

From: [Tom Shannon](#)
To: [Planning Commission](#)
Cc: [Council, City](#); [Architectural Review Board](#); [French, Amy](#); [Lait, Jonathan](#); [Tom Shannon](#); [carlab@cb-pr.com](#); [mcleod.bruce@gmail.com](#); [akcooper@pacbell.net](#)
Subject: Castilleja School's CUP - Comment Memorandum from Neighbors
Date: Wednesday, November 4, 2020 12:28:09 PM
Attachments: [Castilleja Neighbors' comments on draft COAs - Final sent to PTC.pdf](#)

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Dear Commissioners,

For your consideration, I am attaching a detailed PDF memorandum titled: "**Castilleja Neighbors' Comments on draft COAs**".

This comprehensive compilation of comments was composed by the following four neighbors of Castilleja:

Carla Befera – 1404 Bryant St. - 50+ years at this address
Bruce McLeod – 1404 Bryant St. - 18 years at this address
Alan Cooper – 270 Kellogg Ave. – 35 years at this address
Tom Shannon – 256 Kellogg Ave. - 31 years at this address

In the memo, the **BLACK text** represents excerpts from the City's draft CUP while the **RED text** represents comments from the four neighbors listed above.

Given there has been no dialogue exchange between neighbors and staff in drafting or editing these conditions, this memo is our only way to communicate with the PTC and City Council on this important matter.

Please recognize we only just received these COAs when you did - 12 days ago. We have made a huge effort to prepare this memorandum while at the same time trying to participate and stay abreast of our country's most important general election.

I hope you find this memo helpful and worthwhile.

Thank you

November 4, 2020

To: Planning and Transportation Committee
cc: City Council
Architectural Review Board
Jonathan Lait
Amy French

Below is a compilation of comments on the draft CUP from four neighbors that live across the street from Castilleja on Kellogg Ave and Bryant St. The four are:

Carla Befera – 1404 Bryant St. - 50+ years at this address
Bruce McLeod – 1404 Bryant St. - 18 years at this address
Alan Cooper – 270 Kellogg Ave. – 35 years at this address
Tom Shannon – 256 Kellogg Ave. - 31 years at this address

The **BLACK text** represents excerpts from the draft CUP while the **RED text** represents comments from the four neighbors listed above.

Given there has been no dialogue exchange with neighbors in drafting or editing these conditions, these memos are our only way to fully communicate with the PTC and City Council. Please recognize we only just received these COAs when you did (12 days ago). We have made a huge effort to prepare this memorandum while at the same time trying to participate and stay abreast of this most important general election. I hope you find this memo helpful and worthwhile.

1. (Packet page 18): Staff notes “the requested 90 events over roughly 185 school year day is considerable, and this does not include a small number of academic competitions.” **This constitutes an event every 2 days. Other private schools, such as Garland, are allowed 10 per school year. We understand Commissioner Alcheck’s comparison during the last meeting with Menlo School’s unlimited number of events, unfettered by neighbor concerns. The commission should note that Menlo School is located on 30+ acres and adjacent to an additional 30+ acres available to the school from Menlo College. All parking is on site and there are many acres of parking lots and woods between it and neighbors. Events cause cars driving into Palo Alto from all over, parking on neighbor streets, and causing general disruption as the attendees often do not have a direct relationship with the school. Neighbors request the PTC consider even fewer events per year than the 70 staff recommends.**
2. (Packet page 20): Staff notes “A more aggressive performance metric would place the starting ADT at 1,137, which is the prorated target for 415 students and reflects the school’s previously allowed enrollment cap.” **We agree that the school should be required to base its impact on enrollment cap it has currently earned. We question the later statement “there is insufficient empirical data to conclude the lowered ADT target is achievable.” If the school is required to reduce its traffic impact, it may need to explore off-site drop offs and shuttles, things it has been unwilling to consider to truly reduce ingress/egress into and out of the city.**
3. (Packet page 21): “Moreover, some in the community may consider the financial penalty established in the fee schedule as an insufficient deterrent to remedy violations.” **We very much agree that a \$500 fine, in exchange for not hiring traffic monitors for a large event – surely a much higher expense - hardly seems a deterrent.**

4. (Packet Page 22): “Staff recommends that during the construction phase (three years) of the project that the City stay enforcement of the ADT and AM peak trip performance metrics.” **We strenuously object and indeed, ask that the CUP require students arrive via shuttle ONLY during the entire construction phase. Just to remove the estimated 4,500 tons (3,000 cubic yards) of dirt to build the garage and excavate the campus basement will require approx. 450 heavy duty dump truck trips to traverse the residential streets in the area. As other construction projects in Palo Alto have shown, construction vehicles and equipment block traffic lanes and reduce street and sidewalk access throughout the area. To concurrently allow the school to bring hundreds of students to the area, with drop offs, pick-ups, and free parking on adjacent streets, will severely exacerbate what neighbors see as an excruciating process of noise, disruption, etc. The idea of allowing unmonitored access and parking during this process defies logic. Can the PTC name another instance where a parcel holder demolished over 100,000 sf of existing buildings and yet continued to occupy and conduct school (in this case) on the site – all in an R-1 residential area?**
5. Page 25 item 1 – **How can Castilleja’s impacts not be considered at a minimum to be “detrimental” to the “vicinity” and general welfare of the neighborhood?**
6. Page 26 item D (I) – evidently a typo, this item reads “toads (*sic*) only 114 net new daily trips (after implementation of Mitigation Measure 7a), which does not represent a significant, adverse environmental impact.” Assuming this is meant to read: **“Adds only 114 net new daily trips (after implementation of Mitigation Measure 7a)...” How does the PTC reconcile this with Palo Alto’s adamant requirement that Stanford adhere to a No Net New Commute Trips model, while allowing Castilleja to increase its impact? According to the City’s website: “... Stanford affiliates will have to use Caltrain and other mass transit services.” It also quotes the City Manager, “Stanford should be ‘required’ to work with lead agencies and contribute to increasing the accessibility, capacity, and efficiency of local access for Stanford affiliates to Caltrain and other local and regional mass transit services.”**
7. Page 27 - 3rd bullet – Performance Standards –**Will point of contact be available for a minimum of 18 hours per day given Castilleja’s activities in the surrounding neighborhood can begin at 6 AM and run until 11 PM.**
8. Page 28 – item 1 – “strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the “vicinity” and in the same zoning district.” **Can the city cite the so called “other property in the vicinity” by name? Neighbors are wondering where they are located in the vicinity of our single family zoned neighborhood”. We understand “historic use” but the major impacts from the school have only materialized over the last 25 years after Castilleja changed the historic nature of the school by closing its dormitory and turning the dormitory entrance into a major staff/student ingress/egress, drop off and pick-up point in the neighborhood. Essentially there was little traffic in the neighborhood with the dormitory. Traffic trips exploded onto our streets post 1995 once the dormitory was closed. We all were living here. To the best of our recall, no EIR was prepared to measure the dormitory’s closing impact.**
9. Page 28 item 2 – “The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property.” **This CUP is substantially different from the one granted to Stratford at Garland in the same neighborhood.**
10. Page 30 – Enrollment: **Also need a new section to put limits on staff size. Establish a cap on size of staff.**
11. Page 31 item 6 (g) notes: “The School shall minimize the number of special events occurring on consecutive days and, for larger events, occurring on consecutive weekends.” **This is exactly the undefined language which the school has exploited over its CUP history. How does the PTC define “minimize”? What constitutes**

a violation of this provision? We urge more specific language such as: **“The school shall NOT schedule special events on consecutive days and shall NOT schedule large events on consecutive weekends.”**

12. Page 31 item 6(d) Events: No “special” events are permitted on Sunday. However, Castilleja can hold an unlimited number of “regular events” of 50 or fewer persons on Sunday. The neighborhood would like to enjoy one quiet day / week. We request that the PTC amend these conditions not to permit any meetings on Sunday. We have no problem with small student study groups of 5 or less holding a meeting on Sundays.
13. Page 31 item 6(i) EVENTS: **The number of onsite “special” events is far too large** at 70+5 and should be reduced. Special events (more than 50 guests) are regulated herein (subsections a. to j.) via MM 4a, but **Regular events (5-50 guests) are not mentioned**. All events create traffic, parking and noise issues, hence ALL events need to be regulated otherwise there will be event traffic every day and night at any time including on Sundays.

Here is what is proposed in the current draft CUP Conditions of Approval:

- 70 special events (i.e. 5 may exceed 500 people; 32 may be 100-500 people; and 33 with 50-100 people),
- 5 PAUSD events (unspecified number of people).
- This totals 75 event days or 2.5 months of events during the school year of allowed major and special events with related traffic.
- Regular events with 50 or fewer people are not currently regulated or limited, so Castilleja can have as many as they wish and, as the current draft CUP reads, these events be scheduled on Sunday. See related comment in Point # 12 above

Thus, the current draft CUP would allow regular event traffic every day of the week, in addition to 75 days of special events. Neighbors have long requested a quiet residential neighborhood without the constant historic heavy traffic, crowded parking and loud noises associated with Castilleja’s events of all sizes.

How will parking be managed when an event occurs yet the school staff and students have all the on-campus parking occupied?

Please consider the following EVENTS COMPROMISE as a realistic, fair and viable solution to long-standing and thorny problems of excessive traffic, parking and noise associated with events at Castilleja.

- a. No more than one evening event on a weekend – either on Friday night or Saturday night with no events or any activities on Sundays (except small student study groups of 5 or less)
- b. Adopt a policy of having Castilleja schedule as many virtual/digital events of any size to properly educate their girls and operate the school.
- c. For in-person or on campus events, allow the following:
 - 5 major special events/year exceeding 500 people which will require on-street parking everywhere.
 - 10 special events/year with 100-500 people
 - 10 special events/year with 50-100 people
 - 20 regular events/year with 5-50 people a year. If staff and students occupy all the on-campus parking spots, even these smaller events will require on-street parking.
 - Parking would be accommodated on campus and the street sides adjacent to Castilleja.

Page 31 item 6 (i) A list of for the upcoming academic year will be provided to the Director of Planning before school begins and posted on the school’s website. However, this list of special events does NOT include sporting events, intramural tournaments, etc. Among other enhancements, the school seeks a larger pool in order to host full swimming meets. Elsewhere in this document it is mentioned that the gym cannot hold events with more than 500 persons. In the current draft CUP, these events are not

included in the total number of events per year. Given these events bring large numbers of cars, traffic and noise to the area, neighbors recommend and request that the CUP make clear that ALL events which attract large groups fall into the above noted special event categories and included in the event totals noted above for each school year.

Related Note to EVENTS – see Page 33, item 15 (a): Activities are not permitted in the lower basement level of the Physical Arts Building that would cause the number of occupants to exceed 500. No mention is made of whether these activities are considered special events. All Gym and lower basement events including those numbering up to 500 occupants need to be limited and defined as special events and included in the totals with stipulated attendance rules.

ALL other events needed by the school would/could be:

- Held virtually
- Held at an offsite location or
- Held onsite IF (and only if) ALL participants come to the event in shuttle buses, and these shuttle buses park on campus (i.e., no cars come to campus and/or park on surrounding streets for these events)

14. Page 32: OPERATIONS-RELATED: Summer school should NOT be permitted unless it is directly related to full-time students' educational program. Neighbors have sought a break from the frenetic academic activities of the school year, but have found their summers equally disturbed by campers, busses, and non-stop activities.
15. Page 32: Operations: There is no mention of the operating times/conditions for the garage exhaust ventilation system.
16. Page 32 item 8: Standard school hours are M – F, 7AM to 6PM. CUP needs to clearly define what happens outside of these "Standard hours." In the draft CUP, it also states that co-curricular programming involving fewer than 50 students and confined to indoor spaces may occur outside of these hours. What are the limitations on these co-curricular programs? Can they operate at 1 am? Does this condition mean that this programming can begin before 7:00 am?
Please consider changing the school's start time to 7:30 with deliveries not starting until 8AM. Semis & big rig trucks should be prohibited from using residential streets. Castilleja can direct a vendor to use smaller trucks for deliveries at no charge to Castilleja. Immediate neighbors have windows opening on the surrounding streets for ventilation and are awakened daily with Castilleja activity starting as early as 5:30 AM (deliveries and trash pick-ups), staff arriving before 7 AM and very early morning parking on Kellogg given it is the closest and easiest entrance to get on to the campus.
17. Page 32 item 10: "accessed from the driveway from Kellogg Ave." Do the standard hours apply to all deliveries and trash pick-ups which in the past have started as early as 5:30AM? This entrance on Kellogg is worrisome. Kellogg Ave. will be overwhelmed with trucks and buses traveling on the surrounding residential streets to get to the Kellogg entrance point. By using Kellogg Ave., a huge noise impact is created on the neighbors. Currently semis and tractor trailer trucks (Sysco and US Foods) and Green Waste dumpster pick-ups occur 5 – 6 days a week very early in the morning before the 7AM start time. The Green Waste trucks coming before 6 AM and are especially irksome. Neighbors would like to work with the City and Green Waste to have our residential trash day be changed to Fridays to coincide with the same day that the rest of the "Old Palo Alto" area is picked up. It's only about 30 homes surrounding Castilleja in Old Palo Alto that Green Waste picks up on Mondays so Green Waste navigates our neighborhood streets 5-6 days / week for Castilleja and 2 days/week for the residential service. We believe this situation can easily be improved.
18. Page 33 – item 15: Same as in Item #14 above under "Note." Gym activities exceeding 500 occupants needs limitation and should be considered a special event. For these large events, on-street parking is completely monopolized – similar to what we experience for a Stanford football game.

19. Page 33 - COMUNITY ENGAGEMENT - The website should also give the contact information of key people at Castilleja and the City to report campus problems and violations.
20. Page 34 item 17: RESPONDING TO COMPLAINTS – The school is to establish a dedicated phone number to a school representative to respond immediately to complaints. There should be a log kept of these complaints with a link available on the school’s website to the table that shows who called the school, what the problem was, what was done to resolve the problem and done by whom. If conditions substantially deteriorated, the City should spell out some form of arbitration or resolution process that could include penalties if complaints are not timely resolved. The community should be able to call a hearing in front of the PTC or City Council (every year if desired) to review Castilleja’s performance and neighbors’ complaints that remain unresolved. This meeting could also be a time to revise the CUP in the event some action arises that needs to be defined in the CUP.
21. Pages 34 - 39 – TDM – Sixty (60) days following the effective date of the Council’s action on this application, the School shall prepare a complete transportation demand management (TDM) plan that compiles all applicable transportation-related requirements of this Record of Land Use Action into a cohesive, well-organized and indexed document. Recommend that the city hold a public hearing on the TDM with time for public comment. Ideally, it would be helpful to meet with staff before the public hearing to have a dialogue to better understand the TDM and to garner input and feedback from staff on the TDM.

Tying TDM parameters to Enrollment Growth: We would urge the PTC to consider Alan Cooper’s reward approach to traffic and enrollment growth as follows:

Change the strategic view of the proposed CUP from a “penalty” approach to a “reward” approach:

- **“Penalty” approach:** As now proposed, Castilleja is effectively allowed to grow from its present enrollment of 426 students to 540 students simply over time at a rate of 25-27 students/year. They are penalized if they do not meet their TDM. This approach helps Castilleja get more students but does NOT benefit neighbors with less traffic (i.e., win-lose).
- **“Reward” approach:** Alternatively, reward Castilleja with students up to a maximum of 540 (or other number) as they improve their TDM. After Covid and garage completion, for each 1% improvement to their current TDM (i.e. 1198 ADT and 383 AM-PT) reward them with 2 more students the following year. Over the next several years, as shown in the attached table, Castilleja will reach 540 students, while over the same period the neighborhood will gradually see a 50% reduction of school traffic (and parking and related noise) (i.e., win-win).

Please see the comparative table on the next Page 6 which shows the “reward” approach could realistically work and benefit both Castilleja and neighbors. The approach would provide Castilleja with challenges (i.e., finding creative ways to reduce ADT) and with strong incentives (e.g., grow faster, regain trust). Note that in the future, both approaches will give Castilleja the students allocated by the CUP.

With the “reward” approach, please preserve the tactical conditions now outlined in the proposed CUP for monitoring, reporting and enforcement. These conditions will help further in rebuilding trust between neighbors and Castilleja, and assure that all parties respect and honor CUP guidelines.

See next page for Comparative Table on this reward approach.

City Staff Option				New proposed "Reward" Option (i.e. decrease ADT = increase enrollment)		
Start of Year	ADT	Students*	Comment	ADT	Students**	Comment (some examples for ADT reductions)
2021	1198+	426	Garage construction	1198+	426	Decreasing ADT (bikes, fewer drivers)
2022	1198	426	Garage construction	1198	426	Decreasing ADT (bikes, fewer drivers)
2023	1198	426	Education Bldg cons.	1078	446	achieved 10% ADT decrease = 20 student increase
2024	1215	451	Educ.Bldg; 25 max	1018	456	another 5% ADT decrease = 10 student increase (shuttle program)
2025	1232	476	Educ.Bldg; 25 max	898	476	another 10% decrease = 20 student increase (shuttle program)
2026	1249	476	Educ.Bldg wrap up	823	488	another 6% decrease = 12 student increase (off campus events)
2027	1266	501	25/yr max growth	748	501	another 6.5% decrease = 13 student increase (off campus events)
2028	1283	526	25/yr max growth	678	513	another 6% decrease = 12 student increase (mixed virtual/onsite)
2029	1296+	540	Reach maximum	598	526	another 6.5% decrease = 13 student increase (mixed virtual/onsite)
2030	1296+	540	Reach maximum	598	540	Bonus reward when ADT is diminished by 50% (ie by 600 trips)

* enrollment allowable per EIR; ** does not exceed numl

The proposed "Reward" option provides a way for Castilleja to be rewarded with students while the neighborhood is rewarded with a large 50% reduction in traffic (and related parking and noise issues) -- this is a WIN-WIN option.

Refers to Point #21 in text of this memorandum

Table created by Alan Cooper

22. Page 36 item 22h: This condition states that school shall install temporary traffic counters in the public right of way as determined by the Director of Planning. The counters are to remain in place for 7 days.

