mayor Burt, Palo Alto City Council, Palo Alto Planning and Transportation Commission, and Palo Alto City Staff,

Please find attached a letter examining sites that are being considered for inclusion in the 6<sup>th</sup> Cycle Housing Element.

Sincerely,  
Scott O'Neil

November 1, 2022

Dear Palo Alto City Council; Palo Alto Planning and Transportation Committee; and City Staff:

I am writing today to share Housing Element ground-truthing results about various sites in Palo Alto, comprising the remaining sites that I do not believe other groundtruthers had visited yet. This should be my last letter prior to the anticipated release of the Draft Housing Element. Congratulations in advance on reaching this important milestone!

There are just three more sites that I believe should have additional consideration before the release of that draft.

## 340 Portage - Cannery Building

This site has public information from open meetings indicating that both the owner and the City are committed to treating the existing structure as an historic resource.

*"Sobrato [owner] is proposing preserving and rehabilitating a major portion of historic cannery building at 340 Portage Ave.*

*...*

*But while council members lauded some elements of the Sobrato plan — namely, the proposed improvements to the preserved cannery building — they roundly rejected Jay Paul's concept."*

As the city is on a path of “*relatively modest ambitions*”<sup>2</sup> in this area, I would encourage staff to ensure densities presented to HCD for this site are compatible with the public record on the trajectory of the process. While acknowledging that our information could be dated, it currently looks like this site is slated for 91 units in the inventory, as opposed to the 74 that the city seems on track to choose<sup>3</sup>:

---

1

<https://www.paloaltoonline.com/news/2021/09/21/palo-alto-advances-redevelopment-plan-for-ventura-property-owners-have-other-ideas>

<sup>2</sup> <https://www.paloaltoonline.com/news/2022/10/25/residents-activists-irked-by-evolving-ventura-plan>

<sup>3</sup>

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20221024/20221024pccsm-amended.pdf#page=169>

**340 Portage Sobrato Development Agreement**

Earlier this year, the City Council Ad Hoc, staff, and representatives of the Sobrato Corporation (owner of 340 Portage Avenue) were in discussions regarding the subject site. The intent was to find common ground for the future use of the site, which is a key parcel within the NVCAP area. The August 1, 2022, City Council staff report provides background on these discussions.<sup>4</sup> In

<sup>4</sup> August 1, 2022 City Council Staff Report:

summary, a potential development agreement is under consideration for the site. The development agreement proposal would differ in some ways from the NVCAP plan concept; highlights of the key differences are shown in Table 1 below.

**Table 1: Key Differences Between NVCAP and Sobrato Development Agreement**

Highlights	NVCAP Plan	Sobrato Development Agreement
Cannery	Adaptive reuse	Portion is demolished and existing R&D uses remain
Open space	2.1 acres for open space and creek	2.25 acres for open space and creek (Sitewide w/Sobrato DA total open space for NVCAP would be 3.25 acres.)
Creek	Concept #3	Modified Concept #2 or 3
Housing	Townhouses	74 Townhouses & 1-acre affordable housing site (units TBD)
Office space	R&D to remain but transition over time to other uses	R&D to stay in remaining portion of cannery building and would be

## 3901 & 3903 El Camino Real - Nest Hotel

I believe these two parcels are both used by the Nest Hotel, which according to coverage in Palo Alto Online was built just 7 years ago.<sup>4</sup> It's not impossible to imagine this low-intensity use being redeveloped during the planning period. However, since it does not appear to conform with the city's site selection criteria due to having been developed too recently<sup>5</sup>, it stands out in having no obvious justification for inclusion on the inventory at all –much less meet the heightened bar for a low-income site.

<sup>4</sup> <https://www.paloaltoonline.com/news/2015/10/05/shop-talk-the-nest-comes-to-palo-alto>

<sup>5</sup> This point should not be taken as walking back of criticisms I have made of those criteria in public comment, ie: for the Housing Element Working Group sessions.

I acknowledge that I'm working from limited information, and it is possible the city has evidence it can use to meet or exceed that burden. But since the site stands out in this way, I wanted to raise the question in case its inclusion was simply in error.

