



## City of Palo Alto City Council Staff Report

(ID # 11185)

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**Report Type: Informational Report**

**Meeting Date: 3/16/2020**

**Council Priority: Grade Separations**

**Summary Title: Connecting Palo Alto Rail Update**

**Title: Connecting Palo Alto Rail Grade Separation: Receive an Update From the Expanded Community Advisory Panel (XCAP)**

**From: City Manager**

**Lead Department: City Manager**

Staff is providing this cover memo as additional information for the City Council as part of the Rail Update for March 16, 2020. This is being provided as an informational report rather than a discussion item, in recognition of the time-sensitive issues to be discussed by the City Council on March 16. The report from the Expanded Community Advisory Panel (XCAP) Chairperson is included as **Attachment A**.

City staff has actively been working on the Rail Grade Separation effort, especially with the XCAP, for some time now. The City Council shifted the XCAP to a body that reports directly to the Council in September 2019. Since then, the XCAP organized itself and set goals for what it hoped to achieve in order to meet City Council's deadline of April 30, 2020 for the XCAP recommendation. Staff provides analytical work with the consultant (AECOM) to the XCAP, meeting support, some memoranda, and coordination for the memoranda that the XCAP members produce themselves. Additionally, staff coordinates the larger community engagement effort intended to increase broader community awareness about this process, the alternatives being considered, and where the public can participate in the process.

As mentioned in the adjoining memorandum (**Attachment A**) submitted by the XCAP Chairperson (not yet approved by the full XCAP), the XCAP has met numerous times in working toward the April 30, 2020 deadline for a final report and recommendations to the City Council. They have been diligent with organizing the information they believe needed to do their work as well as sharing additional requests with staff for things they would like to see. In the list of requests that the XCAP made to staff as described in the XCAP Update memorandum, staff provides the following dates based on known information at this time:

1. List of XCAP Questions: Staff will provide responses to the XCAP at the March 18, 2020 meeting. These were to be provided at the March 11, 2020 meeting; however, that meeting was cancelled.
2. Existing Metrics Related to City Council Adopted Criteria (the XCAP refers to this as “Measurable Criteria”): The XCAP Subgroup decided that instead of recommending any changes to the City Council on the City Council-Adopted Criteria, that they would instead look for any existing data or metrics that the City has already collected related to the City Council criteria. They requested that staff do this work for them. Staff has been researching this information and plans to have a completed report to the XCAP on March 18, 2020 (as the March 11, 2020 meeting was cancelled). There is very limited information responsive to this request. Some of the data requested was collected for specific projects at a certain point in time and not collected on an ongoing basis as a part of regular city business, as suggested.
3. Noise and Vibration Information: the AECOM consultant team has begun this work. They noise readings were recently collected and AECOM will be doing further analysis for what the estimated noise levels and possible mitigations will be related to each of the alternatives. Staff anticipates receipt of that report within the next two-three weeks.
4. Business Outreach: It is worth noting that neither citywide outreach in general nor specifically business outreach was assigned by the City Council to the XCAP. Staff has taken on the responsibility to increase engagement and awareness related to grade separation. XCAP outreach to date has included reaching out to direct neighbors and neighborhood groups. In addition to XCAP efforts, citywide outreach has included posts to the project and City website, information sharing through a new blog, creating and sharing fact sheets about each alternative, and publicizing meetings more broadly using both print and electronic media. Additional business outreach is ongoing.
5. Website: Staff has been behind producing meeting summaries, though the meeting videos are all available on the project website. It is staff’s goal to upload the meeting summaries within the next two weeks. Meeting videos are uploaded to the project website within one (1) week of the meeting. MidPen usually uploads meeting videos to their website three to four (3-4) business days after a meeting and then staff subsequently links those videos to the Connecting Palo Alto website. The XCAP memoranda are uploaded as they become available. This varies by memorandum, memorandum author, and the amount of time the report author had to compile their report given the turnaround time between weekly meetings.
6. Timeline for New Idea Analysis: The City Council approved the further analysis of two (2) of the new ideas pushed forward by the XCAP (the Churchill Partial Underpass and the Meadow/Charleston Underpass). AECOM has been working diligently with the new idea proposers and staff on analysis and provided an updated timeline to staff. The updated

timeline anticipates AECOM being able to provide new typical sections, aerials, and renderings for the Churchill Partial Underpass for the March 18, 2020 XCAP meeting. Similar information will be available for the Meadow Underpass and Charleston Underpass for the March 25, 2020 XCAP meeting. In the meantime, staff will meet with the new idea proposers and the XCAP Technical Working Group about the new ideas.