We ask that at least three counters be installed with one on each surrounding street: Bryant, Kellogg and Emerson as directed by the Director of Planning. The TDM should specify how many times/year these counters will be installed to monitor on-street traffic counts. The counters will need to be installed before school begins to establish a before school traffic count and remain in place until after school is fully underway to establish an after school start count on each of the surrounding streets. These counters are different from the ones installed on the driveway entrances to the school per Point #26 below.

23. Page 39 item 25 (A.vi) Castilleja students, faculty, staff, and parents shall be instructed to park exclusively either on campus, at designated off-site lots made available for School use, or on the School side of adjacent streets where parking is permitted. Daily monitoring of parking shall be conducted, and offenders shall be instructed where to park. What happens if parking occurs outside these boundaries?

On Street Parking: On – street parking has been a significant problem for the neighborhood. What should the neighborhood do when on-street parking gets abused? This item prohibits on-street parking except for the school side of adjacent streets. How does on-street parking policy get enforced? What are the penalties for violations?

We request that the city place 2 hour limitation signs for on-street parking even on the Castilleja side of the street given these parking spaces are typically parked for 8 – 9 hours every day? Castilleja representatives did propose to participate in an RPP program if the parking garage was approved. If the garage is approved, can the city fast track an RPP for the neighborhood?

24. Page 39 item 25 (A. viii) includes: “A log shall be kept of all communication (i.e. email, telephone calls) and the expressed concerns which are received. School staff shall review the log for trends and respond to remedy any problems. If any neighbor feels their concern was not properly responded to, they should contact the number the School publishes for complaints (condition #19).” After many years of having concerns brought to the school’s attention and ignored, neighbors ask that this log be posted publicly on a website so that neighbors can be assured that concerns are being addressed, and be able to show the City a specific accounting of when they are and are not. Can the telephone line be monitored 24 hours? Driveways have been blocked by Castilleja parents or visitors leaving no way for the resident to get out of a driveway. This incident can be extremely frustrating especially when it needs immediate attention.

25. Page 41 – item 29: **Increases in student enrollment:** Upon written notice from the City of Palo Alto, increases to student enrollment may be suspended when the School is found to be in violation of any conditions of approval, including but not limited to the approved transportation demand management plan, anticipated student drop off distribution, or environmental mitigation measures.

May be impossible to enforce an enrollment reduction. The city would be better off to structure an incentive program that permits more students earned by reducing traffic as proposed by Alan Cooper in a separate memo noted in Point #21 above with a descriptive table attached to the end of this memo. If the current draft condition remains in place, here are questions:

- What triggers a written notice from the City?
- Dir. Of Planning & Development decides?
- Decision may be appealed. There’s no timeline given for appeal period or appeal filing deadline. Appeal can be dragged out beyond March 1 and thus give Castilleja a pass for upcoming year and more time to resolve the violation.

26. Page 43 item 32: **Installation of traffic counter devices.** It states: Before the start of each academic year, the School shall fund the City’s installation of temporary vehicle traffic counter devices, for each TDM plan

monitoring report required by these conditions for the corresponding academic year as per MM7a. **MM7a states that these are the counters to be installed in the driveway entrances. This will only count drop offs and pick-ups entering the driveways. Point #22 above is related to counting street traffic.**

27. **Page 43 item 35 (a.iii. Construction trips shall be excluded from the trip counts for AM Peak and ADT. Construction traffic will have a major impact on the surrounding residential streets especially with Castilleja's temporary campus on Spieker Field. The interface of the temporary campus and the construction of the new campus needs more study and the residents and students will need substantial protections from accidents. Many of us don't understand how Castilleja can completely rebuild its campus and run a school of 426 students on a temporary campus adjacent to the construction site.**

End of the neighbors' review comments for the draft COAs from the city.

The following are some additional conditions possibly not included in the City's COAs but maybe should be considered for possible insertion.

1. **Safety: Make the neighborhood safer for walkers and bikers and autos.**
 - a. Add crossing guards at the intersection of Kellogg & Bryant during school drop-off hours; possibly also at Embarcadero & Bryant.
 - b. Install No Left Turn signs at the intersection of Kellogg & Alma and Melville & Alma from 7:45 – 8:30AM to reduce delay time getting on to Alma due to Castilleja and Paly students and parents and staff trying to make a left turn to get onto Churchill. From 7:45 – 8:30 AM, a driver at the Churchill/Alma intersection is not permitted to go straight across Alma given all the cyclists headed for Paly HS. All cars have to turn right or left on Alma. To get around this regulation, cars come over to Kellogg and Melville and make left turns onto Alma and then right turns onto Churchill from Alma. This causes traffic to back up on Kellogg waiting to make a left turn on Alma (which is not easy to do)
2. **CUP compliance: guarantees and penalties:** Hold a biennial CUP hearing be held in front of the planning director or PTC to review compliance with the CUP.
3. How will construction conflicts with the neighborhood, the contractor and the temporary campus buildings including construction traffic get handled and resolved?
4. Unforeseen impacts: Over the last 25 years, Castilleja's impacts have increased dramatically on our neighborhood. In the proposed conditions to this latest CUP amendment, there needs to be a condition that allows for neighbors and the City to get resolution on future negative impacts that are unforeseen in the proposed conditions.
5. Major entrances on Kellogg and Emerson – How do busses, trucks, deliveries, vans etc all roll through the neighborhood on a daily basis to get to these entrances. Can the city stipulate a travel route? Waverley, Churchill, Bryant, Emerson, Kellogg, and Melville could all be impacted.
6. Place limitations of number of busses and semi/big rig truck deliveries.
7. Measure traffic trips for the large special events (i.e. the number of trips being generated to the neighborhood given most parents arrive in individual cars?)
8. Architecture: Please be careful not to install outdoor high intensity lighting that shines or crosses into neighbors' yards. "Eye brows" may be needed on selected exterior lighting to limit its reach and not have it intrude onto neighbors' properties.

From: [Bruce McLeod](#)
To: [Planning Commission](#)
Cc: [Council, City](#); [French, Amy](#); [Tom Shannon](#); [Alan Cooper](#); [Carla](#); [Andie Reed](#)
Subject: Castilleja delays?
Date: Wednesday, November 4, 2020 12:12:14 PM
Attachments: [PTC letter 110420.docx](#)

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November 4, 2020

City of Palo Alto Planning & Traffic Commission
Palo Alto, CA 94301

250 Hamilton Avenue

Re: 1310 Bryant Street; Castilleja Expansion Project

Castilleja's supporters and even some Commissioners have referenced a "lengthy" process for this application and claim that Castilleja has spent 8 years waiting for a determination.

Yes, this started seven (7) years ago in the summer of 2013 when Castilleja head of school Nanci Kauffman admitted that their enrollment at the time was 448 students and the school had been in violation of their CUP since its inception in 2000. Since then, most of the "delays" that Castilleja supporters are complaining about have been self-inflicted.

Following the school's announced intention to create a master plan and ask for an amended CUP, no document of any substance was made until three (3) years later in June 2016. This was the first time neighbors saw the extent of the proposed campus reconstruction and including a proposed garage that exited onto Emerson street. Despite the immediate concerns expressed by the small working group about the garage and its traffic patterns, these documents were immediately submitted to the City with an application for a new CUP.

This initial rushed submittal was deemed incomplete by the City.

Sometime during the ensuing two years, Castilleja replaced local architect Steinberg and Associates with WRNS. This resulted in a completely new plan which was shown to neighbors in March of 2019. For those of you not keeping track, that's nearly 6 years from the first announcement until a set of plans was submitted and deemed complete by the City so the required Environmental Review process could begin.

Given the scope and complexity of the project, the final EIR, which included major plan alterations, took 18 months and was released in August 2020. In the following 75 days the City has held **11 public meetings**, a breakneck pace for the interested public to keep up with and prepare for. Tonight, the PTC will meet and probably go late into the night followed by an ARB meeting at 8:30 the following morning.

To recap, since this first became public in summer 2013, Castilleja has been solely in control of 5.5 years of "delays," the EIR process took 18 months, and the public has had a scant to digest, assess and comment on three different plans. Despite all of this time, the ARB commented that the plans did not include adequate information to fully assess the architectural and landscaping impacts.

Thank you for your service,
Bruce McLeod
1404 Bryant Street
Palo Alto CA

Bruce McLeod
650-465-2908

“Everything I know about morality and the obligations of men, I owe it to football.”

Albert Camus

From: [Andie Reed](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Castilleja Expansion
Date: Wednesday, November 4, 2020 6:10:22 AM
Attachments: [image.png](#)
[image.png](#)
[2006CUP-ARBdoc.PDF](#)

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

Dear Commissioners:

Since you will be studying the school's Request for Variance tonight, I provide here **on one page** all the necessary numbers for your easy referral. It is difficult to pull these from various places in all the voluminous packets. I asked Amy to confirm these numbers, which she kindly did (with one exception; there's a typo on the plans for "parcel size"; a small difference of 18 sq ft.) I am using 268,783 because it exists in these plans and in other documents (see the attached 2006 ARB doc, first 2 pages).

I will show you the actual increase in square footage and then explain how this Variance will hurt the neighbors.

Basic numbers everybody can agree on (numbers come from the Oct 22, 2020 plans prepared by the school):

1. The parcel size is 268,783 (top number on page G.001, att'd below).
2. The proposed plans GFA is 113,667 (same page).
3. The existing (current) GFA is 116,297 (same page).
4. The allowed Floor Area Ratio (PAMC 18.12.040 Table 2) is .3028, which translates to 81,385 sq ft:
1st 5,000 sq ft @ .45 = 2,250
remaining sq ft @ .30 = 79,135 (268,783 - 5,000 = 263,783 x .30)
2,250 + 79,135 = 81,385 (see att'd below 2006 ARB doc, pg 2)
5. Therefore, **the proposed GFA is 32,282 sq ft in excess of allowed GFA** (proposed GFA is 32,282 higher than allowed GFA because 113,667 less 81,385 = 32,282).
6. 32,282 is 40% of 81,385 (32282/81385=.40); **proposed GFA is 40% in excess of allowed GFA**. This is the school's request for variance.
7. The square footage of the **underground garage is 32,480** sq ft (page AA2.02)

Analysis - Why this matters:

The school is asking for a 40% increase in GFA, using their definition of the garage as a basement. If the underground garage is an accessory facility (we all agree it is) and not a basement (which we don't), then this number doubles. Add the garage sq ftg to the amount already over the allowed GFA and you have got **not a 40% increase in GFA but an 80% increase (32,282 + 32,480 = 64,762 sq ft over the allowed 81,385 sq ft)**.

This matters because traffic and congestion in the neighborhood is already

"....detrimental to the public health, safety, general welfare or convenience". This project adds **more traffic, from 1,198 car trips to 1,477 car trips (EIR pg 2-76)**. This Variance will allow the removal of 5 buildings spread throughout the campus in order to build one large modern building along Kellogg, which is incompatible with the neighborhood of eclectic-styled, older homes (Comp Plan L-3.1 "ensure new or remodeled structures are compatible with the neighborhood and adjacent structures"). The underground garage, which adds a mere 22 additional parking spaces to what is already there (see below plans pg G.001 att'd; parking spaces are 82 current, 104 proposed), also adds additional ingress and egress into our narrow streets, invites traffic in instead of reducing traffic.

The requested Variance requires the removal and/or relocation of trees that could be saved, which will take away the charm of a canopied, bucolic school grounds and replace it with a more institutional project, which we find aesthetically harmful.

We ask that any new expansion plans reduce the impacts on the neighborhood, not increase them. Suggestions from the community over the past years have been to establish a realistic yet rigorous, mandatory shuttling system after rebuilding the school and getting settled in with a reasonable increase of enrollment (30% has never been seen for this school or any other in an R-1 neighborhood). Some of the neighbors have suggested 8% to start. This would allow the school 450 students, eliminating the need for an underground garage entirely because the current surface spaces suffice for the number of teaching stations required for 450 students.

The school has many options for substantial growth to teach more girls; please encourage them to step back and work to improve relations with the neighborhood, not exacerbate tensions.

We would love to see the school rebuilt into a lovely new campus, with the caveat that the residents' needs and interests are on an equal par with those of the school.

Thank you,
Andie Reed

--

Andie Reed CPA
530-401-3809
Melville Ave

to build new gym



Architectural Review Board Staff Report

Agenda Date: February 16, 2006

To: Architectural Review Board

From: Christopher Florean, Planner

Department: Planning and Community Development

Subject: 1310 BRYANT STREET [05PLN-00450]: Request by Jonathan James of Kromberg Architects to demolish the existing physical arts building and to construct a new 13,451 square foot physical arts building with two levels of below grade basement to replace the existing 13,844 square foot one level physical arts building. The project is located at 1310 Bryant Street, bounded by Emerson Street to the north, Keflogg Avenue to the east, and Emerson Street to the south. Founded in 1907 as a college preparatory school for girls, it operates under a Conditional Use Permit (CUP) as a non-residential middle and high school (9th-12th grade). The CUP limits the school population to 415 students.

RECOMMENDATION
 Staff recommends that the ARB recommend the Director of Planning and Community Development approve the proposed project based upon the attached Technical Review Findings (Attachment B) and conditions of approval (Attachment E) attached to this report.

SUMMARY OF LAND USE ACTION
 The proposed school is located on a 268,783 square foot parcel at 1310 Bryant Street in the R-1(10,000) zone district. The site is bounded by Embarcadero Road to the west, Bryant Street to the north, Keflogg Avenue to the east, and Emerson Street to the south. Founded in 1907 as a college preparatory school for girls, it operates under a Conditional Use Permit (CUP) as a non-residential middle and high school (9th-12th grade). The CUP limits the school population to 415 students.

Project Description
 The project would include demolition of the existing single story, 13,844 square foot Physical Arts Building, and the construction of a new three level, 13,451 square foot replacement Physical Arts Building. The new building would include three levels, one at grade and two below grade. The ground floor level would include a gym for the high school students, a fitness center, a lobby, and offices. The upper basement would include a dance studio and locker rooms. The lower basement would include a gym for the middle school students, exercise rooms, locker rooms, and storage space.

1310 Bryant Street
 05PLN-00450

pg 1

2006 CUP building new gym

The existing physical arts building is constructed of cement blocks. According to the architect, the architecture of the proposed building should derive from the campus to help the proposed building look more like adjacent buildings rather than appearing like a monument set apart from other campus buildings.

To increase the new building's compatibility with adjacent buildings, exterior materials would include wood shingles, brick, and frameless glass with glass fins.

The project's sustainability measures as proposed by the project architect are included in Attachment A. These would include a reduced site footprint, the use of low flow irrigation and water saving fixtures, and operable windows. The project would also include operable full-height windows, operable windows, and stub outs for the possible future installation of roof top photovoltaic panels.

DISCUSSION
 The project is listed as a Category 3 historic site on the City's Historic Inventory List. Normally, Category 3 sites outside Downtown and historic districts do not require a historic review. However, because the project is subject to discretionary review by the ARB, staff is required to review the new construction for compatibility with the site's historic structures and the Secretary of the Interior's Standards for Rehabilitation. These standards (in excerpt) require that "...related new construction...shall be differentiated from the old and shall be compatible with the historic site in massing, size, scale, and architectural features (specifically colors and materials). The one story and simple massing are consistent with, and subordinate to, the historic site's massing and architectural features. The proposed building would make the proposed new building more compatible with the existing building and the contemporary design would differentiate the new building from the historic buildings.

Floor Area Ratio
 Site development standards of the R-1 Residential District are applicable to the project. These standards limit the allowable floor area on the site to 100% of the site's allowable floor area. The project's floor area is 13,451 square feet, which is within the allowable floor area of 13,844 square feet. In 1999, a Conditional Use Permit was approved allowing the school to decommission 1,328 square feet of unusable third floor attic space in the Administration building due to its low headroom and add 1,885 square feet of floor area during the renovation of the Administration building. The project's floor area is 13,451 square feet, which is within the allowable floor area of 13,844 square feet. The project's floor area is within the allowable floor area and therefore, the Administration building remodel did not increase the total floor area of the school.

1310 Bryant Street
 05PLN-00450

pg 2

ATA

	SQ. FT.	ACRES
124-12-034	268,783	6.17
124-12-033	EXISTING HOUSE TO REMAIN	
124-12-031	EXISTING HOUSE TO REMAIN	
TOTAL AREA	268,765	6.17

268,765 SF			
ALLOWED	EXISTING	PROPOSED	PAMC*****
100,374 SF (35.0%)	65,273 SF (24.3%)	68,071 SF (25.3 %)	18.12.030 TABLE 1

0.43

**0.43

ABOVE GRADE SF *116,297 SF

BELOW GRADE SF 43,913 SF

**TOTAL SQUARE FOOTAGE
(INCL. LOWER LEVEL) 160,210 SF**

ABOVE GRADE SF 113,667 SF (SEE G.005)

BELOW GRADE SF 80,256 SF (SEE G.004)

**TOTAL SQUARE FOOTAGE
(INCL. LOWER LEVEL) 193,923 SF**

2 (1 LEVEL OF BASEMENT)

Palo Alto, CA 94301

MAXIMUM BUILDING HEIGHT	ALLOWED	EXISTING	PROPOSED	
	***33'-0"	34'-6"	***30'-0"	
EXISTING VEHICLE PARKING SPACES	EXISTING BELOW GRADE	EXISTING ABOVE GRADE		
	0	82		
PROPOSED VEHICLE PARKING SPACES <i>22 Net new parking spaces</i>	REQUIRED CAV SPACES	PROPOSED CAV BELOW GRADE	PROPOSED CAV ABOVE GRADE	
	6	6	0	
	REQUIRED HC	PROPOSED HC BELOW GRADE	PROPOSED HC ABOVE GRADE	
	6	4	3	
	REQUIRED EVSE	PROPOSED EVSE BELOW GRADE	PROPOSED EVSE ABOVE GRADE	
	6	6	0	
	REQUIRED SPACES	TOTAL PROPOSED SPACES BELOW GRADE	TOTAL PROPOSED SPACES ABOVE GRADE	
*****104	****78	26		
TOTAL PROPOSED VEHICLE SPACES:		104 (TANDEM EXCLUDED)		
EXISTING BICYCLE PARKING SPACES	REQUIRED	EXISTING		
	88	102		
PROPOSED BICYCLE PARKING SPACES	REQUIRED SPACES	(N) SHORT TERM RACK SPACES	(N) LONG TERM RACK SPACES	(N) LONG TERM LOCKER SPACES
	***** 108	46	90	4
	TOTAL PROPOSED BIKE SPACES			140*****
USABLE OPEN SPACE	EXISTING	PROPOSED		

From: [Alan Cooper](#)
To: [Planning Commission](#)
Cc: [Council, City](#); [Lait, Jonathan](#); [French, Amy](#); [Alan Home](#)
Subject: Castilleja: A CUP "rewards" proposal
Date: Tuesday, November 3, 2020 11:07:16 PM
Attachments: [Castilleja enrollment and traffic comparison.pdf](#)
[Castilleja reward proposal.pdf](#)

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

Dear Commissioners,

For your consideration, I am attaching a memo titled: "Rewards for Castilleja and neighbors: A WIN-WIN proposal" and a table titled "Example comparison of options for Castilleja enrollment increases and improvement of neighborhood traffic (ADT)"

Thank you!