## 841 El Camino Real - Town and Country

While this shopping center has some vacancies, there are also many thriving local businesses operating on this site, which has been a local fixture for generations. When I talk about this site with folks more connected to North Palo Alto, I get a unique degree of incredulity about it being included as an inventory site. One North Palo Alto neighbor called it “really shocking.” Town and Country is also about the only thing I've ever heard my mother wax nostalgic about from her early childhood in the South Bay:

*“So sad. As a child growing up in San Jose we went to Town and Country for all special occasions. They had the fancy ice cream shops and the high end children's shoe and clothing boutiques my mom shopped at, much to my Dad's chagrin.”*

These are anecdotes, but they leave me convinced that there is a deep well of nostalgia for and attachment to this site among certain segments of the community. Particularly older folks, and people living in North Palo Alto.

Reinforcing this belief is the Council's recent decision to disallow even the modest change of permitting some medical uses to complement the existing retail.<sup>6</sup> Given these signals pointing to a lack of community appetite for conversion of use at this site, I would suggest that to count any units at all, the city should commit to ensuring that flexible, ministerially-administered objective standards exist for the site at economically feasible densities and uses, sufficient to fully insulate any future projects at Town and Country from political interference. If strong political insulation measures cannot be taken here *especially*, these units might be best found by increasing density at other sites in the inventory.

Furthermore, and apart from the above considerations, the Town & Country site houses Trader Joe's, one of the few grocery stores serving North Palo Alto. Inclusion of this site further problematizes the partial inclusion of Whole Foods sites, which I mentioned in an earlier letter. In the Nonvacant site analysis methodology section of the Housing Element Handbook, HCD includes a number of factors that might make a site unsuitable, including “the only grocery store in the city.”<sup>7</sup> Unless we think HCD would allow San Francisco to pass a Housing Element that converted all but two grocery stores, we should take the wording “the only” as illustrative of a

---

6

<https://www.mercurynews.com/2021/06/08/palo-alto-council-denies-town-and-country-villages-bid-for-shift-to-allow-retail-oriented-medical-offices/>

7

[https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

condition that would clearly be problematic and not literally limiting the consideration to only cities that purport to eliminate all groceries.

My understanding is that in practice, HCD has found that elements which include too many of their grocery must reduce unit counts to reflect the implausibility of **all** such sites converting by applying a probability factor to all such sites and reducing unit counts appropriately. In this case, if Palo Alto were to include both these North Palo Alto grocery sites (and if those were deemed allowable on other grounds) then I believe HCD would insist they both be counted at 50% of realistic development to reflect a presumption that if one converts, the other will not.

Thank you for your attention in this matter.

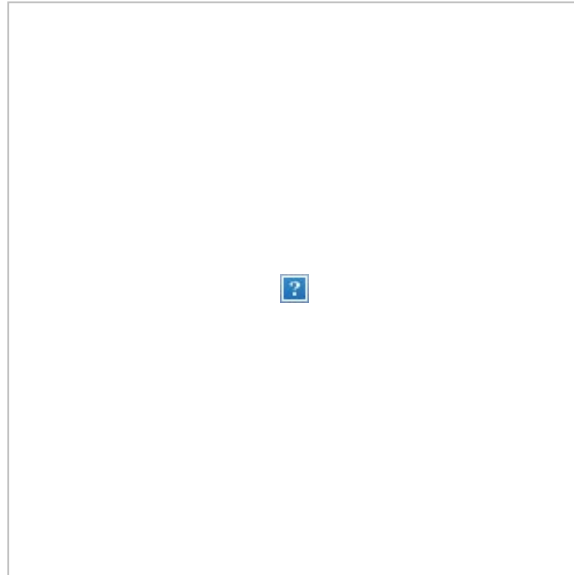
-Scott O'Neil

**From:** [Friends of Rebecca Eisenberg for Santa Clara Valley Water District](#)  
**To:** [Planning Commission](#)  
**Subject:** Reminder: "Kremen is wrong on policy issues." - the Mercury News \*Really\* Wants You to Vote for Rebecca Eisenberg  
**Date:** Tuesday, November 1, 2022 4:01:56 PM