7. Business Tax: The memorandum states that the April 30, 2020 XCAP deadline was set so that the City Council could have time thereafter to determine what to do related to a business tax. The April 30, 2020 deadline was really based on giving the City Council additional time to review the XCAP recommendation along with other community and business feedback in order to make a well-informed decision related to grade separation, as the XCAP recommendation is just one input for the City Council in its decision-making. Parallel to the discussion about grade separation has been the business tax ballot measure discussion, parallel but not specifically linked.

The report from the XCAP Chairperson clearly reflects the pressure of the established April 30, 2020 deadline for a recommendation. Clearly given the effects of COVID-19, it is in the interest of all stakeholders to be flexible and thoughtful in determining what can be accomplished within existing timeframes and where goals may require adjustment. Staff will work with the XCAP over its upcoming meetings to develop recommendations for Council consideration.

**Attachments:**

- Attachment A: XCAP Update to City Council #4 - March 12, 2020

**Attachment A: XCAP Update #4  
For March 16, 2020 City Council Meeting**

**To:** City Council  
**From:** Nadia Naik, Chair of Expanded Community Advisory Panel (XCAP)  
**Date:** March 16, 2020  
**Re:** Update #4 to City Council\*

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*\*Note: The following update was not voted on by XCAP members due to meeting cancellations.*

Since our last update on 1/21/2020, XCAP worked aggressively and made substantial progress towards our final recommendations and report scheduled for April 30, 2020. (January Report: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=60806.72&BlobID=74853>).

We completed the following tasks:

- Finalized XCAP questions for Staff and the consultants – including traffic on existing alternatives.
- Received an update from the traffic consultant regarding XCAP questions.
- Gave additional feedback to the traffic consultant about anticipated information on new grade separation alternatives. Traffic consultant reported that changes were made to mitigations as a result of feedback given from XCAP’s observations.
- Received a Property Impacts presentation from Norm Matteoni, Managing Partner at Matteoni, O’Laughlin & Hechtman (handout and video links: <https://connectingpaloalto.com/wp-content/uploads/2020/02/Item-3-All-Shared-at-Meeting-XCAP-Meeting-2.5.20.pdf> and <https://midpenmedia.org/palo-alto-expanded-community-advisory-panel8-252020/>)
- Received feedback from PAUSD (letter link: <https://connectingpaloalto.com/wp-content/uploads/2020/02/InfoReport-SharedatMeeting-Feb262020-Churchill-Closure-Impacts-PAUSD-Feb2020.pdf>).
- Approved DRAFT outline of Final Report and assigned sections to be written by sub-groups of the XCAP. Staff communicated that the bulk of the report is to be produced by the XCAP and that Staff will be able to provide minimal assistance.

Making Progress:

The following list of items are requests that XCAP has made to Staff/consultants and is waiting to receive:

Outstanding XCAP questions – Staff has provided a partial list of responses to a list of questions that was finalized by XCAP on 1/29/2020. We are awaiting the remainder of the responses as

they become available from Staff/consultants. Staff is unable to provide XCAP with an expected completion date (as of last inquiry on 2/26/2020).

Measurable Criteria: XCAP has adopted the term “Measurable Criteria” for things that can be measured (such as noise decibels) vs. other Council Criteria that are less quantifiable (such as “facilitate movement across the corridor for all modes of transportation.”

XCAP has requested from Staff any data or metrics the City collects in the normal course of business that can help XCAP apply the Council Criteria. For example, the Council Criteria lists “Reduce Noise and Vibration.” XCAP has inquired if there are any city data related to baseline decibel levels for comparison to information provided by consultants about future noise and rough vibration estimates for various alternatives. Staff is unable to provide XCAP with an expected delivery date (as of last inquiry on 2/26/2020).

Noise and Vibration Information: XCAP has been advised by Staff and consultants that specific information related to noise and vibration is likely unavailable at this early juncture. However, there are established broad standards that may be useful in highlighting differences between, for example, the noise impacts of a hybrid vs. a viaduct. XCAP has also asked for the “menu of mitigation alternatives” which would essentially list potential mitigation types and how they could be applied against the alternatives to further mitigate known impacts. Staff is unable to provide XCAP with an expected delivery date (as of last inquiry on 2/26/2020).

New Alternatives additional information:

Since the Council voted on Jan 21<sup>st</sup> to explore the “Partial Underpass” alternative for Churchill and the “Underpass Alternatives” for Meadow and Charleston, AECOM has been working expeditiously on providing information as it becomes available.

The Technical Working Group and the New Idea Proposers met with Staff and Consultants, including City Staff from Utilities, Transportation and Public Works where detailed information regarding the technical aspects of the new alternatives were discussed.

The Technical Working Group, along with the New Idea Proposers, will be meeting with AECOM and Staff again to continue to review and advance the technical aspects of the alternatives prior to public release of information. This is to avoid the scenario that happened at the February town hall meeting where a map that had not been reviewed by the proponents, the Technical Working Group or the XCAP was presented to the public.