Alan Cooper
270 Kellogg Ave

Date: November 3, 2020

To: Planning Transportation Commission
CC: Palo Alto City Council

From: Alan Cooper, 270 Kellogg Ave, Palo Alto

Subject: Rewards for Castilleja and Neighbors: A WIN-WIN proposal

I have lived across the street from Castilleja for 36 years, and was a member of the initial working group in 2013 focused on the Castilleja expansion plan.

I seek a fair and equitable CUP for Castilleja and neighbors. Castilleja wants more students and neighbors want less traffic. I believe this can easily and readily be done with a new creative approach.

Change the strategic view of the proposed CUP from a “penalty” approach to a “reward” approach:

- **“Penalty” approach:** As now proposed, Castilleja is effectively allowed to grow from its present enrollment of 426 students to 540 students simply over time at a rate of 25-27 students/year. They are penalized if they do not meet their TDM. This approach helps Castilleja get more students but does NOT benefit neighbors with less traffic (i.e., win-lose).
- **“Reward” approach:** Alternatively, reward Castilleja with students up to a maximum of 540 (or other number) as they improve their TDM. After Covid and garage completion, for each 1% improvement to their current TDM (i.e. 1198 ADT and 383 AM-PT) reward them with 2 more students the following year. Over the next several years, as shown in the attached table, Castilleja will reach 540 students, while over the same period the neighborhood will gradually see a 50% reduction of school traffic (and parking and related noise) (i.e., win-win).

The attached comparative table shows how the “reward” approach could realistically work and benefit both Castilleja and neighbors. The approach would provide Castilleja with challenges (i.e., finding creative ways to reduce ADT) and with strong incentives (e.g., grow faster, regain trust). Note that in the future, both approaches will give Castilleja the students allocated by the CUP.

With the “reward” approach, please preserve the tactical conditions now outlined in the proposed CUP for monitoring, reporting and enforcement. These conditions will help further in rebuilding trust between neighbors and Castilleja, and assure that all parties respect and honor CUP guidelines.

Thank you for your consideration.

11/3/2020 **Example comparison of options for Castilleja enrollment increases and improvement of neighborhood traffic (ADT)**

City Staff Option				New proposed "Reward" Option (i.e. decrease ADT = increase enrollment)		
Start of Year	ADT	Students*	Comment	ADT	Students**	Comment (some examples for ADT reductions)
2021	1198+	426	Garage construction	1198+	426	Decreasing ADT (bikes, fewer drivers)
2022	1198	426	Garage construction	1198	426	Decreasing ADT (bikes, fewer drivers)
2023	1198	426	Education Bldg cons.	1078	446	achieved 10% ADT decrease = 20 student increase
2024	1215	451	Educ.Bldg; 25 max	1018	456	another 5% ADT decrease = 10 student increase (shuttle program)
2025	1232	476	Educ.Bldg; 25 max	898	476	another 10% decrease = 20 student increase (shuttle program)
2026	1249	476	Educ.Bldg wrap up	823	488	another 6% decrease = 12 student increase (off campus events)
2027	1266	501	25/yr max growth	748	501	another 6.5% decrease = 13 student increase (off campus events)
2028	1283	526	25/yr max growth	678	513	another 6% decrease = 12 student increase (mixed virtual/onsite)
2029	1296+	540	Reach maximum	598	526	another 6.5% decrease = 13 student increase (mixed virtual/onsite)
2030	1296+	540	Reach maximum	598	540	Bonus reward when ADT is diminished by 50% (ie by 600 trips)

* enrollment allowable per EIR; ** does not exceed numl

The proposed "Reward" option provides a way for Castilleja to be rewarded with students while the neighborhood is rewarded with a large 50% reduction in traffic (and related parking and noise issues) -- this is a WIN-WIN option.

From: [Deborah Goldeen](#)
To: [Planning Commission](#)
Cc: [Deborah Goldeen](#)
Subject: Castilleja
Date: Tuesday, November 3, 2020 3:13:22 PM

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The neighbors want 31% reduction in traffic. How about 31% reduction of traffic at Paly? How about 31% reduction of their trips by car?

The neighbors wail and moan about compromises to their quality of life. What about my quality of life? Are they willing to support extensive restrictions on the building of private homes? The two and a half years of noise and house shaking from the nonstop construction nextdoor almost killed me and has left me profoundly compromised. Somehow Palo Alto is OK with this, but not OK with the construction for updating a girls school?

What about the quality of life of the students at Castilleja? Don't they matter?

You've got a very small, very vocal minority bring all their resources to bare in their efforts to stymie the school. Decisions made at the behest of a small, self interested minority always come at the cost of the greater good. I hope you all have the courage to give them some push back.

Deb Goldeen, 2130 Birch St., 94306, 321-7375

From: [Janet L. Billups](#)
To: [Planning Commission](#)
Cc: [French, Amy](#); [Yang, Albert](#); [Shikada, Ed](#); [Council, City](#); [Lait, Jonathan](#); [Architectural Review Board](#); nkauffman@castilleja.org; [Kathy Layendecker](#)
Subject: Castilleja School [16PLN-00258] [SCH#2107012052] ("Project")
Date: Tuesday, November 3, 2020 1:44:47 PM
Attachments: [RebuttalLtr.MSR.11.2.2020.pdf](#)

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Dear Palo Alto Planning Commission,

On behalf of Castilleja School, the attached correspondence is intended to rebut the letters written by the attorney for PNQLNow. If you have additional questions or comments please do not hesitate to reach out. We respectfully welcome your support.

Kind regards,

Janet Billups, Legal Assistant to Mindie S. Romanowsky
Jorgenson, Siegel, McClure & Flegel LLP
1100 Alma Street, Ste. 210
Menlo Park, CA 94025
Ph. 650-324-9300
jlb@jsmf.com

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OF COUNSEL
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LEIGH F. PRINCE

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JOHN D. JORGENSEN
MARGARET A. SLOAN
DIANE S. GREENBERG

DECEASED
MARVIN S. SIEGEL
(1936 - 2012)
JOHN R. COSGROVE
(1932 - 2017)

November 3, 2020

SENT VIA EMAIL: Planning.Commission@CityofPaloAlto.org

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

RE: Castilleja School [16PLN-00258] [SCH#2107012052] (“Project”)

Dear Members of the Planning and Transportation Commission:

On behalf of Castilleja School, this correspondence is intended to rebut the letters written by Ms. Moncharsh, attorney for PNQLNow, on October 25th and 27th, 2020, as well as to correct the record on mis-statements heard during public comment at the recent Planning and Transportation Commission (“PTC”) hearing on October 28th, 2020. By providing clarity around the myriad of misplaced legal and factual assertions, it is our sincere hope that the decisions before you are informed by an accurate understanding of the facts and applicable legal standards. We do not underestimate the complexities of the Project, but it cannot be overlooked that the data in the record and the robust conditions of approval equate to a project that is compatible with the neighborhood, without significant impacts, and yet Castilleja will still be subject to extreme monitoring and penalties, even for the smallest mis-steps.

Request for a continuance was a delay tactic.

The letter from Ms. Moncharsh dated October 25th requested a continuance for the October 28, 2020 PTC meeting. In support of her request, she complained that the staff report and conditions were too long and that release of the documents five days prior to the hearing was an inadequate amount of time. The Brown Act (Government Code Section 54954.2) requires agendas to be posted 72 hours, or three days before a meeting. The staff report was released on October 23, 2020 which is five days before the meeting, or two full days more than legally required. Her nine page letter plus attachments

requesting a continuance and commenting on the project was written on October 25th, a full three days before the PTC hearing date, and before any anticipated power outages. Although the PTC spent nearly an hour laying out a procedure to allow more time for Ms. Moncharsh and members of the public to review the proposed findings and conditions of approval and comment at the next meeting, Ms. Moncharsh had already provided substantive comments on the conditions in her letter dated October 27th and was the first to speak in public comment. She did not even bother to take advantage of the additional time the PTC provided, at her request. As a result, her arguments should be recognized for what they are, hollow delay tactics.

Giving unnecessary deference to such delay tactics gives rise to the concern that City decision makers are not neutral and unbiased. A fair hearing requires neutral and unbiased decision makers. See *BreakZone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1234; see also *Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 483-484, where a member of a planning commission wrote an article attacking the project under consideration and the court determined the member was biased and reversed the commission's decision. The applicant does not need to prove actual bias, but an unacceptable probability of actual bias. *Nasha* at 483; *BreakZone* at 1236. Commissioners, applicants and all members of the public have an equal amount of time to review the agenda and staff report. Making changes to the process and providing preference to members of the public who oppose the project, as was done with the recent PTC delay, suggests bias and a denial of due process for the applicant who has continued to work with the neighbors and the City to achieve a project that meets the applicant's goals with a less than significant impact on the community.

Opposition to variance is without merit.

Much of Ms. Moncharsh's October 27th letter is focused on opposition to the variance. Her main argument is that the school should not be granted a variance because it is located on a large property in a residential zone. She argues that approving the variance for this property would set a precedent for every private school with a large property in a residential zone to exceed floor area ratio. This issue has been addressed by our prior letters and by staff throughout the entitlement process. The letters submitted on behalf of Castilleja on March 22, 2018 and September 11, 2020 provide strong legal support for the variance to maintain above grade floor area and articulate how the property is unique, including but not limited to the following:

1. **Unique History** – The school was originally constructed in 1910 before the surrounding residential neighborhood and floor area regulations came into being. The existing use permit for the property that runs with the land allows the additional floor area.
2. **Unique Size** – The school's property is 6.5 acres. There are no other such large properties in a residential zoning district. The next largest property is significantly smaller at 2.3 acres.
3. **Unique Limitations** – The strict application of floor area ratio ("FAR") formula imposes limitations on larger parcels not experienced by smaller properties.

These details identify the unique and special circumstances that support the grant of a variance and contradict Ms. Moncharsh's arguments. Furthermore, given these unique circumstances, approval of a variance for this Project would not set precedent for other conditional uses in a residential zone. In fact, there are no similarly situated private schools or property owners in residential zones who could use this as precedent. Also, despite the argument that size alone is not enough, it should be noted that the word "size" specifically appears in the variance findings as a basis for approval. Not only the City's municipal code, but case law supports the size of property as a basis for approval of a variance. In *Eskeland v. City of Del Mar* (2014) 224 Cal.App.4th 936, 951 the court states that "unnecessary hardship therefore occurs where the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as *peculiarities of the size, shape or grade of the parcel.*" Therefore, the size of the property is a special circumstances upon which the City can make the necessary finding to grant approval of the variance.

Relatedly, Ms. Moncharsh argues the variance is a personal circumstance created by the applicant because Castilleja is a private school. Given the unique circumstances, including the long history of the school described above, this argument is a red herring. It is akin to claiming that a homeowner wanting a variance to build a house as a result of unique conditions of the property should not be allowed because his personal circumstances created the need for the variance – i.e. the desire to build a home on his property. A homeowner in that situation no more created the special circumstances, than a school in this location, that predates both the surrounding residential community and the FAR limitations.

Ms. Moncharsh mistakenly argues that because the Project does not meet the current FAR restrictions it is not in substantial compliance with the City's regulations. Her argument ignores the plain meaning of "substantial compliance" which does not require *complete* compliance; in fact, complete compliance is impossible for a variance, and the very reason a variance is needed in the first place. It is noteworthy that staff reports and the environmental review provide evidence of all the ways in which the Project complies with the City's regulations, including height, setbacks, parking and the land use goals and policies in the Comprehensive Plan. The following is an excerpt from the staff report for the PTC meeting on August 26, 2020:

"Staff and the City's CEQA consultant reviewed the project for consistency with the Comprehensive Plan goals, policies, and programs. EIR Chapter 4, Land Use and Planning, provides full discussions of land use and planning policy. Table 4-1 or relevant Comprehensive Plan policies begins on page 4-11. The table includes a citation for Policy T-5.6, which an ARB member called out as relevant to the discussion of a subterranean garage. Policy T-5.6 states: 'Strongly encourage the use of below-grade or structured parking and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible.'"

Another of Ms. Moncharsh's erroneous assertions is the idea that the increase in FAR is significantly larger than reported due to the below grade parking facility. While this highlights a complex issue, when PNQLNow previously raised the question, we submitted a letter on September 8, 2020 explaining why the underground garage is excluded from floor area. Similarly, staff in the at-places memo for the September 9, 2020 PTC meeting provided an analysis by the City Attorney's Office (pgs. 4 – 6), which also concludes the basement is not counted in floor area. (The City responded to a number of other arguments from PNQLNow in that memo as well). Ultimately, there is no merit to PNQLNow's arguments regarding floor area. It should also be highlighted that the underground parking facility doesn't add or bring new cars as PNQLNow likes to claim, rather it moves surface parking below grade. Indeed it was at the request of neighbors that the below grade facility became a key factor in the site planning as a means for reducing the impact of surface lot parking, headlights, car door slamming, etc. The underground garage improves the school's compatibility with the neighborhood feel and aesthetic.

Finally, Ms. Moncharsh's argues that the project is detrimental to the neighborhood and cites as evidence the Architectural Review Board's ("ARB") recent request for a few design modifications. As noted in the staff report for the October 28, 2020 PTC meeting, the applicant submitted responses to the ARB feedback with revised drawings in a complete package. Comments from and responses to the ARB are a typical part of the public process aimed at yielding the best project for the community. Furthermore, the Final Environmental Impact Report ("FEIR") for the Project concludes that the impact to the community is less than significant with mitigation, and therefore not detrimental or injurious to the community. Again, Ms. Moncharsh's arguments are nothing but delay tactics; substantial evidence in the record shows that the Project will not be detrimental to the community.

Ms. Moncharsh and PNQLNow are a small, yet vocal group who continue to raise issues that have been asked and answered in an effort to confuse and delay the process. Castilleja respectfully requests that the City move forward to approve the Project, as it comports with the City's Municipal Code, Comprehensive Plan, the City's Sustainability Plan, and legal precedent, as outlined in the staff report and set forth in the required findings.

By contrast, as you heard on Oct. 28th, and as you have no doubt read in the multitude of letters written to support the Project, many neighbors adjacent to the school as well members of the greater Palo Alto community, have paid close attention to the details of our plan and Castilleja's behavior over the past many years. And while initially we met neighbors who were uncertain about the Project, most have come to support our endeavor, appreciating the efforts we have taken to listen, iterate and compromise. Our supporters have witnessed Castilleja translate community feedback into the site plan, an expectation placed on us by the City. These proponents have experienced Castilleja's effort to rebuild trust, by voluntarily reducing events year over year and decreasing trips by 31%. Indeed, our endeavor is supported by Palo Altans because they understand that the Project will gradually increase enrollment without impacts and deliver a sustainable

campus with a softer footprint and an aesthetic which will blend with the surroundings. And, perhaps most importantly, those who favor this Project understand that the approval comes with highly articulate and specific conditions which set forth clear directives for events, monitoring and penalties.

The robust conditions of approval serve to mitigate real and perceived impacts.

The FEIR mitigates all of the impacts to the community to a less than significant level. A main concern for the community has been the traffic impacts from the school. Mitigation Measure 7a identifies the standard to which the school will be held to ensure that the Transportation Demand Management (TDM) plan is operating effectively to reduce trips. The mitigation measure identifies a number of daily trips and AM peak hour trips. It identifies monitoring and reporting requirements and consequences if the TDM program does not adequately reduce trips to the identified levels. This alone is enough to mitigate any transportation impacts from the school on the community. City staff, however, went significantly further than what is required to mitigate the real environmental impacts and additionally, mitigate perceived impacts in the conditions of approval. The conditions identify additional details around implementing Mitigation Measure 7a and require the school to install monitoring equipment that will continuously monitor, even though the mitigation measure only requires monitoring two or three times per year. The school is also required to fund City personnel to oversee the stringent monitoring and reporting requirements imposed on school operations by the use permit and conditions of approval. As stated on the record, the proposed TDM program is the most robust program and monitoring ever adopted by the City. Castilleja has hired expert transportation consultants to work with them for years to maximize their TDM program and minimize their traffic impacts. [Attached to this letter, please find a letter from Robert Echols at Fehr & Peers, November 3, 2020, which explains the student trip generation rate and the basis for the 440 morning peak hour trips identified in the FEIR, which are consistent with finding of no net new trips].

Another example of the stringent conditions to be placed on Castilleja are the limitation on special events. These events include sports, plays and other student activities which parents or alumni attend and are integral and typical for any school. The FEIR did not identify special events as an impact. Nevertheless, City staff has asked Castilleja to reduce events by over 20% in response to perceived neighbor concerns. The conditions of approval are detailed and restrictive beyond what is required by the environmental analysis and more than is expected of any other school, all in an effort to assuage the concerns of a few vocal members of the community.

Despite Ms. Moncharsh's claims in her October 27th letter, the detailed conditions do not make them inadequate, rather they provide clarity, add restrictions and enforcement mechanisms, all in response to neighbor requests. Her assertion that the conditions of approval do not take the neighbors into account and are not specific enough for future enforcement is another attempt to delay the decision. As noted above, the conditions go above and beyond what is required to mitigate any impact on the community and are intended as a response to concerns expressed by neighbors. Comparing the proposed conditions for the Project to other use permits in the City, these conditions are more

detailed and prescriptive than any other use permit issued by Palo Alto. As an example of the prescriptive nature of the conditions, Castilleja is required to monitor daily, in excess of the required reporting, and to pay for a City employee to monitor and ensure compliance with the conditions. Furthermore, the conditions place penalties on the school for failure to comply with the stringent restrictions. The proposed conditions are tailored to this Project and this community and establish strong neighbor focused restrictions.

