

Expanded Community Advisory Panel (XCAP)

THIS PACKET INCLUDES:

A compilation of emails (public comments, etc) submitted to the XCAP email box, XCAP@CityofPaloAlto.org, between **December 9 and December 16, 2020 at 12:00 pm approximately.**



Note: This PDF contains bookmarks separating each email in this compilation. If you'd like to see the bookmarks but your internet browser doesn't show them, download this PDF from your browser, then re-open it in a PDF reader (such as Adobe Reader, Foxit, etc) and make sure your bookmarks panel is open.

From: [Rebecca Eisenberg](#)
To: [Nadia Naik](#); [Expanded Community Advisory Panel](#)
Subject: "Can't Build Housing"
Date: Wednesday, December 9, 2020 3:44:38 PM

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Nadia and X-Cap:

In response to Nadia's remark in the December 9th meeting that "we cannot build housing" simply because "Caltrain owns the right-of-way."

That does not follow as a legal or factual matter. In other words, Caltrain's ownership of a right-of-way does not prevent Palo Alto from using the land for housing.

First, a right-of-way generally moves with the train. If the train moves underground, so does the right-of-way. A right-of-way is not the same thing as owning title in the land.

Second, even if Caltrain owns title in the land, it is premature to conclude that this ownership precludes us from purchasing it from Caltrain or using it for housing. This is particularly true given how badly Caltrain needs money.

As you know, I am a transactional attorney with decades of experience in large transactions including land use.

Is the truth that you don't WANT the land used for housing? Because we lawyers know that if parties want something, we can make it happen. If parties don't want something, only that is when we cannot.

Best,
Rebecca

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From: [Rebecca Eisenberg](#)
To: [Nadia Naik](#); [Expanded Community Advisory Panel](#)
Subject: PART 2: WE CAN BUILD HOUSING! Re: "Can't Build Housing"
Date: Wednesday, December 9, 2020 4:02:27 PM

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I believe that Nadia's strongly-stated conclusion that "Palo Alto cannot build housing" where Caltrain is now, may be based on this letter?

https://storage.net-fs.com/hosting/6566581/3/files/file_57182A7B_4A1C_1626_41CD_7197F4DB81F3.pdf

This, letter, actually, proves the OPPOSITE! It demonstrates that it IS possible for us to build housing where the tracks lie. Caltrain only seeks to preserve its right to use the land for "compatible purposes." If the train is moved underground, the compatible purposes will be underground! In fact, the very existence of a "RCUP Process" indicates that it IS POSSIBLE.

Is there some other document on which the X-Cap has based its conclusion that "housing is impossible?"

Otherwise, I believe it is irresponsible of the X-Cap to make this conclusion when clear evidence exists that there IS a path forward -- a path that Caltrain pointed you to!

Best,
Rebecca Eisenberg

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rebecca@privateclientlegal.com
415-235-8078

On Wed, Dec 9, 2020 at 3:43 PM Rebecca Eisenberg <rebecca@privateclientlegal.com> wrote:

Nadia and X-Cap:

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Is the truth that you don't WANT the land used for housing? Because we lawyers know that if parties want something, we can make it happen. If parties don't want something, only that is when we cannot.

Best,
Rebecca

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From: [Wilson, Sarah](#)
To: [Expanded Community Advisory Panel](#)
Cc: [Kamhi, Philip](#); [Bhatia, Ripon](#)
Subject: FW: TOC only PDF of all docs submitted for 12-9-2020 mtg
Date: Thursday, December 10, 2020 12:55:51 PM
Attachments: [TOC only \(docs submitted 12_7_2020\).pdf](#)

Hi XCAP members,

Please find attached a draft of a Table of Contents from Member Shen.

Sarah Wilson
Administrative Assistant, Office of Transportation
City of Palo Alto
Sarah.Wilson@CityofPaloAlto.org
(650) 329-2552

From: Dave Shen <dshenster@gmail.com>
Sent: Thursday, December 10, 2020 11:11 AM
To: Wilson, Sarah <Sarah.Wilson@CityofPaloAlto.org>
Cc: David Shen <dshenster@gmail.com>; Phil Burton <philburton.pagradecrossings@gmail.com>
Subject: TOC only PDF of all docs submitted for 12-9-2020 mtg

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Hey Sarah,

I don't know if you can send, but here is a TOC only PDF for all the docs submitted for 12-9-2020 mtg yesterday. Is it possible for you to distribute to xcap@? i think it will be useful for the group to see the bird's eye view for the docs as of yesterday.