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Dear Planning,

I wasn't going to say it. My opponent has been playing dirty tricks. Misquoting me to misinform voters. Lying about my experience. Making up unfounded accusations and conspiracy theories. Using anti-semitism and misogyny to belittle, bully, and discredit me. **But his tricks are not working.** I wasn't going to say anything, and I don't have to. In a highly unusual move, the newspaper of record -- the Mercury News -- published a [second editorial urging voters to dump my opponent at the Polls on November 8 and replace him with me.](#)

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## **Editorial: Report shows why voters should oust Kremen from water board**

**Valley Water board member violated governance policies on multiple occasions**

**By [MERCURY NEWS EDITORIAL BOARD](#) | Mercury News**

**PUBLISHED: October 29, 2022 at 5:30 a.m. | UPDATED: October 29, 2022 at 4:24 p.m.**

The findings of a new [independent investigation](#) showing that Gary Kremen overstepped his authority as a member of the Santa Clara Valley Water board and abusively treated district staff confirms why voters should replace him in the Nov. 8 election.

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FPPC #1427865**

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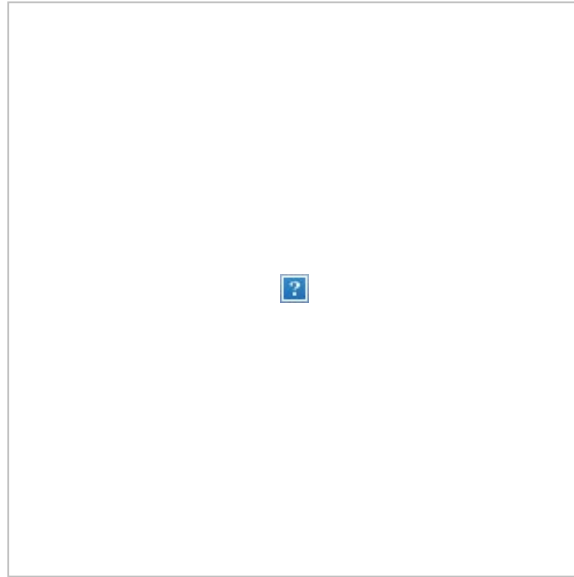
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**From:** [Friends of Rebecca Eisenberg for Santa Clara Valley Water District](#)  
**To:** [Planning Commission](#)  
**Subject:** Rebecca Outraises the Incumbent!  
**Date:** Thursday, November 3, 2022 1:31:47 PM

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Dear Planning,

I strongly believe that money's outsized influence on politics is killing our democracy. But here in Santa Clara County, my race for District 7 of the Santa Clara Valley Water District has no campaign contribution limits. Because campaign finance reform (contribution and spending limits in particular) are considered essential to level the playing field between challengers (like me) and incumbents (like my opponent), my opponent has every advantage in the world to beat me in positive press and fundraising.

[According to news reports about our most recent fundraising cycle](#), we outraised the incumbent by almost 250%, bringing in almost \$42,000 during the most recent period, to his almost-\$17,000. When it comes to donations from individuals, that difference is even more stark. We do not accept donations from PACs or Special Interest Groups - but his funding comes virtually entirely from his own pockets, PACs, and Special Interest Groups.

While my opponent received only 3 donations from individuals during the most recent funding cycle, we received donations from 59 people! That means that his donor list from last period is approximately 4% the size of ours. **Four percent.**

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Overall, according to the Palo Alto Weekly, our campaign has raised more than 150% times the

amount of money than our opponent: the incumbent. This success is highly unusual for a political outsider and challenger like us.

This has to do with the fact that our District is ready for high-integrity leadership with a 100% track record of treating staff with kindness and respect. We also think that this reflects that voters are hungry for water plans that further sustainability goals rather than tear up the earth, like the dams and tunnels championed by my opponent.

We could not have done this without YOU! So, THANK YOU, supporters, for believing in our messages and goals.

As we progress through the Final Five days of the campaign, we will not stop fighting for high-integrity leadership and sustainable water management for District 7 of the Valley Water District. If you have time to canvas, send text messages, make phone calls, or visit Farmers' Markets, we would be thrilled to have you join us. If there is room in your budget for another contribution - as much as we hate to ask - we could use that as well.