Enrollment and Demographics.

The school's objectives for this Project are to educate as many young women as possible at their current location without increasing traffic, in order to avoid impact to the neighborhood. Castilleja has worked diligently with expert transportation consultants and City staff to identify the number of students at which the school could successfully achieve both of these goals. The number identified was 540 students and therefore that is the enrollment requested for this use permit. As was evidenced in the FEIR, at an enrollment of 540 students, there will be a less than significant impact with mitigation on the community and there is no basis to reduce the number of students.

Despite the perception of some, Castilleja is a diverse school whereby more than 50% of the student body are students of color. It is also true that approximately 1/3 of enrolled students (30%) reside in Palo Alto. Finally, Castilleja is proud to share that 22% of students receive tuition assistance.

Castilleja does not deny that it is overenrolled but, to be clear, the school is in full compliance of the City's mandate since we came forward to acknowledge our over-enrollment. In response to our disclosure, the City of Palo Alto levied the largest fine in its history, mandated gradual reductions in enrollment, and instituted stringent event restrictions (despite vague language in the existing use permit). Further, the City asked the school to meet with neighbors to understand their goals and based on that feedback, to return with an application for a revised use permit and campus plan. Castilleja fully complied with every one of the aforementioned City mandates and the Project is the outcome of 50+ neighbor meetings. It cannot be overemphasized that this Project is the result of iterations and data driven compromise, all to obtain the twin goals of educating as many young women as possible with the least impactful footprint.

Castilleja has endeavored to work with neighbors and put forth an application that is responsive to their concerns and has a less than significant impact on the community. The substantial evidence in the record supports this assertion and approval of the Project with the suggested conditions. While the PTC has already recommended approval of the FEIR and Project Alternative 4 (the environmentally superior alternative), as you deliberate on approval of the variance and use permit, we respectfully request that your decision be guided by the data, the Palo Alto Municipal Code, the Comprehensive Plan and recent precedent, all to ensure that Castilleja is treated with fairness, while making a decision respectful of the community.

Sincerely,

Mindie S. Romanowsky

Mindie S. Romanowsky

Cc: Ed Shikada (via email Ed.Shikada@CityofPaloAlto.org)
Jonathan Lait (via email Jonathan.Lait@CityofPaloAlto.org)
Amy French (via email Amy.French@Cityofpaloalto.org)
Albert Yang (via email Albert.Yang@Cityofpaloalto.org)
Palo Alto City Council (via email City.council@Cityofpaloalto.org)
Palo Alto Architectural Review Board (via email arb@Cityofpaloalto.org)
Nanci Kauffmann (via email nkauffman@castilleja.org)
Kathy Layendecker (via email klayendecker@castilleja.org)

Attachment:

Letter dated, Nov. 3, 2020 from Robert Echols



November 3, 2020

Kathy Layendecker
Associate Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Subject: Castilleja Trip Cap and Trip Cap Monitoring

Dear Ms. Layendecker:

This letter addresses recent questions on how the Castilleja School AM peak hour trip cap was established and our comments on the proposed daily trip cap monitoring procedures outlined in the City of Palo Alto's conditions of use. As you are aware, Fehr & Peers began working with Castilleja School in May 2012 to monitor the school's AM peak hour traffic volumes. We have conducted vehicles counts twice a year, each fall and spring. The following section describes how the school arrived at its baseline AM peak hour volume and their commitment to a no net new trip goal.

AM Peak Hour Trip Cap

Castilleja prepared their master plan application for submission to the City of Palo Alto in 2016. By that time, Fehr & Peers had conducted six monitoring counts. The first count was conducted in Spring 2012 prior to the implementation of their original Transportation Demand Management (TDM) plan. The other five counts were conducted after the school initiated the TDM program to reduce peak hour trips. In May 2012, the school was generating AM peak hour trips at a rate of 1.18 trips per student.

Over the first 2 ½ years of the TDM program's implementation, the school reduced the AM peak hour trips to an average rate of just over 1.00 trip per student. The school enrollment in September 2015 was 438 students; therefore, the school set a baseline of 440 AM peak hour trips. Assuming this baseline for the AM peak hour, the school set a new TDM goal to reduce AM peak hour trips by an additional 20% to a rate of 0.80 trips per student. Based on the baseline volume and the improved TDM performance, the future maximum enrollment target was set at 540 students assuming they could achieve their TDM goals.

In the time period since 2016 when the application was submitted for processing, the school has continued to improve their TDM program and reduce peak hour trips. When the traffic counts were collected by the city's consultant for the traffic analysis in 2017, the AM peak hour trips had been reduced to 352 trips, which is an average trip rate per student of 0.82 trips per student. Therefore, the school was nearing their proposed trip rate that would result in 440 trips at the

Leigh Prince
November 3, 2020
Page 2 of 2



proposed maximum enrollment of 540 students. Therefore, Castilleja was achieving the TDM goal needed to add no new trips based on their decision in Spring of 2016.

School Daily Trip Caps & Monitoring

Fehr & Peers has prepared hundreds of traffic studies for schools. These studies generally focus on the AM peak hour traffic conditions and the effect on local roadways. The afternoon school peak hour typically occurs before the evening commuter peak and is less intense than the morning; therefore, afternoon conditions may not be studied. We have also conducted operational studies of school loading areas during the peak hours to evaluate queuing when passenger loading and unloading takes place. We are normally not required to assess daily traffic conditions for a school since off-peak traffic volumes are low and there is minimal roadway congestion. Several of the school studies we have been involved in have included ongoing AM or PM peak hour monitoring of roadway conditions primarily to avoid queuing problems. None of the studies have included daily trip caps or daily trip monitoring.


We were recently made aware of two Bay Area schools that do have daily traffic monitoring requirements including Hillbrook Elementary school in Los Gatos and Sacred Heart High School in Atherton. Hillbrook has a single driveway with one lane in each direction and Sacred Heart has eight driveways. Hillbrook is using a relatively simple electronic monitoring system, while Sacred Heart is monitored for only three-days each year using temporary counters. Both schools produce an annual monitoring report that is submitted to the towns.

We would note that the City of Palo Alto's proposed monitoring program for Castilleja will be a quite complex monitoring system, which the school will be responsible to operate. It will require eight or more monitoring devices mounted in the driveways. These devices will connect via WiFi or Bluetooth to a central server that will store the data. Typically, customized software is required to process and summarize the data collected from the monitoring devices. Our experience with similar monitoring systems has shown that maintaining these systems requires a substantial effort and cost. In addition, the systems will need to be calibrated on a regular basis to ensure an accurate count. Castilleja will have to commit ongoing financial and human resources to the monitoring program and equipment maintenance.

If you have any questions regarding the information provided above please feel free to call.

Sincerely,

FEHR & PEERS



Robert H. Eckols, P.E.

Principal

From: [Palo Alto Forward](#)
To: [Council, City; Planning Commission; North Ventura Coordinated Area Plan](#)
Subject: November 9th Public Comment: Agenda item #13 RHNA Update
Date: Tuesday, November 3, 2020 11:51:50 AM
Attachments: [RHNA Letter October 2020.pdf](#)

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

Dear Mayor Fine and Council members,

Palo Alto Forward is a non-profit organization focused on innovating and expanding housing choices and transportation mobility for a vibrant, welcoming, and sustainable Palo Alto. We are a broad coalition with a multi-generational membership, including new and longtime residents.

We have followed the Bay Area RHNA development process closely, including ABAG's methodology committee discussions. As you know, the Executive Board adopted their methodology on October 15th, confirming that Palo Alto's regional housing goal will include 10,058 new homes. As Palo Alto's [staff memo on notes](#) on 8/10/2020, roughly half of the regional allocation is not related to growth but to statutory state requirements focused on helping existing residents, some of which are new to this cycle. The new factors include reducing the number of overcrowded and cost-burdened households (30% or more of income spent on housing), moving toward a more "normal" vacancy rate, and replacing demolished units as a means to not create a further deficit of housing units.

More notable however, is the allocation methodology. Palo Alto Forward supports the criteria outlined, prioritizing housing in communities that are high opportunity areas and in communities with good public transit and car commuting access to large job centers. While the allocation appears daunting, increasing housing in resource rich cities like ours is a pragmatic and equitable way to allocate new homes. If we do not do our fair share these homes will be allocated to neighborhoods like East Palo Alto, Belle Haven, and North Fair Oaks, further exasperating inequity and the jobs-housing imbalance.

Achieving these goals will be hard for all communities but the Housing Element requirement is to identify feasible sites, zoning and policies to meet the requirements. Because Palo Alto didn't make appropriate modifications to zoning and policies during our current cycle, we met just [28% of our RHNA allocation](#). To that end Palo Alto Forward encourages the council and staff to seriously plan for the Housing Element update and the North Ventura Coordinated Area Plan (NVCAP), both of which will require thoughtful and innovative elements no matter what Palo Alto's allocation. NVCAP is uniquely positioned as a great site for new housing and our decisions there will demonstrate how seriously we're working to meet our local and regional housing goals. **We can meet these goals, but only if we plan for it.**

Sincerely,
Palo Alto Forward Board



November 9th, 2020

Re: Agenda item #13 Palo Alto Forward Supports the RHNA Criteria and Allocation

To: Mayor Adrian Fine, City Council Members, CC Planning and Transportation Commission, CC Working Group

Dear Mayor Fine and Council members,

Palo Alto Forward is a non-profit organization focused on innovating and expanding housing choices and transportation mobility for a vibrant, welcoming, and sustainable Palo Alto. We are a broad coalition with a multi-generational membership, including new and longtime residents.

We have followed the Bay Area RHNA development process closely, including ABAG's methodology committee discussions. As you know, the Executive Board adopted their methodology on October 15th, confirming that Palo Alto's regional housing goal will include 10,058 new homes. As Palo Alto's [staff memo on notes](#) on 8/10/2020, roughly half of the regional allocation is not related to growth but to statutory state requirements focused on helping existing residents, some of which are new to this cycle. The new factors include reducing the number of overcrowded and cost-burdened households (30% or more of income spent on housing), moving toward a more "normal" vacancy rate, and replacing demolished units as a means to not create a further deficit of housing units.

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decisions there will demonstrate how seriously we're working to meet our local and regional housing goals. We can meet these goals, but only if we plan for it.

Sincerely,
Palo Alto Forward Board

From: [Andie Reed](#)
To: [Planning Commission](#); [Architectural Review Board](#); [Council, City](#); [Historic Resources Board](#)
Cc: [French, Amy](#); [Lait, Jonathan](#); [Stump, Molly](#)
Subject: Moncharsh 2nd Ltr re CUP Nov 1, 2020
Date: Tuesday, November 3, 2020 6:20:07 AM
Attachments: [Moncharsh 2nd letter re CUP w. att. Nov 1, 2020.pdf](#)

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

Dear Board Members and Commissioners, City Council members and City Attorney:
CC: Amy French, Jonathan Lait

Attached is Castilleja's neighbors' (PNQL's) Attorney letter in response to the expansion project's draft Conditions. Ms. Moncharsh asked me to forward it on to you.

Thank you,

Andie Reed
PNQL

--

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November 1, 2020

Palo Alto City Council
ARB, HRB, and PTC
By email

Re: Castilleja School – City Staff Report – Proposed Conditions

Honorable Members of the City Council
Honorable Members of the ARB, HRB, and PTC:

Thank you so much for the additional time to address the draft CUP conditions. Hopefully, this letter and the prior one, dated October 27, 2020 and attached, will provide useful information for your deliberations.

During the hearing on October 28, 2020, we orally answered some of the issues raised by commissioners. It appears that the PTC has a genuine interest in blending together the school and residential uses, rather than causing this project to be about creating winners and losers. I look forward to seeing the final use permit conditions, which will surely help the two uses coexist in peace.

A request: Between the PTC hearing and the City Council hearing, I request that the City arrange for a meeting between the neighbors, the school, and staff to go over the conditions finalized by the PTC. Given the short timeline and the fact that apparently, there never was any city-sponsored or even recommended mediation between the community and the school, it would be good to make sure that the conditions going to the City Council adequately meet the neighbors' needs and are reasonable for the School. I would also request a professional mediator to conduct the meeting, if possible.

For several of the topics in the conditions, we already provided comments and suggestions. For those topics, we provide suggested language for the use permit. As to the topics for which there was no time, we will provide the comments and suggested language. The comments are not in any particular order.

Enrollment:

Additional Comment: We suggested in the attached letter removing the breakdown of enrollment increases into phases and also not tying them to building out the property because there was no reason to add that level of complexity. During the PTC hearing, it became apparent from the Head of School's response to a commissioner's question that there was no identifiable reason for such a substantial request for an enrollment increase. The school is already teaching its students according to its existing program, so there does not seem to be anything about increasing enrollment that would prevent teaching students. Maintaining a traffic plan, the other reason given by the Head and which all schools are required to do, also does not suggest that the applicant would need such a high level of enrollment. Therefore, the PTC should feel comfortable with a reasonable number like the 450 student enrollment cap requested by my clients, and removing all of the complicated process of phasing-in students. That phasing-in process adds complications all through the use permit as now drafted.

Without phasing, the school would have an 8% increase now while building out the campus and can come back to the City for an increase by modification of the permit at any time after the usual one-year wait time under the zoning code. That increase is actually earlier than contemplated by the staff and will allow time for the City to determine how well the school is doing complying with the use permit conditions.

We have filled in an enrollment number below as a suggestion, but of course we understand this is up to your commission.

Suggested language:

X. School Grades/Enrollment / Verification.

Ongoing

- a) Castilleja School is permitted to operate a 6-12 grade Private Educational Facility.
- b) The School is permitted to increase its enrollment to 450 students with this approval. The school shall submit the enrollment numbers to the Planning Department no later than October 15th each year. In accordance with state law, the school shall also submit its enrollment

figures to the California Department of Education no later than October 15th of each year.

- c) The school, at its expense, shall retain a CPA firm that has no involvement with the school and has been approved by the Planning Director. By September 15 and again by January 1 each year, the school will provide this CPA firm with the school directory and any other document requested by the CPA firm that lists each student attending the school. The auditor will provide a report of the number of students enrolled at the school to the Director by September 30 and January 30 of each year.

EVENTS:

Additional comment: Staff's draft conditions incorporate Mitigation Measure 4a, but then they use different language in the use permit condition. However, mitigation measures are related to what it will take to reduce impacts to less than significant levels under CEQA. They are not the same as conditions of approval for a use permit, which is more about making sure that the school is basically "a good fit" with its surrounding neighborhood even with increased enrollment and physical changes. If the school is supposed to comply with both of them, there will be a lot of confusion because the language between the two of them is contradictory. It may be better to impose whichever mitigations or conditions are "more restrictive." For example, the number for allowable events in mitigation number 4a is higher than in staff's proposed condition. Which one is the School supposed to comply with?

In speaking with PNQL, they are mostly concerned about night and weekend events with 200 or more vehicles as they are disruptive to the neighbors living closest to the school. As we all would like, these neighbors are trying to maintain peaceful enjoyment of their own homes. Waking up late at night from car doors slamming, people talking or laughing loudly, and engines starting is something we all want to avoid. For many people weekends are the only time they get to entertain, recreate, garden, or just enjoy their homes. We appreciate the staff removing Sunday events and ask that the Saturday events be reduced to no more than ten.

Suggested Text: See page 8 of attached October 27, 2020. The first sentence should be changed to read:

- a. The School and the Summer Program shall be permitted to hold Special Events at the Castilleja School campus subject to the following:

Please add **h.** to the list in the October 27th letter: The School may not hold Special Events that are unrelated to its school use or rent out its facilities.

i. Parking and monitors for Special Events:

- a. The project applicant shall establish transportation procedures for Special Events to 1) ensure that Special Events are managed efficiently and effectively; and 2) minimize traffic and parking in the neighborhood. The School shall anticipate the attendance of Special Events and note this on the school's calendar. At least two weeks prior to a Special Event, the School shall confirm the anticipated number of vehicles and distribute the appropriate parking locations and restrictions to the attendees and Neighborhood Liaison Committee (see below for a description of this committee). For all Special Events, the school shall direct visitors not to park on neighborhood streets and instead encourage them to park in on-site lots, Speiker Field, or on the street curb adjacent to the School.
- b. For single or cumulative Special Events on the same day that will generate between 100 and 150 people, the School shall provide sufficient parking on its campus. For single events or cumulative events on the same day expected to be between 150 and 250 people, the School shall provide sufficient parking on-site, and on the School side of the street. For events exceeding 250 people, an off-site alternative, with a shuttle or valet system, is required.
- c. Traffic Monitors during Special Events: The purpose of traffic monitors during Special Events is to direct cars away from neighborhood streets and into on-site parking or onto the street adjacent to the School. Single or cumulative events with 50 or fewer visitor vehicles people are not considered Special Events per Condition X and do not require a traffic monitor. However, parking signs shall be posted along the street adjacent to the School directing visitors to the onsite parking lots. Single or cumulative events with 50-150 people shall require one monitor at the intersection of X and X and another monitor at the intersection between X and X. Single or cumulative events between 50 and 200 people shall require four (4) monitors.

- d. Monitors will be stationed at the following streets to direct cars to parking provided for the event: XXXXX Single or cumulative events over 200 people shall require six (6) monitors, unless an off-site shuttle service is used. In addition to the streets listed above, the monitors will be stationed at the following streets: XXX. The traffic monitors shall wear a colored safety vest, carry digital cameras, and provide adequate information to the school in order to identify the Special Event parking violators and for the school to implement the enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to any event.
- e. The project applicant shall provide a live hotline number to reach an event manager during Special Events to be used to report violations of these event conditions or complaints.

TRANSPORTATION DEMAND MANAGEMENT:

Comment: This section from the staff report is very lengthy, going on for several pages. Some of the text contradicts other documents like the mitigation measures. Other text is not consistent with other conditions like with the “Events” conditions. We recommend simplifying this section, especially since there already is a TDM that could be amended to conform with the new use permit conditions.

Below in our proposed language, I have removed some of the Nelson/Nygaard suggestions as impossible to enforce and ineffective, instead substituting them for ones that are simpler and enforceable. For example, the handling of “average” trips is fraught with arguments down the road on what exactly that meant. The math applications in the proposed conditions are fuel for arguments: “the ADT target shall be calculated beginning with the starting trip level (1198 trips in 2021-22 academic year) and adding 0.96 times the number of new students added annually over the starting enrollment level (426 students)” and unnecessary.