Business Community Outreach:

XCAP has consistently voiced concern related to the lack of outreach to the business community and the few comments to date from them on the alternatives. The XCAP member that represented the Chamber of Commerce is no longer participating. Staff has informed the Chair and Vice Chair that they are working on outreach to the business community and can provide further information.

Website: The XCAP's tight schedule has made it a challenge for Staff to update information regularly. As of 3/11/2020 we do not have meeting minutes or summaries showing actions taken or what happened at each meeting. In addition, there has been a lag, sometimes of 2-3 weeks, in posting links to the videos of the meetings on the XCAP website because we meet so frequently. This is out of XCAP's control and relies on Staff's limited available time. We want to make the Council aware of the situation since there have been complaints from constituents about their ability to find information. Additional resources to support these types of functions might be helpful.

Schedule and COVID-19 impacts:

Based on Santa Clara County Public Health guidelines, XCAP did not meet on March 4<sup>th</sup> or March 11<sup>th</sup>. A large attendance was anticipated based on the unusually high volume of emails from residents in both South and North Palo Alto that expressed their intent to attend the meeting to give their feedback on the alternatives. Since a high proportion of XCAP attendees are in the County Health Guideline's higher-risk age groups, there was concern that holding a meeting would be forcing at-risk citizens to choose between their own safety and their ability to participate in deliberations. ***At this point, this two-week delay will impact the XCAP's ability to deliver our report by April 30<sup>th</sup>, even in the unlikely event we are able to have weekly meetings from now until the deadline.***

The April 30<sup>th</sup> deadline was set so that Council would have time, after their selection of preferred alternatives, to determine whether to proceed with a November business tax ballot measure, what form it might take and the amount of funds targeted. *Before COVID-19 entered the discussion*, the Council seemed poised to consider a tax that would raise \$10M per year or less. Given the cost of even the least expensive alternatives, revenue range would not likely provide nearly enough additional funding for the alternatives being considered, although it might provide a "local share" to help secure Measure B funds and future regional, state or federal funds. Consequently, a delay in the XCAP process would not necessarily inhibit with the Council's ability to still move ahead with the tax decision.

***The level of uncertainty over COVID-19 in the coming months makes it difficult to estimate at this time what impact this might have on the XCAP schedule.*** The bulk of all future agendas for XCAP meetings were dedicated to XCAP deliberations and final report editing. XCAP has decided that all votes and deliberations will be discussed publicly (no secret votes or ballots) in order for the community to understand how the committee arrived at its recommendations. Broad community participation in final deliberations is considered vital to build public support for the process and, ultimately, the final selection by Council. While there may be a way to continue to have XCAP meetings using technology and social distancing, we would be severely limiting the public's ability to participate in real time during deliberations. Ultimately, there could be significant community resentment if the public is not able to have adequate participation in the process due to restrictions from this pandemic.

Another consideration is the ability of the XCAP members to be able to attend physical meetings and potential conflicts of getting a physical quorum to comply with the Brown Act. In

the best of times, deliberations on such sensitive issues are difficult and cumbersome to do when some members might be present and others might be available only by phone or web. Deliberations done only by phone make it hard to read body language and facial expressions, which could ultimately lead to misunderstandings. The full attendance and participation of all members is vital to representing the largest portion of the community possible throughout this process.

If we are unable to continue having meetings that can include the public in the near future, ***the XCAP still has a lot of work that it can continue to accomplish.***

Tasks that can continue include:

- Writing and editing of all sections leading up to deliberations.
- Gathering all reference materials for the substantial appendix accompanying the report.
- The Technical Working Group can continue to liaise with Staff and Consultants on the two new alternatives and help develop materials for public release when normal public meetings resume.

A delay in the timeline could also be utilized to:

- Explore a more robust Community Outreach strategy that covers a broader citywide engagement
- Pursue business outreach materials and activation of the business network
- Consider collaborating with local newspapers and other resources to capitalize on a potential uptick in online readership during COVID-19
- Pursue collaboration with PAUSD to leverage their communications network to raise awareness on the issue and to engage more with them about impacts of alternatives

#### Summary:

To date, XCAP has been very successful in analyzing the various alternatives, vetting new ones and ultimately bringing forth three new alternatives that are directly in response to input from the community throughout the process. In the current environment, it seems progress can still be made even if public meetings are not possible.

The disruptions from the pandemic are unfolding and escalating rapidly and, therefore, the impact on the schedule is difficult to fully anticipate.

We recommend the Council consider the following key questions:

- Does Council agree that XCAP public meetings should be postponed at this time?
- Does the XCAP recommendation target date for completion still apply?
- What are the implications of the delay relative to the Business Tax under consideration?