

# **Expanded Community Advisory Panel (XCAP)**

**December 9, 2020, 3:30 pm**

Summary – Special Meeting (virtual, through Zoom)

## **1. Welcome and Roll Call**

Present: Gregory Brail, Phil Burton, Inyoung Cho (late), Larry Klein, Nadia Naik, Keith Reckdahl (late), David Shen

Absent: Tony Carrasco, Cari Templeton

## **2. Staff Updates**

Ripon Bhatia, Senior Engineer, advised there were not many updates, except that staff is still looking into the cost for a copy editor and the availability of funds.

Chair Naik explained to XCAP Members that if a copy editor is obtained, then final reports would have to be turned in by January.

## **3. Oral Communications**

Keri Wagner thanked XCAP Members for their work. She stressed avoiding any solution that required Eminent Domain and taking properties because taking peoples' homes cannot be justified. She also strongly preferred no viaduct or raised rail that will bisect the City. She appreciated how the bike and pedestrian considerations have been incorporated.

Rebecca Eisenberg reiterated her request that XCAP Members do everything possible to bring a potential undergrounding of the train back for consideration. With new information coming forth, now is not the time for undergrounding to be taken off the table, especially with the continued crisis of land for affordable housing or any housing. Given that there are so many unanswered questions it is premature to write off the potential for exploration for undergrounding the train. She liked the potential for a viaduct because it would unite the City.

Chair Naik replied that XCAP has considered underground options, the trench option and two South Palo Alto tunnel options. For clarification, housing cannot be built on the Caltrain right-of-way.

## **4. XCAP Member Updates and Working Group Updates**

Chair Naik asked Members Shen and Brail if they received as many comments as they expected?

XCAP Member Brail noted he felt much better about Chapter Three. Some parts were removed and he made a section at the end which was a history of the underpass. He added a section in which he tried to summarize how people felt about all four of the options in just a few sentences. He asked for input from other Members to that

section. He liked what was done in terms of the editing process. He made a Google doc and shared it with the other three Members working on his section and he received helpful comments from them. At the end he exported the Google doc into a word doc and mailed it to Sarah Wilson.

XCAP Member Shen thought the process using Google doc and passing it the required number of people is fine. His questions related to unification. He scanned through Member Brail's doc and thought it looked, felt and sounded different than his section. He encouraged both sections to unify to have the same headers, the same tone, etc. He asked if there was a way to formally end the Brown Act at this point, and start writing the document?

Chair Naik replied no.

XCAP Member Brail shared the idea of things that should continue after COVID ends, and these kinds of meetings in a virtual setting means many more people can participate.

XCAP Member Shen commented that would mean allowing Google docs to be used.

Chair Naik advised the in-person system is generally designed for people who may not have the means to follow in virtual meetings. There are still many people who do not have regular internet access to be able to watch these meetings.

XCAP Member Burton noted he belongs to an organization that has gone to Zoom meetings and they are talking about having hybrid meetings even after in-person meetings can be resumed. The notion of hybrid meetings might reach the Legislature someday.

Chair Naik addressed Member Shen's comment about the different tones of his and Member Brails parts of their section. She noted the groups and documents would have to be swapped and then once everyone has read everything, come to an agreement about what makes most sense and integrate everything.

Member Shen believed that could happen with a copy editor. Someone who would read the whole document and make sense of it from a singular point of view.

XCAP Member Burton felt this Group would not get a copy editor, so some mechanism will have to be found inside XCAP to resolve this. He felt both documents were too long and poorly structured or organized in a way to facilitate quick reading.

XCAP Member Klein indicated this is a problem with having different authors for different sections. One determination made early on was that even though numbered sections are being used following Chair Naik's outline, numbered sections would not be used in the final draft. He would not put this on a copy editor because it is much more than what a copy editor would sign up for and that person probably will not understand what XCAP has been doing. A stylistic change may change the content.

Chair Naik reported she and Member Klein will help unify the document and return it to the XCAP for their thoughts. She felt the next step would be for each group to switch chapters completely.

XCAP Member Klein agreed with that.

Members discussed ways to go forward with this.

XCAP Member Brail noted one difference between the Churchill section and the South Palo Alto section was with Churchill the Group voted and there was a majority in favor of an alternative and a minority against it. In the South Palo Alto section, there was no consensus.

XCAP Member Burton indicated there is a lot of material that is descriptive and not written in response to the voting. That material should be structured the same way in both documents.

XCAP Member Shen noted a lot of the writing of his section for Churchill was taking things from the minutes and the fact sheets and put that in the document. He tried to avoid too much other color where possible. Anything that is opinion-based or anything added should be out of the main body of the document, possibly put in an Appendix. The main body of the document should report in a very objective way.

XCAP Member Burton reiterated that a strong structure Table of Contents is still needed.

Chair Naik replied the Table of Contents would be done at the end, after the document is structured.

XCAP Member Burton responded a Table of Contents would be built for each of the current documents and harmonize them.

XCAP Member Shen indicated that could be generated from the auto-generated outlines on the left-hand side when hitting headers. He suggested someone go through that and work with all the auto-generated outlines.

XCAP Member Burton felt sufficient headings were needed to structure the material. He felt some of the material could be broken up into more headings than there are.

Chair Naik acknowledged Member Brail's point that in some ways it is a different document for Churchill than South Palo Alto because there were votes for Churchill and not so much for South Palo Alto. She felt more of the descriptive detail was missing from the Churchill section.

XCAP Member Brail remarked he tried to summarize into a few sentences, the discussions the Group had and the feelings discussed in the meetings. The details were later in the section.

XCAP Member Shen indicated some of that was in the section previously and was removed. He can put that back in if that is the decision made.