Interestingly, in correspondence from August 2013, the School claimed that the permit’s use of averaging caused it to become confused and over-enroll: “Unfortunately, our use of the average-daily-attendance method to conform with the CUP, and our subsequent programmatic priorities, resulted in our exceeding the enrollment limit.” This is a typical example of why “averaging,” percentages,

and complicated math formulas do not work well and can interfere with compliance, and ultimately with enforcement. The school's use is not so extensive that it requires the same complicated treatment as, say, a large tech corporation with thousands of employees.

Another issue is how far the PTC should go in removing SOV transportation. The latest version of the Comp Plan emphasizes removing as much SOV travel as possible. The days of private schools, and many businesses, using SOV travel have been coming to an end.

Commissioner Alcheck commented about having a universal standard for private schools for fairness reasons and requested other permits for other private schools. The Notre Dame School for Girls allows no use of SOVs. We previously provided the use permit for another girls' private school (Archer) in Southern California that only allowed 20% of SOV use. Here, with a neighborhood where the housing is so close to the school, where *there are only 82 parking spaces now* and will only be a total of 104 parking spaces if the permit is granted, and where there is a great deal of traffic along Embarcadero, it makes no sense to continue just reducing SOV trips instead of removing them to the extent possible.

Suggested Language:

**Transportation Demand Management Plan
Ongoing**

- a. The School currently has been successfully complying with a TDM approved by the planning department. It was modified in X year.¹ Within 90 days after approval of the permit, the School will provide an Amended TDM to the Director of Planning for approval. The submitted Amended TDM will remove any provisions that are no longer applicable or that contradict conditions in this use permit. It will insert text consistent with this use permit. After the Director is satisfied with the Amended TDM, it will be presented to the PTC for adoption. In addition to the current TDM provisions, the Amended TDM will include the following provisions:

¹ We are inferring that was when changes were made in the TDM, which was apparently drafted for the 2000 use permit. Someone else already sent the correspondence to the PTC for the upcoming hearing with the correspondence. See public comments.

i. Throughout the entire year, the School at its expense will hire a service approved by the Director that will set up trip counters at all entries and exits to record the number of trips in and out of the School. The School is allowed X number of trips during the morning peak time of X to X a.m. and X number of trips during the afternoon peak time of X to X p.m. The School is permitted an allowance of up to 10 days per semester and 2 days during the summer camp when it may exceed these trip levels for good cause such as unavailable buses due to a breakdown, a weather related problem preventing use of non-SOV transportation or other similar cause. The cause must be documented with the documentation maintained by the School for 5 years and available for review upon request by the Director. A copy of the trip counter printouts will be provided to the Director and to the independent traffic engineer (see below)

ii. All other trips over the trip allowance above, including for students, employees, and volunteers will occur by public bus, train, shuttle, private bus, bike or walking. The School will provide private bus or shuttle service to at least X students at a charge not to exceed \$X per semester per student, adjusted annually with X Cost of Living increases. The School will provide a page on its website with instructions for how to access these available, non-SOV methods of transportation, including routes for the school picking up riders to and from the School. Employees will be allowed 7 days per semester to bring their cars to the campus and must notify the School each time and the School will keep a record of the dates when the employee drove to the campus. The records must be kept by the School for at least 5 years and available for review by the Director upon request.

iii. The School will not allow student drivers. The only exception is if a student produces a pay stub and letter from an employer indicating the student's days and time schedule requiring that she drive to school in order to make it to her job on time. The School must require and keep the pay stub and letter for each semester when the student is required to drive her car to the campus and the School must keep the documents for review by the Director upon request for at least five years.

iv. At the School's expense, the Director will hire an independent traffic engineer to make unannounced visits to the School three times spread out over the academic year and once when summer camp is in session for a total of four times per year. The engineer will review the trip counter

printouts for compliance, determine if the School has the correct amount of monitors on duty, that they are fulfilling the job of moving traffic into or out of the school efficiently, that the School is complying with all of its TDM traffic requirements, and that the drop-off and pick-up procedures are overall safe and efficient. The engineer will provide a report each of the four times to the Director, who will make the report available to the neighborhood liaison committee (see below in section X). If the School receives reports that it is completely in compliance with the Amended TDM, including the items listed in this use permit, over a three-year period, the engineer's unannounced visits may be reduced to twice a year.

v. Prior to the start of each academic year and each summer camp session, the School will provide a copy of its Traffic Rules to each parent. These rules will be reviewed by the Director for approval and will reflect the rules applicable to the drivers in the TDM. At the time the parent signs a contract with the School or in a separate contract for each academic year and each summer camp session, the parent will sign the contract agreeing to comply with the Traffic Rules. One provision of the contract will have the parent and School agreeing that if a student or parent violates any of the Traffic Rules, the following penalties will be applied: 1) On a first violation, the School will send a notice of the violation and state which rule was violated; 2) on a second violation by the same parent or student, the School will fine the parent who signed the contract \$100, and call the parent into the Head's office for a consultation; on a third violation, the parent will receive a \$500 fine and a warning that if there is a further violation, the student will be dis-enrolled for the following semester and not re-enrolled; on a fourth violation the student will be disenrolled the following semester and not re-enrolled.

vi. The Traffic Rules must include pictures and clear instructions showing where the drop-off and pick-up areas are located for the School and be posted on the School's website in a page devoted to transportation. One of the School's monitors must be a "roving monitor" to walk around the greater area of the campus and make sure that no student is being dropped off or picked up in any location other than the authorized drop-off and pick-up area. If the monitor sees, or the School receives a complaint with a picture of a student using some place in the neighborhood that is not the authorized for drop-off or pick-up, the School must impose the penalties described above.

vii. Prior to the start of the academic school year and the summer camp, the School must obtain a list of cars that will be coming to the campus. The list must be on an Excel or similar program and show the name of the parent, a description of all vehicles that the parent owns and including all vehicles that may be coming to the campus, the make, color and model of the vehicle and its license plate number. A hanger or sticker must be placed on all cars that are in the database identifying them as related to the School. For each vehicle in the database, the roving monitor will look for any cars parking on the street or not in the drop-off and pick-up zones and that match the description in the database or that the monitor recognizes as a vehicle related to the School and direct the person to move into the allowed locations on campus. If the car has been parked by anyone related to the school somewhere other than a campus parking space, the roving monitor must require the driver to move the car.

viii. Prior to each academic year, the School will go over with each student and her parent how she plans to get to and from school. The School will obtain a “transportation plan” that emphasizes non-SOV travel with each student and her parent. That plan will become a provision in the contract between the School and the parent who signs the contract with the School. If for some reason the “transportation plan” becomes unusable, the School and the parent will sign an amended contract with the new plan. The contract will include the possible penalties, described above.

ix. The School must provide signage, subject to the Director’s approval, that clearly indicates where the drop-off and pick-up zones are located and where the parking lots are located.

x. The monitors will wear vests consistent with traffic controllers and be posted in the following locations: XXX.

COMMUNITY ENGAGEMENT:

No objection. Request Following Addition after Number 18

Requested Language: The School shall convene a Neighborhood Committee at least twice a year, with one meeting held at the end of the school year prior to the start of the Summer Program. PNQL will have four representatives who reside in the neighborhood and that it chooses, the School will have four representatives to include the Head of School, the person in charge

Palo Alto City Council
ARB, HRB, and PTC
re: Castilleja Project
November 1, 2020
Page 10

of facility management, a neighborhood representative of their choice, and a trustee. The date/time/location and agenda shall be mutually agreed to by the Neighborhood Committee and the School. Invitations to the meeting with a written agenda shall be mailed at least 10 days prior to the scheduled meeting to the Neighborhood Committee, the planning director or designee, and all residents immediately abutting and adjacent to the School. The School shall increase the number of meetings if determined to be necessary by the Planning Department staff. School shall provide notice of these meetings to City staff who may attend.

ENFORCEMENT, COMPLIANCE AND REPORTING

There are two paragraphs covering this topic, 28 and 29. Paragraph 28 is a standard paragraph that preserves the City's right to enforce its permit. However, it includes the mitigation measures, which are in conflict with the proposed conditions, as already discussed. A possible solution would be to clarify that the mitigation measures and conditions are enforceable as to whichever one is more restrictive.

Paragraph 29 assumes phasing of the project which we have suggested is more complicated than necessary. If the PTC continues to want phasing, we agree with a commissioner comment that the realistic time line for correction is way too long and needs to be shortened substantially.

Thank you again for the additional time and for considering our comments.

Sincerely,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

cc: City Attorney
Mr. Lait
Ms. French

DONNA M. VENERUSO (d.'09)
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October 27, 2020

Palo Alto City Council
ARB, HRB, and PTC
By email

Re: Castilleja School – City Staff Report – Proposed Conditions

Honorable Members of the City Council
Honorable Members of the ARB, HRB, and PTC:

Attached is a copy of the 2016 use permit conditions for Head Royce School in Oakland where I represented the neighbors and worked cooperatively with the planner on the conditions. This 906 student school is located in the floor of a canyon with housing around the top of the hills making up the canyon. It had a long history of use permit noncompliance and the planner realized her initial conditions in a prior CUP were inadequate. The attached are revised conditions that I will talk about tomorrow at the hearing – what worked and what did not work.

This letter addresses the proposed conditions of approval for the Castilleja School CUP. The amount of time to address these is woefully inadequate even without a power outage (the power is still off here this morning!) At my end, I need to get feedback from my clients, make comments on each condition, show the draft to my clients, and make edits before sending you the final. That much work cannot be completed in time for the PTC to have any time to consider my client's specific input before the hearing tomorrow. The best that I can do is offer general suggestions and some examples from the proposed conditions.

The use permit conditions are not just one piece of the overall project – they are THE PIECE that potentially resolves the operational dispute between neighbors and an institution. It sets out rules for how the institution will avoid negatively impacting the residents and provides a

framework for residents to understand what they can expect from the institution in the future. While I heard a commissioner say that the school needed to “build trust with the neighbors” that really is not what happens with a school that has been persistently noncompliant. What the neighbors start to trust is that the school is going to follow the rules in the CUP and that if they do not, the City will enforce them, i.e., the neighbors will have predictability.

The best example of why these use permit conditions are so important is this project. I became involved *because of the use permit*, not only because the school wanted to physically expand its campus. At the time that I was contacted, the school was out of compliance with the enrollment cap, and despite a fine levied by the City, the school did not immediately get into compliance. It fought every inch of the way to avoid reducing enrollment. It was also way out of compliance with the number of events that it had been holding. The use permit for this school was unclear and poorly drafted. For example, the City has claimed that it did not really mean “several” when it limited events to 5 and “several others.”

Without city oversight in a use permit, all a neighbor can do with a private independent school is complain to the head of school and possibly the volunteers that make up the board of trustees, none of which are motivated to respond to neighbor complaints. I heard a commissioner complaining about the potential unfairness of private independent schools having to comply with conditions when other schools do not have that burden. It’s apples and oranges. The difference is that public and parochial schools have a hierarchy of authority that neighbors can go through when there are problems.

If a neighbor has a problem with a public school, he can go to the principal and then the school board representative, and all the way to the state superintendent to get the problem solved. Parochial schools have a hierarchy that includes a regional bishop as a source of help when there are problems. All neighbors of independent private schools can rely on to solve negatively impactful problems is the use permit conditions and the City’s willingness to enforce them. **When the conditions are inadequate, the penalty on the City is that one or both parties come back to the City repeatedly with complaints and requested changes to the use permit.**

The use permit conditions amongst independent private schools are not created equal because the schools have not performed equally in their relationships with neighbors. The vast majority of established private schools have old use permits with almost no conditions but they never come to the attention of city planning departments because they maintain excellent relationships with their neighbors.

General Comments

The proposed conditions, in some places, are not specific enough for future enforcement. In other places there is more detail than necessary, but it is confusing rather than helpful in understanding the rules. The conditions have the reader jumping back and forth to the MMRP instead of attaching the MMRP and then highlighting in the conditions (“including, but not limited to”) the ones that are most important to neighbors. Lay people should not have to decipher the rules from two separate documents.

In my experience, using averages and percentages is a recipe for confusion and they are difficult to decipher. I saw one place in the materials where it appeared that the school is supposed to have 23% of SOVs enter the school from one route and a different percentage for other SOVs. Really? Who is going to do the math and figure out how to apply that 23%, especially if the enrollment is going to be changing over the life of the permit?

Averages applied to car trips has not worked out well, in my experience. The argument in their favor is that it is unfair to expect a school to have no more than a set number of daily car trips because things go wrong, like buses breaking down, and then the school would be in violation of the permit. The down side of averaging car trips is that it opens the door for “gaming the system” by schools that just want to comply with that average number, instead of the number cap that they should be complying with. A solution is to allow a certain number of days available per semester when the school can bring more SOVs than the trip cap into the neighborhood for unforeseen and recorded emergencies that impact transportation.

I agree with the commissioner who felt that the school should not be burdened with too many conditions and would add that the conditions

should not be confusing or subject to multiple interpretations. The important conditions are the ones that resolve the dispute between neighbors and the school, along with the City's conditions to protect its interests and that of the public. For example, as explained below, is it really necessary to phase the number of students over time? Why? The proposed conditions have the City vesting the school with 540 students in incremental ways, which then creates confusion with other conditions, like how many SOVs are allowable when you increase the enrollment by each increment. A simpler way would be for the City Council to pick a reasonable number for the enrollment cap and leave it to the school to deal with how that number relates to the buildout. It can then pursue more student enrollment in a modified use permit later, if it so chooses.

As to the certificates of occupancy, those do not need to be on a schedule in the use permit, normally. As soon as a building is constructed and the school is ready to use it, the school will be required to have a certificate before using it. The portables need to be removed before the final certificate of occupancy. It would be clearer to state in a separate condition an outside number of years that the portables can be on the campus before they must be removed.

An example of where the rules do not seem to be very complete is the loud speaker. Is there an assumption that the school will be using a loud speaker at the swimming pool constantly? Why? Swimming lessons and lap swimming do not require amplified sound. The only time when one can imagine amplified sound would be necessary is if there is a swim meet. There should be a simple rule that restricts the use of amplified noise to swim meets, defined as a speed contest between the school and another school's swim team, and any other uses require a permit.

The conditions have the public school using the school 5 times a year. Again, why? The school is on six acres and the public high school is on 44 acres. There does not seem to be any need for bringing people into the neighborhood to serve a public school that has its own facilities. Similarly, there do not seem to be any specific rules about a summer program other than that the neighbors get one-week of peace out of their whole summer. I also do not see a prohibition against renting out the

school's facilities. There is no description of the traffic monitors, who should be adults hired by the school.

Yet, these are the things that are very disruptive for neighbors: loud speaker noise without any prior notice to the neighbors, a summer program with different parents than those who come to the campus during the school year and do not know or follow traffic rules (but are gone before anything can be done about it!); no real break over summer from school noise; events unrelated to the school put on by people who have no motivation to enforce school driving rules; excess nighttime events even when some of the events could just as well be located off-campus, cutoff times at night events that allow "cleanup" to go on into the wee hours of the morning with car doors slamming; vague operational hours, etc.

Below, are specific comments and suggestions:

ENROLLMENT:

Overall Comment: The enrollment phased approach is problematic for two reasons: 1) the condition grants enrollment of 540 students which then legally becomes a vested right. The City cannot "take back" any of that 540 student enrollment without modifying this use permit for reasonable cause and after providing a hearing required for due process reasons. 2) The phasing is tied together with a buildout schedule that may not occur due to subsequent modifications in the school's plans or may not ever occur due to financing. Yet, the City has granted a vested right for the applicant to obtain 540 students.

Suggestion: Remove the reliance on the buildout and simply grant the number of students that the City Council is comfortable granting at this time. Leave it to the applicant to come back to the City at a later date if it wishes to apply for modification of the use permit to increase the enrollment. That way, if funding does not work out or there are changes in the applicant's plans for the campus, there will not also be confusion as to when the 25 student increase is supposed to start.

Specific Comments:

c. Upon completion of all project construction (issuance of a final certificate of occupancy for all new buildings and facilities) and

removal of all portable/temporary modular classrooms, enrollment may begin to increase to a maximum 540 students.

Comment: This paragraph has a certificate of occupancy being granted before the portables are removed. I don't think that is what staff meant because once the certificate is issued the City has no more right to control the portables. Also, the condition limits removal to classrooms – what if the school wants to use some of the portables for purposes other than classrooms? Are those portables allowed to stay indefinitely on the campus?

Suggestion: Perhaps, if the City Council still wants to tie the increased enrollment to buildout of the campus, despite the overall comment above, reword this condition to read: Upon completion of all project construction, including removal of all portable/temporary modular structures followed by the grant of a final certificate of occupancy, the applicant may begin to increase enrollment to a maximum of, say, 450 students.

d. Student enrollment shall not increase by more than 25 students per academic year based on the lesser of the School's actual or permitted enrollment as documented by the School's independent auditor.

Comment: We applaud staff's recommendation to have an independent auditor watch the enrollment number to prevent a repeat of future over-enrollment. There is no explanation about this auditor – can it be the head-of-school's best friend? Is the City supposed to pay for this person? What exactly does the auditor look at. What about students who transfer in during the fall or spring semester – how are they counted?

Suggestion: Perhaps add a paragraph before this one that states something like: The school, at its expense, shall retain a CPA firm that has no ties with the school and has been approved by the Planning Director. By September 15 and again by January 1, the school will provide this CPA firm with the school directory and any other document requested by the CPA firm that lists each student attending the school. The auditor will provide a report of the number of students enrolled at the school to the Director by September 30 and January 30 of each year.

As to the language in “d,” it would be clearer if it read: Student enrollment shall not increase by more than 25 students per academic year based on the

permitted enrollment under condition 4 and as verified by the independent auditor. If the auditor determines that the enrollment has exceeded 25 students, they will include that information in the report to the Director.

That removes the word “actual” which could be a noncompliant number. It also sets up a system for planning to find out about it if more than 25 students were admitted.

5. Prior to March 1st each year, the School shall provide the Director of Planning and Development Services a letter from an independent auditor attesting to the number of students enrolled at the School, at the time of the audit, for that academic y

Comment: This paragraph could be deleted if the City Council accepts the recommendation to change the use permit language as recommended above. This paragraph does not account for changes in enrollment that often occur in any school due to families moving into the community. Enrollment is not static over an entire academic year in any school.