There is so much at stake in this election. With your support, together, we will ensure that **all** people in Santa Clara County have dependable access to safe, clean, affordable water today and for generations to come.

With gratitude,  
Rebecca

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We Plan to Finish this Campaign Strong! In hopes to send out another mailer to share this exciting news, please DONATE! Each \$1000 will send a postcard to 2500 voters. \$5000 could bring us to victory this week! If you already donated, please consider another donation. 5 Days To Go!

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**From:** [Foley, Emily](#)  
**To:** [Klicheva, Madina](#)  
**Subject:** FW: 660 University Ave  
**Date:** Wednesday, November 16, 2022 8:56:46 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)



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Planner  
Planning and Development Services Department  
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**From:** Kathleen Rotow <kathleenrotow@gmail.com>  
**Sent:** Tuesday, November 8, 2022 1:43 PM  
**To:** Foley, Emily <Emily.Foley@CityofPaloAlto.org>  
**Subject:** 660 University Ave

You don't often get email from [kathleenrotow@gmail.com](mailto:kathleenrotow@gmail.com). [Learn why this is important](#)

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I am the owner of 789 University Ave and have feedback regarding The Notice of Preparation for the 660 University proposed project.

I have several concerns about this project. I am opposed to rezoning from Low Density Multiple Family Residence (RM-20) to high density Planned Community (PC). It is inappropriate in the proposed location given the foreseeable increase in traffic, noise and pollution. All of the aforementioned will negatively affect public safety and quality of life for nearby residents. As we are all aware, this expansive project is directly across the street from an elderly senior living facility that necessarily includes a population that cannot respond to the public safety, pollution, traffic and noise issues in the same manner as other populations. On the other side of the proposed project, there is another senior living development. Additionally, many residential homes are located in close proximity and the increased traffic, pollution and noise would be prohibitive for the residential nature of the area. This project is clearly adjacent to low density residential and senior living facilities. It would dramatically change the character of the area and should not be approved. It is my understanding that this development is trying to squeeze approximately 65 dwellings onto an area zoned for up to 20 dwellings per acre. In addition, it includes office space that is comparable to the total square footage on the site as it stands currently. You would be allowing an increase from the current 9,216 square feet to 42,189 square feet. This increase does not adhere to the current zoning parameters or to the nature of the area. This project should not be approved.

As the city is aware, the Middlefield/University intersection is already heavily congested with traffic and the noise currently generated is unacceptable. This large scale project will exacerbate an already busy and dangerous intersection and increase the noise level for area residents, including many seniors. Maybe the city should consider asking the developers to move the project next to one of their homes. I'm sure they would like the increase in traffic, noise and pollution not to mention the public safety issues it will generate.

This project should be implemented elsewhere. This is the wrong project, in the wrong place and the wrong size.

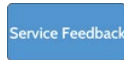
Respectfully,  
Kathleen Rotow

P.S. The link provided for The Notice of Preparation is inaccurate.

**From:** [Foley, Emily](#)  
**To:** [Klicheva, Madina](#)  
**Subject:** FW: 660 University Project comments  
**Date:** Wednesday, November 16, 2022 8:56:39 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
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[image007.png](#)  
[image008.png](#)



**Emily Foley, AICP**  
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The City of Palo Alto is doing its part to reduce the spread of COVID-19. We have successfully transitioned most of our employees to a remote work environment. We remain available to you via email, phone, and virtual meetings during our normal business hours.

**From:** Alan Brauer, M.D. <[drbrauer@totalcare.org](mailto:drbrauer@totalcare.org)>  
**Sent:** Saturday, November 5, 2022 6:52 PM  
**To:** Foley, Emily <[Emily.Foley@CityofPaloAlto.org](mailto:Emily.Foley@CityofPaloAlto.org)>  
**Subject:** 660 University Project comments

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Hi Emily,

As we are located directly across the street from the proposed 660 University project, we are concerned about 2 main issues::

1. What are the noise mitigation measures that will be required? Our building is occupied primarily by mental health professional who engage in psychotherapy. This requires a quiet environment and we are concerned about intrusions into the ability of our professionals to conduct therapy sessions.
2. What measures will be required to permit unrestricted access to our driveway on Byron?
- 3.