XCAP Member Klein agreed with Member Burton that there has to be some limits on all the details in the report. All the fine details can be located in the Appendix.

XCAP Member Burton explained a good, strong outline structure would aid the reader and would allow for longer reports.

XCAP Member Klein thought Member Shen's section struck a good balance between facts and value judgements. He also brought up dissenting opinion document that was submitted at the last meeting.

Chair Naik was unsure if a rebuttal section was necessary. She noted she had read both documents and regarding the tone issue, she thought structure and tone were pretty close. She suggested a clean swap of Members of the chapters. Member Burton can take Member Carrasco's spot because he will be out for several meetings.

XCAP Member Burton noted he has an urge to get to a comprehensive outline before much more time is spent tweaking individual documents.

Chair Naik replied she had done an outline that was quite detailed but things are moving.

XCAP Member Burton felt the documents from Members Shen and Brail will have to be rearranged and reedited.

XCAP Member Shen would like to see an outline of the current sections.

XCAP Member Burton suggested he could take the next several weeks to do an outline.

Chair Naik believed the outline was a result of what the Group has done. The way the document is now creates its own outline currently is good. She

XCAP Member Burton suggested each group take a good, hard look at their individual documents and try to add first level and second level sections to the document.

XCAP Member Shen volunteered to do the outline. He will put all the documents into one Google doc, make sure all the headers are set correctly, figure out a way to extract the information in the left-hand pane so everyone can look at it.

Chair Naik agreed Members Shen and Burton could create that outline. At the next meeting that outline could be reviewed by everyone and make suggestions.

XCAP Member joined the meeting and asked what drove the discussion about this outline.

Chair Naik explained how this came about. She noted she did create a glossary and asked Members as they go through the documents, they make sure all terms are in that glossary.

## Public Comment:

Rebecca Eisenberg responded to the comment that it is impossible to build housing on the Caltrain right-of-way. Being a land-use transactional lawyer, she knows it is possible. Other cities have done so. There is a process to apply for the right to use it for housing. There are two different types of right-of-ways, an easement that moves with the train and ownership. Ownership can transfer or can be licensed out. Caltrain knows that housing is often built on its land, otherwise it wouldn't have released a policy document in March 2020 stating that 30 percent of the housing built on Caltrain land would need to be affordable housing. Nothing in any of the facts or the website provides any proof that it is impossible. The only thing that would make housing impossible on that land is the lack of interest by the City Council. Caltrain needs money, Palo Alto needs housing. Anything can be negotiated.

## **5. Continue Deliberations – Meadow/Charleston**

XCAP Member Brail put up his document for discussion. He called attention to the overall structure. It is somewhat like the structure suggested by Chair Naik. There is an Executive Summary. The second section featured a short summary about the options. He recently added Section 2.1 Tunnel Options. This gives anyone reading the report an idea of what the controversy was. Section 3 was a Detailed Comparison of the Options. He felt these were the most important sections. The next sections covered the pros and cons of the individual alternatives, the considerations for freight traffic, additional comparison and analysis, priority areas for future study, public opinion, and additional considerations. He felt sections 2.6 and 3.1 covered areas where there was no conclusion, but which tried to summarize something close to a conclusion out of the many pages of detail.

Chair Naik liked what Member Brail did. It seems to be written for the average person. She noted if the fact sheets were referred to as Exhibits, there could be reference points, putting an Exhibit in front of each section.

XCAP Member Brail suggested someone could do some work on Section 7, Public Opinion.

Chair Naik suggested taking out Section 7 because XCAP is not reporting on public opinion. The City has its own summary from the virtual town hall and the findings from that and City Staff will present that information.

XCAP Member Klein thought XCAP should not emphasize public opinion because it is not in keeping with the XCAP's charter. He noted there are a couple of sentences in the Executive Summary that the Council should be aware there is much public opposition in South Palo Alto to any of the raised structures.

Chair Naik noted Member Cho had brought up at last week's meeting the point that the main Executive Summary should echo things that exist in the report. Chair Naik then noted there was discussion at the last meeting about having policy recommendations and technical recommendations. She felt the information in sections 8.1 through 8.3 should go into the general policymaker summary area along with the sections under 6. The remainder is specific to South Palo Alto and the technical

recommendation for that section. Looking at section 8.2, she wanted to sure XCAP was comfortable with simply pointing out to the Council that if it takes longer for grade separations to happen, there would be the opportunity to pursue the possibility of quiet zones to tackle the noise issue ahead of what might be a many year process to build grade separations.

This point was discussed by XCAP Members.

Chair Naik advised she will be doing more work on the Meadow underpass section. It is too detailed and some of that information could be put into the Appendix.

Other items such as wording and placement of sections in the Meadow and Charleston Options were discussed.

Chair Naik noted she asked staff about the questions of a 1 percent versus 2 percent grade and this point was discussed. She also remarked the list of all the agencies that need to be addressed to be able to do anything with the creeks was not anywhere in the report.

XCAP Member Klein suggested it would be helpful to indicate in the report how many members of XCAP supported or leaned towards each alternative.

XCAP Member Shen presented his section, 3.2.

Some issues about the shoofly tracks were discussed as well as property takings. Clarification of the amount of land involved in a "sliver" was requested from staff.

Chair Naik requested information about ranges of maintenance costs from staff.

XCAP Member Shen asked members for input about section 3.2.

This was discussed by Members.

Chair Naik asked how members felt about where to put the general recommendations for policymakers and technical information for this section.

#### Public Comment

None.

#### XCAP Member Comments

Chair Naik advised there is a meeting next week. After that there is a break for the holidays. She hoped by the January 6, 2021 XCAP would know if a copy editor would be available and if so, some material could be turned in to that person by the second week of January.

## **6. Adjourn**

The meeting adjourned at 5:34 pm.