EVENTS:

Overall Comments: This section is one that is particularly important to neighbors and has been the topic of much discussion. Private school events are also a lively source of nuisance complaints and requests by neighbors for modifications to use permits. To avoid these parties reappearing at the City, it helps to have conditions that are very specific and readable. Staff obviously has made efforts to cover as much as possible, which is to the good.

In my experience, neighbors and institutions, including private schools rely on the use permit to resolve disputes between themselves. It takes a few times for the planning staff to refer both parties to the use permit, but after awhile they start to go there on their own and look at the conditions when they have disputes, which prevents problems brewing into unnecessary waste of city inspector and planner time.

The main problem with this section is that it has the neighbors and the school going back and forth between the use permit and the MMRP to figure out what the rules are. To the extent that the language in the

conditions is different in *any* way at all from the MMRP, the parties cannot rely on this use permit to figure out what is allowed or disallowed.

The second problem is that it is overly complicated. It starts out with a standard definition of “special events, but then drags the reader off to the MMRP to find out what it really means. In reality, the neighbors do not necessarily care about all of these divisions of types of events and it is unclear why there are so many rules. Neighbors want the number of events with 50 or more attendees limited. Down around subsection f, which talks about “half of the maximum allowed special events” we are totally confused.

Suggestion: Even though it may seem onerous, the way to prevent contradictions between a use permit and the MMRP is to include the exact language from the MMRP in the conditions. If there are too many rules in the MMRP to repeat, then repeat the ones that are most likely to involve the neighbors. A single paragraph that the conditions include those in the MMRP should suffice. I suggest attaching the MMRP and TDM to the conditions if you wish to reference them.

The use permit needs to focus on the number of cars, not the number of attendees. The number of attendees is irrelevant – it is the number of cars that are problematic for neighbors. Here is a much tighter provision for special events from the Head Royce CUP, attached that provides a suggested format and the PTC can fill in the numbers, if it likes use of this format:

The School and the Summer Program shall be permitted to hold Special Events at the Head Royce School campus subject to the following:

- a) A “Special Event” is defined as a gathering in which visitors (including parents) are invited to the campus in conjunction with a School or Summer Program-sponsored event or activity such as a Back to School night, a performance (play or musical), athletic event, dance, walk- a-thon, guest speaker, school fair, Admissions Open House, promotion or graduation ceremony, associated and carried out by the school (not hosted by an outside group or organization) and for which X or more visitor vehicles are expected. If more than one Special Event occurs on a single day, each Special Event

shall count as a separate event. Parking rules for Special Events are outlined in Condition 23. A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings required or requested to be held on campus as a condition of this permit or otherwise by the City are not considered to be Special Events.

- b) The school shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition 24 at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional X total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.
- c) During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, those events for which X or more visitor vehicles are expected must follow Condition 23 procedures for Special Events.
- d) The school shall be permitted a maximum of X evening Special Events per school year during the hours of 7:00 p.m. -9:30 p.m. All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m. with all participants leaving by 11:00 p.m.
- e) The school shall be permitted a maximum of X Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 and X Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m. The school shall be permitted a maximum of X Sunday Special Events per school year during the hours of 9:00 a.m. - 6:00 p.m. The school shall be permitted a maximum of X single day summer Special Events during the hours of 9:00 a.m. - 6:00 p.m. ~~and~~ only on weekdays. X Special Event may take place on Saturday. There shall be no Sunday summer Special Events.

- f) No events shall be held that have not been published on the school calendar or a 30 day in advance or emailed to immediate neighbors one month in advance. The school is not permitted to rent or loan out any of its facilities.
- g) All Special Events shall be monitored by the School per the Condition of Approval.

This private school is almost twice as large as the applicant and is located far away from houses, so the numbers of allowed events should be reduced accordingly if the PTC wishes to use their format. Notice that the school is required to maintain a school calendar on its website so that neighbors can look at it and know what events are upcoming.

j. All special events shall comply with the approved transportation demand management. I think you want some special instructions for Special Events with over 100 cars coming to the campus. The drivers are likely not going to know anything about the rules for parent drivers in the TDM.

OPERATIONS-RELATED

8. Standard School hours are Mondays through Fridays 7am to 6pm. Co-curricular programming involving fewer than 50 students and confined to indoor spaces may occur outside of these hours.

What is meant by “standard school hours” and what is “co-curricular programming.” This section should go to the top of the use permit, and state the allowable hours of operation without qualifiers. Again, we don’t care about numbers of attendees or students, just vehicles. Unless there are cars coming to the school before 7:00 a.m. or after 6:00 p.m., this sentence could be crossed out. If there are cars coming before 7:00 a.m. or after 6:00 p.m., then this section needs a start and end time after defining “co-curricular programming.”

9. Summer school programs shall be subject to all conditions and restrictions that apply to school year programs, except that summer use of the playing fields or the pool shall not occur before 9:00am. The School shall provide a minimum one-week student break between the school year and the summer program(s). The School is prohibited from renting or

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loaning the campus to another summer school program, organization or group provider.

Request: This last sentence should apply to the school operation all year.

This is as far as I can go reviewing the proposed use permit conditions and still give the PTC time to review the comments. If the PTC provides a minimal continuance, I would be pleased to finish the suggestions and go over them with the planning staff so that the permit is as usable and just as importantly, enforceable.

Thank you for considering our comments.

Sincerely,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

cc: City Attorney
Mr. Lait
Ms. French

**FINAL HEAD ROYCE CONDITIONS OF APPROVAL
CASE FILE: REV13-003**

Redlined version – June 7, 2016

Modifications to the conditions of approval as directed by the City Planning Commission at the **November 4, 2015** are indicated in underlined type for additions and ~~cross-out~~ type for deletions. Modifications made as part a resolution between Head Royce School and the Neighborhood Steering Committee withdrawing Appeal REV13-003-A01 on June 6, 2016 and subsequent administrative approval of the modifications (revised conditions of approval) by the Development Planning Manager on **June 7, 2016**, are indicated in underlined type for additions and ~~cross-out~~ type for deletions.

1. Approved Use.

Ongoing

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, attached staff report, the preliminary PUD plans approved January 4, 2006, final PUD approved plans dated October 29, 2007, the approved plans dated July 28, 2009, and the plans submitted on September 11, 2014 to correct striping and make other minor improvements on existing parking spaces. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval.

- a) The action by the City Planning Commission (PUDF07-520) which includes:
 - i. Approval of a Final Planned Unit Development (“FPUD”) for the Head Royce Master Plan PUD, under Oakland Municipal Code Section 17.140.
 - ii. Approval of a Conditional Use Permit for 20 tandem parking spaces on the parking level extension.
- b) The action by the City Planning staff (DS09-224) approving construction of parking improvements to the existing east parking lot at the Head Royce School to accommodate 126 parking spaces (including restriping, paving, grading, and construction of retaining walls, and construction of a drilled pier supported retaining wall for tandem parking approved by the Planning Commission as part of PUDF07-520).
- c) The action by Building Permit PZ1400021 to provide an additional 31 parking spaces on campus for a total of 157 spaces.
- d) This action by the City (“this Approval”) (REV13-0003) includes the amendments to the PUD and the Conditions of Approval set forth below which includes but is not limited to clarifications for:
 - i. School Enrollment
 - ii. Hours of Academic and Childcare Operation
 - iii. Summer Program Enrollment / Operations
 - iv. Number of Special Events / Days and Hours of Operation, and
 - v. Implementation of a Transportation Demand Management Program.

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- e) This approval does not permit Community Assembly or Group Assembly uses as defined in the planning code or use of the school facilities as a venue for hire by outside organizations. Notwithstanding the foregoing, this prohibition does not include, and the school shall be entitled to use of the school facilities for, all of the following: (i) any events in the normal operation of a school that include students, prospective students, parents, prospective parents, faculty, administration, staff and/or alumni; (ii) any school-related events in which outside organizations are invited to participate with members of the school community, such as league athletic events, shared testing days, school dances, performances, counseling or instruction by outside organizations for the school community, educational meetings for faculty or staff, neighborhood safety meetings, professional faculty and staff development, alumni events, fund raising events, or similar normal and customary school-related events, (iii) any shared use of the school's parking lots, field or gymnasium by the school's institutional neighbors (limited only to the Greek Orthodox Church, the Church of Latter Day Saints, all located on Lincoln Avenue), and (iv) use of school facilities on the weekends by neighbors with key cards.
- f) The Conditions of Approval for REV13-003 supersede the previous Conditions of Approval for PUD04-400, PUDF07-520 and DS09-224.

2. Effective Date, Expiration.

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, unless within such period the authorized activities have commenced. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body.

3. Scope of This Approval; Major and Minor Changes.

Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans, conditions of approval, facilities or use may be approved administratively by the Director of City Planning or designee. Major changes to approved plans, conditions of approval, facilities or use shall be reviewed by the City Planning Commission as a revision to the PUD. Major changes shall include increases in the academic or summer program enrollment, number of summer program sessions or merger of residential lots with the campus. The Planning Director or designee shall, in his or her discretion, determine whether other proposed changes in conditions, facilities or uses constitutes a minor or major change upon submission of an application for such change. A determination of whether a change is minor or major is subject to appeal pursuant to the Oakland Planning Code.

4. Conformance to Approved Plans; Modification of Conditions or Revocation.

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere, or the

Final Conditional of Approval

applicant demonstrates to the satisfaction of the Planning Director that abatement requires more than 60 days to implement.

- b) Violation of any term, Conditions/ Mitigation Measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions/ Mitigation Measures if it is found that there is violation of any of the Conditions/ Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions, including but not limited to the imposition of financial penalties. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

5. Signed Copy of the Conditions/Mitigation Measures.

With submittal of a demolition, grading, and building permit

A copy of the approval letter and Conditions/ Mitigation Measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

6. Compliance with Conditions of Approval.

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and in all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

7. Indemnification.

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, Oakland City Council, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss, (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (**collectively called "Action"**) against the City to attack, set aside, void or annul, (1) this approval or (2) implementation of this approval. The City shall promptly notify the project applicant of any claim, action or proceeding. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection a above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Severability.

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and/or mitigations, and if one or more of such conditions and/or mitigations is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the same purpose and intent of such Approval.

9. Subsequent Conditions or Requirements.

Ongoing

This approval shall be subject to the conditions of approval contained in any subsequent Tentative Tract Map, Tentative Parcel Map or mitigation measures contained in the approved environmental document for this project.

10. Compliance Review and Matrix

Within 1 year of implementation of the revised Conditions.

Planning staff shall submit a compliance status report to the Planning Commission one year after implementation of the revised Conditions with the exact date to be agreed upon between the two parties (School and neighborhood).

Ongoing. On October 1 of each year, the project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures compliance matrix that lists each condition of approval and mitigation measure, including those addressing the summer program, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval.

11. Mitigation Monitoring and Reporting Program.

Ongoing

The following mitigation measures shall be incorporated into the project. The measures are taken from the Mitigated Negative Declaration for the Head Royce Master Plan Project (2006). In addition, the applicant has proposed other measures as part of a Transportation Demand Management Plan. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure (“**Responsible Implementing Entity**”); the actions necessary to ensure compliance with the applicable measure (“**Monitoring Action(s)**”) and the entity responsible for monitoring this compliance (“**Monitoring Responsibility**”); and the time frame during which monitoring must occur (“**Monitoring Timeframe**”).

TRAFFIC AND CIRCULATION

Impact T1: The increase in enrollment at the completion of the 2006 Master Plan could result in extension of the parking queue (defined as the cars waiting curb-side along Lincoln) during the morning drop-off and the after-school pickup period.

Mitigation T1: The project sponsor shall monitor the morning drop-off and afternoon pick-up queue during the school year as well as during any summer program operations. The procedures and monitoring forms are included in the TDM Plan. The project sponsor shall implement the monitoring procedures by either: 1) retaining a qualified independent traffic consultant to

monitor the extent of the queue along Lincoln Avenue or 2) hire a qualified independent traffic consultant, approved by the Bureau of Planning, to train at least two (2) supervising monitors to implement and supervise the monitoring procedures. Any new supervising monitor must be trained directly by the independent traffic consultant. If the school's drop-off or pick-up queue extends for more than 60 seconds in any single monitoring period (excluding delays due to extenuating circumstances such as a traffic accident) past the school's upper driveway and the red "no parking" zone above the driveway along the north side of Lincoln Avenue and extending into the "Keep Clear" zone, the school shall implement as many of the following actions and continue to implement these actions as would be necessary to accomplish the necessary reduction in the length of the queue:

- Implement staggered morning drop-off and afterschool pickup times.
- Stagger the afterschool bus pick-up times so that the buses are loaded and leave prior to the start of pickup.
- Discourage early arrival for pickup within the Transportation Policy Guide and during an annual back to school traffic presentation.
- Increase public and private bus ridership in addition to those already in effect at the time of the queuing violation.
- If the previous measures do not reduce the queue, work with the City to restrict on-street parking during morning drop-off and afternoon pickup on Lincoln Avenue to allow for a longer queue. The School shall retain a qualified traffic consultant to prepare an analysis of the queue extension for review by the City's Transportation Services and Oakland Police Department Traffic Safety Divisions. The School shall pay any required review fee. The City may decline to restrict on-street parking to allow a longer queue, in which case other measures noted above must be pursued.

Responsible Implementing Entity: Bureau of Planning and Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Monitoring and reporting shall take place for four one-week periods, once at the beginning of each School semester, and once at the beginning of each Summer Program session. After 2017, the number of monitoring sessions and the duration of the monitoring period for each school year shall be determined by the City of Oakland's Transportation Services Division, Oakland Traffic Safety Division and Bureau of Planning based in part of the school's performance in reducing the queue. In accordance with the TDM, either a qualified independent traffic consultant or two (2) trained monitors shall monitor the Lincoln Avenue queues during after-school pick-up (3:00 to 3:45 p.m.) and morning drop-off (7:55 to 8:30 a.m.) by recording observations of the length of the each queue, reporting on the number of vehicles in the queue every 15 minutes, and the maximum number of vehicles in the queue during the daily monitoring period using the form provided as an appendix to the TDM. The monitoring persons shall also note the number of buses in the queue at each monitoring time. The Director of Operations shall prepare a report at the end of every week during each monitoring period based on the information gathered, sign the report, and submit to the Bureau of Planning. In addition to monitoring forms, the School shall also submit video documentation of the queue during the time

Final Conditional of Approval

periods referenced above eight (8) days each year (two days during each of the four (4) monitoring weeks) for a total of sixteen (16) video clips.

If the results of any of the monitoring periods show that the queue of vehicles extends for a period of 60 seconds or more during each monitoring period past the school's upper driveway, the School shall consult with Bureau of Planning, Transportation Services Division, and Oakland Police Department Safety Division and determine which of the above actions shall be implemented in what order to reduce the length of the queue.

Monitoring and reporting shall continue for an additional three (3) weeks following implementation of each of the above actions and shall continue as long as the City deems necessary to show that it has been effective in reducing the length of the queue.

Monitoring and Reporting Responsibility: Head Royce School
Monitoring and Reporting Review: Bureau of Planning

12. School Grades/Enrollment / Verification.

Ongoing

- a) Head Royce School is permitted to operate a K-12 Community Education Facility.
- b) The School is permitted to increase its enrollment to 875 students with this approval. Enrollment may increase by up to 15 students each year The City met with the School in 2010 and agreed to stay enforcement proceedings if the School would come into compliance with its conditions of approval and submit a TDM program. The School hired a traffic consultant in 2011 to look at ways it could implement improvements to drop off and pick up operations and develop a TDM program. The maximum school enrollment at Head Royce School is 906 students. No enrollment fluctuation resulting in enrollment above 906 students is allowed.
- c) The school shall submit the enrollment numbers to the Bureau of Planning no later than October 15th each year.
- d) In accordance with state law, the school shall also submit its enrollment figures to the California Department of Education no later than October 15th of each year.

13. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management.

Ongoing

The project applicant may be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

14. Hours of Operations (Academic, Childcare and After School Program).

Ongoing

Head Royce School's hours of operation, which include academic, childcare and afterschool programs, are from 7:00 a.m. to 6:30 p.m. Monday through Friday. Athletic practices, including outdoor practices, may commence at 6:30 a.m. on weekdays. Outdoor athletic practices and games shall end by 7:30 p.m. or sundown, whichever is earlier. Indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees

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and meetings of the board of trustees are not considered Special Events as defined in Condition 16 and may occur after 6:30 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends. No field-wide lighting may be installed on the athletic field.

15. Summer Program Enrollment / Operations.

Ongoing

- a) Summer Program hours are from 7:30 a.m. to 6:00 p.m. over the summer from Monday through Friday only.
- b) Summer Program includes two, three (3) week sessions spanning six weeks, generally beginning the third week in June through the last week in July.
- c) The Summer Program may have evening or weekend Special Events. However, those Special Events will be included in the maximum number of Special Events listed below.
- d) The maximum Summer Program enrollment is 780 children per session. The Director of Operations shall submit the enrollment numbers to the Planning and Zoning Division 2 weeks prior to each session of the Summer Program.
- e) The playing fields or pool shall not be used prior to 9:00 AM.
- f) The School shall operate the Summer Program and shall not lease, partner, or loan the Summer Program to another operator or organization.
- g) Unless otherwise noted, all Conditions of Approval that apply to School operations apply to the Summer Program.

16. Number of Special Events / Days and Hours of Operation.

Ongoing

The School and the Summer Program shall be permitted to hold Special Events at the Head Royce School campus subject to the following:

- a) A "Special Event" is defined as a gathering in which visitors (including parents) are invited to the campus in conjunction with a School or Summer Program-sponsored event or activity such as a Back to School night, a performance (play or musical), athletic event, dance, walk-a-thon, guest speaker, school fair, Admissions Open House, promotion or graduation ceremony, associated and carried out by the school (not hosted by an outside group or organization) and for which 50 or more visitor vehicles are expected. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event. Parking rules for Special Events are outlined in Condition 23. A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings required or requested to be held on campus as a condition of this permit or otherwise by the City are not considered to be Special Events.
- b) The school shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition 24 at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional ten (10) total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.
- c) During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, those events for which 50 or more visitor vehicles are expected must follow Condition 23 procedures for Special Events.