Additionally, should this project receive final approval, can you provide any time frame for the possible start of any demolition?

Thanks for your attention to this important matter.

Alan & Donna Brauer  
Owners, 630 University Ave., Palo Alto

**From:** [Janet L. Billups](#)  
**To:** [Planning Commission](#)  
**Cc:** [Foley, Emily](#); [Lait, Jonathan](#); [Stump, Molly](#); [Christopher Ream](#); [Leigh F. Prince](#)  
**Subject:** Opposition to Project Proposed at 660 University Avenue  
**Date:** Tuesday, November 15, 2022 11:38:07 AM  
**Attachments:** [Letter to PTC re 660 University 11.15.22.pdf](#)

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Some people who received this message don't often get email from [jlb@jsmf.com](mailto:jlb@jsmf.com). [Learn why this is important](#)

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Dear City of Palo Alto Planning Commission,

The attached letter, submitted by Leigh Prince, on behalf of the Homeowner's Association for The Hamilton, a continuing care retirement community for seniors located at 555 Byron Street, expresses opposition to the project proposed at 660 University Avenue. The Hamilton encourages the Planning Commission to consider several of the alternatives outlined in the letter.

Kind regards,

Janet Billups, Legal Assistant to Leigh F. Prince, Esq.  
Jorgenson, Siegel, McClure & Flegel LLP  
[1100 Alma Street, Ste. 210](#)  
[Menlo Park, CA 94025](#)  
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DECEASED  
MARVIN S. SIEGEL  
(1936 - 2012)  
JOHN R. COSGROVE  
(1932 - 2017)

WILLIAM L. McCLURE  
JOHN L. FLEGEL  
DAN K. SIEGEL  
JENNIFER H. FRIEDMAN  
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PHILIP S. SOUSA

BRITTNEY L. STANDLEY  
CHRISTIAN D. PETRANGLO  
JOSEPH H. FELDMAN

November 15, 2022

**Sent Via Email:** [Planning.Commission@CityofPaloAlto.org](mailto:Planning.Commission@CityofPaloAlto.org)

Planning and Transportation Commission  
City of Palo Alto  
Palo Alto City Hall  
250 Hamilton Avenue  
Palo Alto, CA 94301

**Re: Opposition to Project Proposed at 660 University Avenue**

Dear Honorable Members of the Planning and Transportation Commission,

This letter is written on behalf of the Homeowner's Association for The Hamilton, a continuing care retirement community for seniors with 36 units located at 555 Byron Street. The Hamilton is adjacent to the proposed mixed-use project which would consist of 65 residential units and 9,115 square feet of office ("Project") at 660 University Avenue ("Property"). The residents of The Hamilton, whose average age is in the mid-80s, will be significantly impacted by the proposed Project. In addition, the Project will impact a number of other senior communities in this "Senior Corner" of Palo Alto, including Lytton Gardens and Webster House (and Channing House).

Rather than proposing something compatible with the "Senior Corner," the Project proposes a density and intensity far in excess of any surrounding development and in excess of what is allowed by the current residential zoning or the City's Comprehensive Plan. This letter will highlight concerns with the merits of the Project as well as environmental impacts, and should be considered a comment letter on the Notice of Preparation. The Hamilton is concerned about impacts to transportation, air quality, noise, parking, pedestrian safety, land use/planning and the loss of a significant tree presented by Project with its unprecedented density and intensity. The Hamilton requests that the Planning and Transportation Commission ("PTC") recommend that the Project be reduced to be more consistent with the existing residential zoning and compatible with the surrounding senior communities.

**Density Significantly Exceeds that Allowed by the Zoning or the Comprehensive Plan.**

The Project proposes 65 units (47 studios, 12 one-bedroom and 6 two-bedroom units). Although this is a reduction of five units from the preliminary proposal reviewed by the City Council during the Planned Home Zoning (“PHZ”) pre-screening, this is still significantly above the density allowed by the Property’s RM-20 multifamily zoning. The maximum number of units allowed by the zoning would be 10 units. Thus, the Project is proposing six and a half times the maximum allowable zoning density. Furthermore, the Project also far exceeds the allowable residential density identified in the City’s Comprehensive Plan. The Comprehensive Plan would allow a density of 40 units per acre. On this approximately half-acre site, the maximum Comprehensive Plan density would be 20 units. Thus, the Project is proposing 45 units more (or more than three times the density) anticipated by the highest density identified for the Property in the City’s Comprehensive Plan.