Thanks, Dave

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From: [Nadia Naik](#)
To: [Bhatia, Ripon](#); [Kamhi, Philip](#); [Wilson, Sarah](#); [Expanded Community Advisory Panel](#)
Subject: What agencies need to be consulted when dealing with Creek impacts
Date: Saturday, December 12, 2020 4:32:32 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear XCAPers,

At the last XCAP meeting, we discussed what agencies need to be consulted if creeks are impacted.

I found this document

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=41378.68&BlobID=67690>

from 2018 where correspondence between Palo Alto and the Santa Clara Valley water district.

From page 7:

2. What other regulatory agencies have oversight of creeks, such as the RWQCB and Army Corps of Engineers?

Lowering or covering any of the four creeks will require regulatory approval from other agencies, including but not limited to California State Department of Fish and Wildlife, San Francisco Bay Regional Water Quality Control Board and the US Army Corps of Engineers. Additionally, in areas within a FEMA floodplain, the City's floodplain administrator must follow National Flood Insurance Program regulations to demonstrate the project will not adversely affect the risk of flooding or follow the process to modify the floodplain limits.

Thus, according to this document, the Trench and South Palo Alto tunnels would require sign off from the following agencies:

1. Santa Clara County Water District
2. California State Department of Fish and Wildlife
3. San Francisco Bay Regional Water Quality Control Board
4. US Army Corps of Engineers

The same information was also provided to XCAP in Joe Terisi's email (page 16 of <https://connectingpaloalto.com/wp-content/uploads/2019/12/Item3-All-Attachments-Dec.18-XCAP.pdf>)

I will include this document in our appendix because it has several other technical details that might be valuable in the future.

Nadia

From: [Karen Kalinsky](#)
To: [Expanded Community Advisory Panel](#); [Gregory Brail](#); [Reckdahl, Keith](#)
Subject: Feedback on Draft D, Chapter 3.3 (Meadow and Charleston Options) Underpass option for Meadow
Date: Wednesday, December 16, 2020 11:30:48 AM

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To: Expanded Community Advisory Panel (XCAP), Gregory Brail, Keith Reckdahl
RE: Feedback on Draft D, Chapter 3.3 (Meadow and Charleston Options) Underpass option for Meadow
Date: 12/16/2020

I appreciate that Chapter 3.3 Draft D, Meadow and Charleston Options, notes that the reason for a different AECOM design proposal for the Meadow Underpass is because it is a narrower street (Section 8.4.3, p.35) where it says,

“The AECOM Meadow Underpass alternative is significantly different from the XCAP 2019 Underpass concept submitted. The original concept(7) had a roundabout to address limited turn movements from Alma, similar to the concept for Charleston. Because Meadow is narrower than Charleston, instead of using a roundabout, AECOM chose to sink the westbound Meadow/northbound Alma turn lane.” Unfortunately, this is not until the last page of this Chapter.

The other references to AECOM’s Underpass design for Meadow do not refer to the fact that differences from the Charleston design are due to the fact that Meadow is a narrower street.

Section 2.5, p. 6, “As currently designed by AECOM, this design proposes a more traditional underpass at Meadow Road that does not include the roundabout option”

Please add: because Meadow is narrower than Charleston

Section 6.3.4, p.23 “In addition, the consultants’ design for Meadow differs significantly from the original proposal.” **Please add: because Meadow is narrower than Charleston**

I feel that it is important to convey the reason that AECOM’s design for the Meadow Underpass is so different from AECOM’s design for Charleston (which closely follows the XCAP 2019 concept) before the last page. I fear that some City Council members, and many others, may not read all the way to the last page of the South Palo Alto section.

Thank you for adding “Section 2.6: Choosing Between the Alternatives” – I found that this section conveyed very important information about the XCAP process and reasoning.

Sincerely, Karen Kalinsky, E. Meadow Dr resident and recumbent trike rider

From: [Ronald Pyszka](#)
To: [Expanded Community Advisory Panel](#)
Subject: One Last Comment
Date: Wednesday, December 16, 2020 11:05:04 AM

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Members of XCAP

As your work draws to a close, i would like to thank you for your hard work and thorough analysis of the alternatives.

However, I think that one important consideration is missing from your analysis of the Underpass option. In addition to private property acquisition/seizures, this option will have a substantial impact on the property values of a large number of additional homes, especially in the vicinity of Charleston Road. This needs to be highlighted since compensation of affected homeowners needs to be addressed and factored into the equation.

All of the Walnut Grove neighbors with whom I have spoken remain adamantly opposed to the Underpass Option and instead favor the Trench or Hybrid options.

Thank you for your consideration.

Ronald Pyszka