- d) The school shall be permitted a maximum of 85 evening Special Events per school year during the hours of 7:00 p.m. -9:30 p.m. All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m. with all participants leaving by 11:00 p.m.
- e) The school shall be permitted a maximum of 55 Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 and 10 Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m. The school shall be permitted a maximum of ~~ten (10)~~ eight (8) Sunday Special Events per school year during the hours of 9:00 a.m. - 6:00 p.m. The school shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. - 6:00 p.m. ~~and only on weekdays.~~ One summer Special Event may take place on Saturday. There shall be no Sunday summer Special Events.
- f) No events shall be held that have not been published on the school calendar or a 30 day in advance or emailed to immediate neighbors one month in advance. The school is not permitted to rent or loan out any of its facilities.
- g) All Special Events shall be monitored by the School per the Condition of Approval.

17. Total Number of Employees.

Ongoing

- a) The Project Applicant shall submit the total number of employees to the Bureau of Planning no later than October 15th each year.
- b) In accordance with state law, the school shall also submit their employee numbers to the California Department of Education no later than October 15th of each year.

18. Master Plan May Be Required for Student Enrollment Increase or “Future Construction”.

Ongoing

The Project Applicant shall apply for a new or amended Planned Unit Development Permit for any student enrollment increase over 906 students on the Head Royce campus site, including but not limited to any physical expansion of Head Royce School’s operations at 4315 Lincoln Avenue or any other “Future Construction” associated with increasing Head Royce School’s operations. The City may require preparation of a campus-wide Master Plan for any such expansion. Future Construction is defined for purposes of this condition as: new, wholly reconstructed, or relocated school buildings, any expansion of floor area (as defined by Planning Code), new enclosed buildings or portions of buildings (i.e., storage shed, garage, attic on an existing building). For purposes of this condition, future construction does not include features such as unenclosed decks/balconies, stairs, walkways, patios, courtyards, fences, walls and retaining walls, trellises or other landscape features, interior remodeling of an existing building, or repair of existing building features. Any future Master Plan shall address, at a minimum, an adequate on-site pick-up and drop-off area, how the school will accommodate additional student growth, a comprehensive development plan for the entire School, including addressing all on-site parking, events, sports fields (if applicable) and traffic-related and vehicle access issues. The last enrollment and staffing form submitted to the California Department of Education shall be required as part of the application documents.

19. Operational Noise General.

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site or as a result of school operations shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction

measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. No outdoor amplified sound equipment shall be used on the campus without a permit from the City Manager's office. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns, or loud speakers.

20. Parking Requirement and Shared Parking

At maximum enrollment (906 students), the School shall provide a minimum of 157 off-street parking spaces and in all cases shall, at a minimum, maintain sufficient off-street parking to meet Oakland Planning Code section 17.116.070(C). These spaces may be provided either at 4315 or 4368 Lincoln Avenue, provided that the spaces used at 4368 Lincoln Avenue are not already allocated to the existing use permit governing uses at that site. The School may use surplus parking at 4368 Lincoln Avenue, the Greek Orthodox Church, Cerebral Palsy Center, Mormon Temple or other off-site locations for additional parking, provided that use of these facilities for parking is not in fulfillment of the School's obligation to provide 157 off-street parking spaces at maximum enrollment and are not required or needed for the uses governing those sites.

21. Whittle and Lincoln Avenue Properties.

Ongoing

The properties located at 4200, 4220, ~~and~~ 4180 and 4286 Whittle Avenue and 4233 Lincoln Avenue shall be limited solely to permitted residential uses as defined in the Oakland Planning Code and the School will not merge the lot without obtaining an amendment to the PUD as a Major Change. The school shall maintain the residential character and uses of these houses and ensure that the houses maintain their structural integrity. These properties shall not be used for additional School parking, School staging of materials or equipment, School storage (including storage of maintenance equipment) or school deliveries or student pick-up or drop-off. The gate in the existing fence between 4200 and 4220 Whittle and the School property shall be posted with a No Trespassing sign and locked (with keys provided only to residents of these properties), except a push bar or similar unlatching system may be installed on the School side of the gate only to allow for exit in an emergency.

22. Whittle Gate Access.

Ongoing

Access to the school through Whittle Gate shall be limited as follows: Deliveries to the School shall be directed to Whittle Gate in accordance with Condition 25. The project applicant may provide *pedestrian* card access to the Whittle Gate to students or employees who walk or bike to School and to neighbors who have been given card access keys. The 20 School employees that parked on Clemons Avenue are prohibited from receiving pedestrian access cards for the Whittle Gate. The School may provide up to 22 *vehicle* access cards to faculty, staff or disabled visitors to park in the parking spaces in the School's lower parking lot. Disabled students may be dropped off at Whittle gate. Each year, the School shall deactivate the cards and issue new cards. Monitoring of Whittle Gate shall take place in accordance with Condition 23, below. The number of pedestrian and vehicle passes distributed each year shall be submitted to the Planning and Zoning Division. The School shall install signs identifying the appropriate access points and access restrictions, if any, to the School.

23. Transportation Demand Management.

Ongoing

The applicant shall maintain a TDM plan attached as Exhibit A to these conditions during both the regular school year and during the Summer Program. Among other things, the TDM

implements Conditions 23 a-g as set forth below. The Conditions are the governing and enforceable conditions of approval.

a) Traffic Circulation and Management

The School shall continue to implement policies to ensure that 1) the drop-off and pick-up process is managed effectively and efficiently; 2) to minimize traffic on neighborhood streets; and to 3) encourage safe driving behaviors. These policies include:

- i. Continuation of before and after-school childcare programs to reduce the number of peak vehicles arriving and departing the campus.
- ii. Maintenance of detailed, written instructions of the vehicle pick-up and drop-off process for the purpose of increasing efficiency in the pick-up and drop-off operation. These procedures, which will be incorporated into a Transportation Policy Guide (Guide), shall include, but are not limited to, how to access the vehicle drop-off/pick-up lane from each direction (~~loops~~), a map showing the specific area where vehicle drop-off and pick-up is permitted, rules regarding safe practices for entering and exiting vehicles, and the area that queue cannot exceed. The School shall actively discourage and communicate the dangers of picking-up students on streets other than the designated drop-off area, as part of the Guide, parent meetings, Back to School nights and other means. The Guide shall specifically discourage early arrival for afternoon pickup. The summer program shall follow the Transportation Policy Guide.
- iii. Compliance with Mitigation Measure Mitigation T1 and Condition 11.
- iv. Mormon Temple Staging Area and Alternative: If the Mormon Temple Staging Area becomes unavailable for use during the pick up or drop off process, the School shall promptly institute one of the alternative means of maintaining the queue in compliance with these conditions as set forth in Condition 11. If an off-site staging area continues to be the preferred method to control the queue, the School shall institute that alternative within 30 days of the unavailability of the Mormon Temple in consultation with City staff. Alternative potential staging areas could include the parking lot of the Greek Orthodox Church, the Cerebral Palsy Center and/or the School's property at 4368 Lincoln,
- v. Circulation Assistants: During morning drop-off and afternoon pick-up periods, the project applicant shall assign 5 adults in the morning and 8 adults in the afternoon to assist with the efficient flow of pick-up and drop-off traffic in approximately the locations listed below, subject to refinement per discussion with the City planning staff. The circulation assistants shall be distinct from the traffic safety monitors.

Morning assistants:

1. One circulation assistant at the Lincoln Avenue crosswalk in front of the Gatehouse.
2. One circulation assistant at the bus loading zone on the north side of Lincoln.
3. One circulation assistant at the middle school gate above the bus loading zone on the north side of Lincoln.
4. One circulation assistant for the student drop off area zone on the south side of Lincoln

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5. One circulation assistant at the top of queue on the north side of Lincoln

Afternoon circulation assistants:

Same as morning with additional circulation assistants as follows:

6. One circulation assistant at the top of the main gate stairs matching parent vehicles to waiting students for pick-up.
7. One circulation assistant at the upper driveway to manage the queue.
8. One circulation assistant at staging area in the Church's overflow parking lot (or alternative)

The school shall have a sufficient number of qualified alternates on campus during every morning and afternoon drop-off time to ensure that the minimum number of traffic personnel is always met. All traffic assistants shall wear colored safety vests. The summer program shall have at least as many circulation assistants as the school year program.

b) Parking management strategies

The School shall implement parking management strategies to ensure that 1) the School minimizes parking in the neighborhood; 2) school-related parking does not disrupt traffic; and provides incentives to reduce single occupancy vehicles.

- i. Through its TDM and Transportation Policy Guide, the School's policy shall be to direct staff, students and visitors to park in the School's 157 off-street spaces, in the lot at 4368 Lincoln Avenue and on Lincoln Avenue above the Gatehouse and direct them not to park on the side streets in the neighborhood.
- ii. The School shall continue to pay for a Residential Permit Parking program on Alida Avenue, Alida Court and Linette Court through the City of Oakland unless the neighbors on these streets withdraw their request to maintain this permit program.
- iii. Staff who contract with the school to carpool shall be given on-site priority spaces relative to non-carpooling staff in order to reduce single occupancy vehicles,
- iv. Students shall be directed by the School to park in off-street parking on campus or on Lincoln Avenue above the Gate house. Students that contract with the school to carpool shall be given on-site priority spaces in order to reduce single occupancy vehicles.
- v. The School shall maintain the required number of parking spaces per Section 17.116.070(C) at all times, including the Summer Program (one (1) space for each three employees plus one space for each 10 high school students of planned capacity.) An increase in employees or high school students could require additional parking spaces to be provided to meet the Planning Code. Required parking may be provided either on the Head Royce campus itself, unless prohibited by other Conditions of Approval, or at 4368 Lincoln Avenue or at other off-street locations. Surplus parking spaces are defined as those spaces above and beyond the requirements of the Planning Code for the permitted use. City staff shall use the School staff and student enrollment information submitted to the State of California Department of Education to determine compliance with parking ratios.

- vi. In its Transportation Policy Guide, the School shall define “single occupancy vehicle” as a vehicle with the one driver and one non-driving student or child.

c) Auto Trip Reduction Program

The School shall discourage single-student and single parent/student driving in the Transportation Policy Guide and implement policies with a goal of reducing single occupant vehicles arriving or departing the School. The Auto Trip Reduction Program shall be included in the TDM and address all four modes of transportation (pedestrian, bicycle, carpooling/vanpooling, and transit), including:

- i. The project applicant shall continue to sponsor and provide private buses (or an equivalent service and capacity as existing conditions).
- ii. The project applicant shall continue to subsidize an AC Transit bus pass to students and faculty as long as AC Transit bus service is available. The project applicant shall assign a transportation coordinator who will provide carpooling and ridematching services to parents who are interested in carpooling.
- iii. The School shall commit to maintain an average of 27% of its school-year student enrollment traveling to school by modes other than single occupancy vehicles (e.g. driving or being driven alone) as long as AC Transit maintains the bus routes that serve the School. However, once the School achieves a maximum student enrollment of 906 students, the School shall commit to maintain an average of 30% of its school-year student enrollment traveling by modes other than single occupancy vehicles. A survey of alternative travel modes shall occur during each of the two independent monitoring periods carried out during the school year pursuant to Condition 23(g) and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third-party monitoring and the counts shall be averaged overall additional academic year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a bus. If AC Transit chooses to discontinue one or more of the routes that service the School, the average required by this condition will be lowered by the percent of students who used the discontinued transit line. The School and the City will then work together to determine transportation alternatives and a new, appropriate percentage of students that should be traveling to school by means other than single-occupancy vehicles.

d) Special Events

- i. The project applicant shall establish transportation procedures for Special Events to 1) ensure that Special Events are managed efficiently and effectively; and 2) minimize traffic and parking in the neighborhood. The project sponsor shall anticipate the attendance of Special Events and note this on the school’s calendar. At least two weeks prior to a Special Event, the School shall confirm the anticipated number of vehicles and distribute the appropriate parking locations and restrictions to the attendees and Neighborhood Liaison Committee. For all Special Events, the school shall direct visitors not to park on neighborhood streets and instead encourage them to park in off-street lots or on either side of Lincoln Avenue above the gatehouse.

- ii. For single or cumulative Special Events on the same day that will generate between 50 and 150 people, the School shall provide sufficient parking either at the main campus, 4368 Lincoln Ave. or Lincoln Ave. above the gatehouse. For single events or cumulative events on the same day expected to be between 150 and 400 people, the School shall provide sufficient parking on-site, at 4368 Lincoln Avenue, on Lincoln Avenue above the gatehouse, the Mormon Temple, the Greek Orthodox Church and/or Cerebral Palsy Center. For events exceeding 400 people, an off-site alternative, with a shuttle or valet system, is required.
- iii. Traffic Monitors during Special Events: The purpose of traffic monitors during Special Events is to direct cars away from neighborhood streets and into off-street parking or onto Lincoln Avenue above the gatehouse. Single or cumulative events with 50 or fewer visitor vehicles people are not considered Special Events per Condition 16 and do not require a traffic monitor. However, parking signs shall be posted along Lincoln Avenue. Single or cumulative events with 50-150 people shall require one monitor along Lincoln Avenue at the corner of Lincoln and Alida and another monitor at the Whittle Gate. Single or cumulative events between 50 and 200 people shall require four (4) monitors. Monitors will be stationed at the following streets to direct cars to parking provided for the event: Whittle Gate, Lincoln Avenue south of the gate house, Alida Street between Lincoln and Laguna Avenue, and Alida Court. Single or cumulative events over 200 people shall require six (6) monitors, unless an off-site shuttle service is used. In addition to the streets listed above, the monitors will be stationed at the following streets: Tiffin Avenue between Whittle and Lincoln Avenue, and Burlington Street.

The traffic monitors shall wear a colored safety vest, carry digital cameras, and provide adequate information to the school in order to identify the Special Event parking violators and for the school to implement the enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to any event.

The project applicant shall provide a live hotline number to reach an event manager during Special Events to be used to report violations or complaints. Enforcement of violations of Traffic Safety Rules (see subsection (f) below) observed during Special Events shall be handled in the manner set forth in subsection f below and the TDM.

e) Communication

- The project applicant shall establish communication protocols to 1) institutionalize and encourage good neighbor parking and driving behavior; 2) ensure that the School community drives in a safe manner; and 3) ensures the rules are clearly communicated, including:
- i. Traffic Safety Rules: The TDM contains a list of Traffic Safety Rules that are designed specifically to increase safety of the school community and the neighborhood. The TDM also includes a list of “Good Neighbor Rules” designed to decrease impacts to neighbors.
 - ii. The project applicant shall continue to maintain a Transportation Policy Guide. The Guide shall include, but not be limited to the following: Vehicle drop-off and pick-up procedures designed to promote an efficient operation; bus loading procedures; Traffic Safety Rules; “Good Neighbor Rules” including blocking driveways, u-turns in

neighbor's driveways; Transit Subsidy Program; Special Event Traffic and Parking Rules; and consequences for violations. If necessary to reflect the updated TDM Plan, the Transportation Policy Guide shall be submitted to Bureau of Planning, Transportation Services Divisions, and OPD-Traffic Safety for review. The project applicant shall distribute the Transportation Policy Guide to each student's parent/guardian. Each student's parent/guardian will need to provide written acknowledgement of receipt of the Policy Guide, and acceptance of its policies as a condition of enrollment. The School shall submit a record of each family's acknowledgement of receipt in a form acceptable to the City if requested. The project applicant shall hold a parent meeting at the beginning of each school year to discuss the traffic and parking. If rules change significantly, as determined by the Director of the Bureau of Planning, after the beginning of the school year, the project applicant shall hold another meeting. A City staff member may attend. The project applicant shall annually review the Transportation Policy Guide and submit the Transportation Policy Guide for review by the Bureau of Planning, Transportation Services Division, and OPD-Traffic Safety staff.

f) Enforcement of Traffic Safety Rules and Event Traffic and Parking

- i. The School shall implement and maintain a system to identify and track persons who violate the School's Traffic Safety Rules as set forth in the TDM. Good Neighbor Rules as set forth in the TDM shall not be considered Traffic Safety Rules subject to enforcement by the Bureau of Planning. Violations of the Vehicle Code are enforced by the Oakland Police Department.
- ii. During the pick-up and drop-off periods: The School shall assign four (4) traffic monitors to implement and monitor the Traffic Safety Rules. The monitors shall be placed at:
 - Whittle Gate,
 - ~~On the westbound loop (e.g. the intersection of Laguna and Alida)~~
 - ~~Two~~ Three traffic monitors for Lincoln Ave between the main entrance and upper driveway.

The traffic safety rule monitors shall wear a safety vest, carry digital cameras, and provide adequate information to the school in order to identify the rule violators and for the school to implement the traffic safety rule enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to scheduled pick-up and drop-off times.

g) Compliance Reporting

- i. The project applicant shall hire a qualified traffic consultant, (based on at least three recommendations from the Bureau of Planning), approved by the Director of Planning or designee, to monitor compliance with the traffic-related conditions in the Conditions of Approval and the approved TDM. Specifically, the independent monitors shall verify compliance by:
 - Counting the number of traffic assistants and monitors present during drop-off and pick-up periods.
 - Observing the drop-off and pick-up traffic flow and recommending measures to ensure smooth operations to the City.
 - Reviewing the length of the queue and check if it extends above the upper driveway.
 - Collecting the number of violations that have been reported from Head Royce's database and recommending measures to reduce violations.

- Recording parking occupancy in all Head Royce parking lots.
 - Monitoring Whittle Avenue and Alida for School –related parking.
 - Auto Trip Reduction Program and related documents as determined satisfactory by the Director of Planning, to meet the alternative transportation mode percentage.
- ii. The independent monitor (which shall be chosen by the School based on at least three recommendations from the Bureau of Planning), shall monitor the school’s compliance with the traffic-related conditions of approval as implemented by the TDM four times per year: once each semester, once during the Summer Program and once during a Special Event involving over 100 cars. The independent traffic consultant shall submit a written report within two weeks of the monitoring summarizing the results of the monitoring session. The reports shall include recommendations to remedy potential infractions of the traffic-related conditions of approval, if appropriate to the Bureau of Planning. Such measures proposed by the independent traffic consultant must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the submitted measures. Upon City of Oakland approval of enhanced or additional TDM measures, the project applicant shall be given four weeks after the approval to implement the recommended measures.
- iii. The School shall have one semester to cure any traffic-related violations of the conditions of approval. If after invoking enhanced or additional TDM measures the School still does not meet its traffic-related conditions of approval based on the independent monitors reports submitted to the City of Oakland, the Bureau of Planning may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether the School’s approvals should be revoked, altered, or additional conditions of approval imposed. This could include a permanent reduction in enrollment. The City of Oakland can also impose penalties on a per infraction fee pursuant to the City’s Master Fee Schedule based on the observations of city officials, the Oakland Police Department, or the independent monitors. In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if the School has demonstrated a good faith effort to comply with the traffic-related conditions of approval. It will be up to the School to provide evidence to the City of Oakland of good faith efforts for review.