With 65 units on approximately one-half acre, the Project density is approximately 126 units per acre for this multifamily residential area. The highest density identified in the Housing Element for any property is 81.25 units per acre for general manufacturing and research, office and limited manufacturing zones. Thus, the proposed Project density is one and one-half times the highest density identified anywhere in the City in the draft Housing Element. This is also far in excess of other planned communities in this area. The Hamilton is located on approximately 1.18 acres and has 36 units for a density of 33 units per acre. Thus, the proposed Project is well over three times more dense than the neighboring development.

Because by any measure this Project is proposed at an unreasonably high density, The Hamilton encourages the PTC to recommend the Project’s density be significantly reduced.

**Inadequate Public Benefit Provided in Exchange for Increased Density.**

The Project does not provide a substantial public benefit adequate to justify the significant increase in density. The Project proposes to provide 20 percent affordable housing units (four very-low, four low and five moderate income units) consistent with the City Council direction on the minimum affordability necessary to support a rezoning to PHZ. However, given the significant increase in density, this is a woefully inadequate public benefit. To put it into perspective, a project that proposes 20 percent low-income units would be entitled to a 35 percent density bonus under state density bonus law (Government Code Section 65915). With a maximum Comprehensive Plan density of 20 units, a 35 percent density bonus would result in a 27-unit project.<sup>1</sup> In fact, the highest density bonus a project can receive using state density bonus law is 50 percent, which would allow a 30-unit project. Thus, although the PHZ does not require strict adherence to state law, it is important to note that if approved the City would be allowing a far greater density increase than mandated by state law in exchange for far less affordable housing.

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<sup>1</sup> Strict compliance with the state density bonus law would result in a density bonus of less than 35 percent. State law generally requires one income category be selected to determine the density bonus; however, many jurisdictions as a policy matter will count units at lower affordability toward the higher category. With four very-low income units, the density bonus percentage would be 20 percent which would be a total project of 24 units. Four low income units would not qualify the Project for a density bonus. If the four very-low income were counted toward the low income category, with eight low income units, the Project would qualify for a 23 percent density bonus. This would allow a 25-unit project. With five moderate income units, the Project would not qualify for a density bonus. If the four very-low and four low income units were counted toward the moderate income category, the Project would qualify for a 15 percent density bonus. This would allow a 23-unit project.

Giving away this increased density also does not provide the City significant progress toward meeting its Regional Housing Need Allocation (“RHNA”) for the current Housing Element cycle. The City needs to plan for 1,556 very-low income units, 896 low income units and 1,013 moderate income units. For more than triple the allowable density, the City obtains only four very-low income units (0.2% of the need), four low income units (0.4% of the need) and five moderate units (0.4% of the need). Understanding that the City needs to plan to develop housing to meet its RHNA goals, the City should not “throw the baby out with the bath water.” Increased housing density should be approved within reasonable limits and certainly not so far in excess of that allowed by the zoning or the Comprehensive Plan, even with state law mandates layered on top. Approving this Project as proposed would unfairly put the burden on the seniors living at The Hamilton to allow the City as a whole to make negligible progress toward its RHNA goals. Therefore, The Hamilton encourages the PTC to recommend the density of this Project be substantially reduced.

**Office Use Adds Intensity Without Benefit.**

Not only does the Project far exceed the residential density, it also includes office. The Project proposes 9,115 square feet of general office. Office is not a permitted or conditional use in the RM-20 multifamily residential zoning district. Office uses are inconsistent with the City’s Comprehensive Plan for this residential area. Further, general office is a departure from the existing non-conforming medical office. While medical office might serve the “Senior Corner,” general office does not. Instead, general office uses would add intensity and traffic congestion and create additional housing need without benefiting the surrounding community. Thus, The Hamilton urges the PTC to recommend removal of the office use from this Project.

In addition, the City should prepare a housing needs assessment (“HNA”), including consideration of the multiplier effect, as part of the environmental impact report. A HNA would help the City to understand how many employees will occupy the office space and the housing demand that will be generated by those workers. This is especially important in an era where office space per worker is declining, and the number of employees may be higher than anticipated (the average tech worker uses less than 250 square feet of office space).

Finally, the office vacancy rate in Palo Alto is currently at approximately 14 percent indicating there is no need for the development of office in this location where it is neither permitted, nor beneficial.<sup>2</sup> Thus, The Hamilton urges the PTC to recommend office be removed from this Project.

**Transportation Impacts Potentially Significant.**

The environmental impact report and the City in its deliberation regarding the merits of this Project should carefully consider the impact of the additional trips generated by the residential units and office use. The multifamily residential zoning anticipated 20 units per acre and no office. The Comprehensive Plan anticipated a maximum of 40 units per acre and no office. The intensity of this Project with approximately 126 units per acre and office will far exceed the transportation impacts presented in any environmental review for existing planning documents.

The transportation impact analysis and environmental impact report should not focus only on the impact during peak commute hours, but should consider the impact throughout the day. Such an analysis is important in this “Senior Corner” because many residents are home throughout the

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<sup>2</sup> [https://www.nmrk.com/storage-nmrk/uploads/fields/pdf-market-reports/1Q22-SPeninsula-Office-Market\\_2022-05-31-174425\\_nzty.pdf](https://www.nmrk.com/storage-nmrk/uploads/fields/pdf-market-reports/1Q22-SPeninsula-Office-Market_2022-05-31-174425_nzty.pdf)

day. The Hamilton is concerned that the additional traffic generated by the Project will impact their ability not only to drive, but also to walk safely in the neighborhood.

One related issue that should be studied in the transportation impact analysis and environmental impact report is the design of the Project's entry/exit for the garage onto Middlefield Road. The garage entry/exit is close to the traffic light at University Avenue and may cause significant queuing, which will likely lead to traffic jams on Middlefield Road. This congestion will lead people to try to bypass the traffic by cutting down Byron Street. Byron Street is narrow, and the fully utilized parking on either side makes it impossible for two moving cars to pass each other safely. Thus, cut through traffic down Byron Street should be analyzed. This is in addition to analyzing the impacts to University Avenue and Middlefield Road that are main arteries in Palo Alto.

Finally, the transportation impact analysis and environmental impact report should carefully consider the impacts on parking. The Project is proposing 82 spaces, which is 28 spaces less than the 110 spaces required. One of the two levels of parking proposes stackers, which can be difficult to operate and maintain. With inadequate and complicated parking, it is reasonable to conclude that many residents, workers and visitors will park off the Property. Consideration of the Project should include parking impacts such as additional miles travelled in search of parking and parking intrusion into surrounding areas.

#### **Air Quality Impacts Should Be Carefully Analyzed.**

Closely related to the transportation impacts, are the potential air quality impacts. As noted, this is an area referred to as "Senior Corner." Seniors are sensitive receptors who are at a heightened risk of negative health outcomes due to exposure to air pollution. The environmental impact report should include a health risk assessment and mitigate the Project to avoid negative health impacts to this sensitive community.

#### **Tree Preservation is of Substantial Importance.**

There is a beautiful Coastal Live Oak tree with a trunk diameter of 50 inches growing just over the property line. The canopy stretches approximately 45 feet over the Project site. It provides beauty and shade for the entire block and likely habitat for biological resources such as nesting birds. Careful consideration needs to be given to ensuring that this tree is adequately protected and survives and is in good health after the redevelopment of the Property to minimize the impact of the Project on aesthetics and biological resources. A professional arborist should consider not only the roots, but to how much of the canopy may need to be cut to allow the Project and how this can be limited to avoid impacting the environment.

#### **Other Considerations Impacting Aesthetics, Land Use and Planning.**

The setbacks on all streets and sidewalks proposed by the Project are greatly reduced from required setbacks. The required setback along Middlefield is a minimum of 24 feet. The required setback along University Avenue and Byron Street are both 16 feet. The Project would reduce each of these setbacks down to only 10 feet. These setbacks impact the pedestrian experience and may impact safety. These potential impacts should be considered.

The residential portion of the building is 50 feet tall and it is higher for mechanical and elevator equipment. This exceeds the height allowed in the multifamily zoning district. Plans for the Project reveal that a majority of the rooftop will be opened up as a social gathering common area with multiple barbeques, lounges, tables and chairs, including a TV mounted on one of the walls. The

Planning and Transportation Commission  
Re: Opposition to Project Proposed at 660 University Avenue  
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Page 5

aesthetic impacts of the height of the building, any noise impacts from rooftop activities or mechanical equipment should be considered.

**Alternatives to Consider.**

The Hamilton encourages the environmental impact report to consider a number of alternatives to the proposed Project. One alternative that could be considered is a project that complies with the current zoning and Comprehensive Plan, including density, uses, setbacks, height, etc. This alternative could include additional density based on state density bonus law. Even with the additional density allowed by state law, such a project would likely be more responsible to its context and compatible with adjacent development. Another alternative would be a senior project with low income senior housing. Not only is there a need for senior housing and low income senior housing in Palo Alto, such a project may also have reduced impacts (e.g. seniors drive less). The Hamilton urges the PTC to consider either of these alternatives as preferable to the proposed Project.

The Hamilton thanks you for your time and attention to this matter and strongly encourages the PTC not to support moving this Project forward as proposed. The Project should be consistent with or a modest modification to the existing multifamily residential standards, should not include office and should consider providing senior housing.

Sincerely,

*Leigh Prince*

Leigh F. Prince

Cc: Emily Foley, Planner ([Emily.Foley@CityofPaloAlto.org](mailto:Emily.Foley@CityofPaloAlto.org))  
Jonathan Lait, Planning Director ([Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org))  
Molly Stump, City Attorney ([Molly.Stump@cityofpaloalto.org](mailto:Molly.Stump@cityofpaloalto.org))  
Christopher Ream, President, The Hamilton HOA ([ream@reamlaw.com](mailto:ream@reamlaw.com))

**From:** [Aram James](#)  
**To:** [Binder, Andrew](#); [Tony Dixon](#); [KEVIN JENSEN](#); [Jeff Rosen](#); [Sean Allen](#); [Filseth, Eric \(Internal\)](#); [mike.wasserman@bos.sccgov.org](mailto:mike.wasserman@bos.sccgov.org); [Foley, Michael](#); [Afanasiev, Alex](#); [Lee, Craig](#); [Council, City](#); [Planning Commission](#); [GRP-City Council](#); [Bains, Paul](#); [Winter Dellenbach](#); [Shikada, Ed](#); [Gennady Sheyner](#); [Jay Boyarsky](#); [Joe Simitian](#); [Supervisor Otto Lee](#); [Supervisor Susan Ellenberg](#)  
**Subject:** minor-traffic-stops-plummet-in-months-after-lapd-policy-change?  
**Date:** Monday, November 14, 2022 11:31:11 AM

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But why is PAPD Chief Andrew Binder unwilling to stop racially loaded pretext stops? and adopt a program similar to the LAPD ? See Binder's answer on pretext stops- to Weekly reporter Gennady Sheyner in his ***Battling Bias in Policing*** piece dated Nov 4, 2022 ( see below the latines piece below)

[https://www.latimes.com/california/story/2022-11-14/minor-traffic-stops-plummet-in-months-after-lapd-policy-change?\\_amp=true](https://www.latimes.com/california/story/2022-11-14/minor-traffic-stops-plummet-in-months-after-lapd-policy-change?_amp=true)

[https://www.paloaltoonline.com/news/2022/11/04/battling-bias-in-law-enforcement-what-data-reveals-about-the-palo-alto-police?utm\\_source=express-2022-11-04&utm\\_medium=email&utm\\_campaign=express](https://www.paloaltoonline.com/news/2022/11/04/battling-bias-in-law-enforcement-what-data-reveals-about-the-palo-alto-police?utm_source=express-2022-11-04&utm_medium=email&utm_campaign=express)