24. Neighborhood Liaison Committee /Point of Contact/Complaints.

Ongoing

The School shall invite interested representatives from the surrounding neighborhood streets, including but not limited to, Upper Lincoln, Lower Lincoln, Alida Court and Whittle Avenue neighborhood (Neighborhood Committee) to meet with a representative from the School administration, the Director of Neighborhood Relations (or his or her designee) and a member of the board of trustees, in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The School shall convene the Neighborhood Committee at least twice a year, with one meeting held at the end of the school year prior to the start of the Summer Program. The date/time/location shall be mutually agreed to by the Neighborhood Committee and the School. Invitations to the meeting with a written agenda shall be mailed at least 10 days prior to the scheduled meeting to the Neighborhood Committee, the City Council’s office for district 4, the planning director or designee, and all residents immediately abutting and adjacent to the School. The School shall increase the number of

meetings if determined to be necessary by City Bureau of Planning staff. School shall provide notice of these meetings to City staff who may attend.

No later than 30 days after this approval and ongoing

The Project Applicant shall designate a representative, or series of representatives, on site, to act as the primary point(s) of contact and as a complaint manager. The procedures and protocols to track and timely respond and resolve complaints/concerns raised by neighbors, or others relating to the school's operations, including but not limited to traffic, noise, etc. are contained in the TDM Plan. One of the purposes of this condition is to have the project applicant timely respond and resolve complaints prior to involvement by Building Services Code Compliance Division, unless the complaint is related to imminent threats to public health or safety. The School shall provide neighbors with a daytime and evening contact number for the complaint manager. Complaints will be responded to within 48 hours. In addition, the School shall provide neighbors with a 24-hour emergency hotline number for use in the event of an emergency.

25. Deliveries.

Ongoing

All deliveries, except US Mail, Fed-Ex and UPS trucks and a once a year mulch delivery to the playground area, must access the School via the Whittle Gate or the upper parking lot area. Except as noted above, no deliveries are permitted along Lincoln Avenue. Deliveries must be scheduled for 9 a.m. to 5 p.m. on weekdays, except for deliveries to the café which may commence at 7 a.m. on weekdays operation hours only and no overnight parking or idling is permitted. The School shall provide a live daytime and evening contact number for the complaint manager.

26. Emergency Management Plan.

Prior to the start of the next semester after Planning Approvals and Ongoing

The project applicant shall develop an Emergency Management Plan ("EMP"), and submit to Planning and Zoning Division, Transportation Services Division, OPD-Traffic Safety, and the Fire Marshall, for review and consultation. The Applicant shall implement the final EMP. The EMP shall include at least the following components:

a) Fire Protection Bureau Occupancy Review

Ongoing

The School shall cooperate and coordinate with the Fire Services Department to conduct yearly occupancy and fire safety inspections of the school, fire drills and unannounced future site visits. The resulting Fire Department report(s), and any follow-ups, shall be sent to the Planning and Zoning Division for review.

b) Emergency Preparedness Plan

With 6 months and Ongoing

The School shall submit an Emergency Preparedness Plan, within 6 months after this approval. The completed plan shall be submitted to the Planning and Zoning Division and the Fire Protection Bureau for review and consultation. The plan shall discuss emergency evacuation procedures that will facilitate emergency vehicle access to the neighborhood during School pick-up and drop-off operations. The plan shall be implemented.

c) Fire Department Site Visits

The project applicant shall coordinate with the Oakland Fire Marshal's Office to make periodic unannounced visits to the school (the frequency, timing, and types of visits should be

at the Fire Marshal's discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and drop-off periods. The Fire Marshal should consult with the School to identify modifications to the circulation rules, if emergency access problems are identified.

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission actions on _____ and all previous actions. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant:

(date)

From: [James Witt](#)
To: [Planning Commission](#)
Subject: Castilleja / Affirmative action
Date: Monday, November 2, 2020 12:48:43 PM

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

Dear planning commissioners

My Irish uncle was a golfer and used to say “ Jimmy just make sure you land on the right side of the grass”

You have a chance to support young woman at the cost of some discomfort to a few (entitled) neighbors.

Please land on the right side of this situation.

Thanks
James Witt

www.JamesWitthomes.com

From: [Joe Hirsch](#)
To: [Planning Commission](#)
Subject: LTC Commenting on the Castilleja Article in Last Friday's Edition
Date: Sunday, November 1, 2020 5:18:08 PM

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

Dear Commissioners:

Please consider the following comments at your next meeting (currently scheduled for November 4th) on Castilleja's request for a new CUP, with significant increase in its permitted student enrollment. Thank you.

Joe Hirsch

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Nanci Kauffman wrote a Guest Opinion entitled "Castilleja: Lessons learned, future solutions" in the August 24, 2018, issue of the Palo Alto Weekly. In it, Nanci stated: "When I became head, I discovered that Castilleja was over-enrolled, not only violating the terms of our Conditional Use Permit (CUP), but, equally important, betraying the trust of our community...I remain deeply sorry, both about the over-enrollment and about the betrayal."

Nanci became head of Castilleja on July 1, 2010. Castilleja was in violation of its CUP at that time (as Nanci confirmed in her Guest Opinion) and, during all ten years of Nanci's tenure as head, Castilleja has been in violation of the enrollment maximum set forth in its 2000 CUP and remains in violation today. She did not correct the violation, although she has had plenty of time to do so. In fact, the number of students increased during the first three years of her tenure with the largest increase of 13 students coming in her third year as head.

Given its continuous violation of its legal commitment to the City and this community, it is hard to see why Castilleja's new CUP application should be granted. Over enrollment is over enrollment, and increasing the permitted enrollment from 415 students (it currently is around 426) to 540 does not seem warranted.

Castilleja is known as a fine school. That is not the issue here. Unfortunately, it's on land that is surrounded by residential properties and is too small for the thirty percent increase in enrollment being requested. It is, bottom line, a non-residential enterprise in the middle of a residential neighborhood, where many, although admittedly not all, of its neighbors are opposed to its expansion. The people in opposition should be listened to, as they will have to endure a larger non-residential enterprise in their midst if Castilleja is allowed to expand.

I drove around the campus today and saw many signs saying "Stop Castilleja Expansion" and "Meet with the Residents to find a Resolution".

In view of that, I have two suggestions to offer:

- (1) Castilleja should follow the lead of other private schools like Pinewood and, while maintaining its core campus, find other nearby land or buildings to buy or lease for expansion of its educational program. I suggest buildings on West Bayshore Road as some are available now (one vacant one on what seems like a good-sized lot and others with "space available" signs) and more may come available as remote working, aka working from home, makes currently commercial property available post-coronavirus. Other schools are already there: (a) the Pinewood Activities Center, (b) Emerson School, and (c) a Girl's Middle School.
- (2) Institute City-sponsored Terman Working Group-type mediation sessions giving the opposing parties an opportunity to find common ground, with a city paid for professional mediator, three key residents from those who are opposed to Castilleja's expansion, and three Castilleja representatives who are part of the school (e.g., Nanci Kauffman) and have some ability to bind the school if compromises are made and common ground is found (excluding parents or neighbors who favor expansion, but otherwise are not part of the school itself). It worked almost 40 years ago with regard to the then-closed Terman middle school site, why not try it again?

As many believe that the "betrayal" (to use Nanci's word) continues to this day, Castilleja is in no position to ask for increased enrollment. It should start living within its permitted enrollment of 415 students on its current campus. Trust (another word used by Nanci in her Guest Opinion) once lost, is hard to regain. I don't sense that Castilleja has regained that trust, so if a new CUP is granted, there is reason to believe that future commitments by Castilleja will not be honored, as it has not honored its commitments in the past.

Castilleja's request for expansion of its site via a new Conditional Use Permit to allow for increase of thirty percent in enrollment, in my opinion, should be denied. I urge you to do so at this time, but still suggest that the City and the Commission seriously consider formal, non-binding mediation according to point (2) above, that might lead to the "resolution" that many residents (and possibly Castilleja itself) are seeking.

Joe Hirsch

Palo Alto

From: [Tom Shannon](#)
To: [Planning Commission](#)
Cc: [Council, City](#); [French, Amy](#); [Lait, Jonathan](#)
Subject: Castilleja School's CUP
Date: Saturday, October 31, 2020 1:23:00 PM
Attachments: [Pinewood High School's Conditions of Approval.pdf](#)

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

October 31, 2020

To: Palo Alto Planning and Transportation Commission
cc: Palo Alto City Council

Re: Castilleja CUP Conditions of Approval as compared to Pinewood High School

From: Tom Shannon – 256 Kellogg Ave. directly across the street from Castilleja’s Kellogg entrance for 31 years.

At the October 28, 2020 PTC meeting, Commissioner Alcheck asked to see other school’s CUP conditions to compare with staff’s recommended conditions for Castilleja School. He alluded to comparing Castilleja to Menlo School but these are two very different school sites. When comparing CUP conditions, it’s important for the commission to compare apples to apples and also note when sites are used as elementary schools versus high schools. Here are some examples:

1. Menlo School itself sits on 30+ acres not including the adjacent Menlo College which is an additional 30+ acres for a total available site in excess of 60 acres. Menlo School can accommodate all the school’s parking needs on site.
2. Stratford School at Garland (N. California Ave.) sits on 10 acres with approx. 33,000 sf of buildings. It’s an elementary school with events very limited by its CUP.
3. Challenger School at Spangler (Middlefield at Charleston) sits on 5 acres with approx. 14,000 sf of buildings. It’s an elementary school with events very limited by its CUP.
4. Gunn and Paly High Schools are public schools and are not located in residential areas. Public school uses cannot be compared to private school uses. All public schools in California are political subdivisions of the State of California and thus all aspects of operating the public schools are controlled by California’s Education Code. Cities do not issue CUP conditions for public schools.
5. Pinewood High School sits on PAUSD’s Fremont Hills site with a profile very similar to Castilleja’s profile:
 - o A middle school and high school for grades 7 – 12. Castilleja serves grades 6 – 12.
 - o Sits on a 7 acre site. Castilleja sits on 6 acres.
 - o Situated in a residential neighborhood similar to Castilleja.
 - o Pinewood adheres to a very stringent set of CUP conditions (see attachment) when compared to the current draft conditions being considered for Castilleja.

ATTACHMENT 2

CONDITIONS OF APPROVAL FOR A
CONDITIONAL USE PERMIT AMENDMENT
LANDS OF PALO ALTO UNIFIED SCHOOL DISTRICT
26800 FREMONT ROAD (PINWOOD PRIVATE SCHOOL)
File #85-03-ZP-SD-CUP

1. Any alteration, demolition, reconstruction or additions to the structures on the site shall require an amendment to the Use Permit. The Planning Director may, at any time, schedule a review or revocation hearing before the Planning Commission regarding the Use Permit, if any condition of approval is not being met or the facility is being used inconsistently with the approved use or in violation of Town Municipal codes.
2. This Use Permit shall be reviewed annually in June, to insure compliance with the above conditions, and all conditions shall be subject to amendment and/or additional conditions deemed necessary by the Planning Commission. This review shall be conducted at a duly noticed Public Hearing.
3. The life of this permit shall run with the Pinewood Private School lease or ownership of the subject property, or until this lease is amended or cancelled.
4. There shall be no evening courses conducted at the facility.
5. Enrollment shall not exceed 300 pupils.
6. The number of full-time faculty shall not exceed 50 individuals.
7. Hours of operation when students are present shall not be earlier than 7:30 a.m. or later than 5:30 p.m.
8. No sports activities or other noise-generating events shall be allowed on the soccer field prior to 7:30 a.m. or after 5:30 p.m. on weekdays and at anytime on weekends.
9. Outdoor sound amplification shall be allowed up to five (5) times per year for periods of no more than four (4) hours per day between the hours of 8:00 a.m. to 5:30 p.m..
10. Whenever students of the institution are present on the campus, one faculty or staff member shall also be present.
11. All faculty, staff, and student parking shall occur on the premises. If there should be a need to provide additional parking area, then the owner or lessee shall apply to the Town for the appropriate permits.

12. School authorities shall make every effort to have students embark and disembark within school property. There shall be no additional unnecessary traffic circulation during regular school hours.
13. ~~The school grounds shall remain open to the general public during hours of school operation, with all surrounding pedestrian gates remaining unlocked during those hours. The pedestrian gates will be opened when vehicular gates are opened in the morning, and locked when the vehicular gates are locked at the end of the school day. (Condition removed per City Council-11/20/03)~~
14. All requirements of the Fire Department and Health Department shall be complied with as part of the Use Permit.
15. Events put on exclusively by the applicant, for the benefit of the applicant, shall be limited to twelve (12) days per calendar year and shall be concluded no later than the hour of 11:00 p.m. on weeknights, and 12:00 midnight on Friday or Saturday evenings.

From: [Andie Reed](#)
To: [French, Amy](#); [Planning Commission](#); [Architectural Review Board](#); [Council, City](#)
Cc: [Lait, Jonathan](#); [Stump, Molly](#); [Shikada, Ed](#)
Subject: Re: PTC just continued the Castilleja Project public hearing to a special meeting November 4th
Date: Friday, October 30, 2020 7:37:00 PM

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Dear Amy,

We were surprised at the PTC meeting on Wed night, Oct 28, when the continuance date was switched from Nov 18 to Nov 4. When Chairperson Templeton asked if there was any reason why that would not be convenient or prudent, it would have been helpful had you responded that you are staffing the Architectural Review Board meeting on the same project the next morning, Nov 5, at 8:30, according to a postcard we received last week. No one else in the room would have known this unfortunate piling-up of meetings, since our voices can't be heard. The meeting was set up for Nov 4.

For the first hour of the Oct 28 PTC meeting, the Commissioners grappled with how the public is not well-served by dropping volumes of paper a few days before extremely important meetings regarding the Castilleja expansion. We were glad that they considered adding another meeting to give us extra time to get through the material for the continued PTC meeting. However, we have not yet received the staff report/packet for the Nov 5 ARB meeting, so we have that material to get through, too. It is unreasonable to expect us to be prepared to attend and participate in a PTC meeting Wednesday night and then a few hours later, on Thursday morning, attend and participate knowledgeably in the ARB meeting. This is excessively rushed, a complaint we have voiced about this process since it began in late August. After 4 years, suddenly it becomes vital that the project's appearance in front of all the necessary boards and commissions must happen on top of each other and in very quick succession.

We strongly request one of those meetings be re-scheduled.

Thank you,
PNQL Steering Committee
Mary Sylvester
Rob Levitsky
Neva Yarkin
Hank Sousa
Jim Poppy
Andie Reed

On Wed, Oct 28, 2020 at 11:08 PM French, Amy <Amy.French@cityofpaloalto.org> wrote:

Good evening. At the earliest opportunity I am alerting the Castilleja Project webpage subscribers (bcc'd) that the Planning and Transportation Commission continued the public hearing of this item to a special meeting date of November 4th.

Amy French | Chief Planning Official



250 Hamilton Avenue | Palo Alto, CA 94301

D: 650.329.2336 | E: amy.french@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

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.

--

Andie Reed CPA
160 Melville Ave
Palo Alto, CA 94301
530-401-3809

From: [Hank Sousa](#)
To: [Planning Commission](#); [Architectural Review Board](#); [Council, City](#)
Cc: [Lait, Jonathan](#)
Subject: Castilleja Neighbors
Date: Friday, October 30, 2020 2:02:45 PM

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Hello Commissioners and Mr. Lait:

I participated in the most recent PTC meeting last Wednesday evening, Oct 28, 2020. I live 185 feet from Castilleja School, so have been interested in and involved with the push back to their expansion plans. I wanted to point out an interesting moment during the meeting when Planning Director Lait stated he wanted "to use all means to drive traffic to the school". I believe his intention was that he wanted to have all cars come off Embarcadero onto Bryant for drop-offs, keeping the other neighboring streets largely free from Casti traffic. The upshot is that it still brings hundreds of cars to the school every morning and afternoon, and cars will approach Castilleja from all directions- like they do now. I feel Director Lait missed an opportunity to introduce mandatory shuttling of virtually all the students who are now dropped off by single cars. Shuttles would pick them up at satellite locations (I identified possible sites in an earlier communication). With the sustainable element of the school's new buildings this authentic shuttling effort should be a logical complement. The neighbors surrounding Castilleja feel you commissioners should recommend that this additional shuttling should be a condition of the new CUP. If this shuttling is made a part of the new deal the planned underground garage would be a non-issue. There are already 86 at-grade spaces on the campus, which would suffice for enrollment of 450. The school also uses the 51 spaces around their perimeter. I realize these can't be part of an official count but a years long "gentlemen's agreement" is still in place. The school started operations today and "their" side of the streets (Bryant, Kellogg & Emerson) are being utilized by Casti people while we neighbors have plenty of room on our sides of the streets.

Please recommend the additional shuttling in place of the underground garage in order to be more ecologically sound and instead of the now single car student drop-offs.

Thank you for your work and consideration of the residents' concerns.

Regards,
Hank Sousa
Melville Ave.

From: [Hank Sousa](#)
To: [Planning Commission](#); [Council, City](#); [Architectural Review Board](#)
Subject: Castilleja Neighbors
Date: Friday, October 30, 2020 11:16:06 AM

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Planning and Transportation Commission
Hank Sousa (my speech at the Oct 28, 2020 meeting)

Good Evening Commissioners:

Something on the history of the neighbors with the school- many of us neighbors have had nice relations with the school over the years. Some enrolled their kids in Casti summer camp while some of us used the tennis courts. I attended middle school dances as a seventh grade boy. Most of us opposed to the size and scope of the school's proposal want the school to stay, but with a modest enrollment increase and shuttling in place of any garage. If enrollment is increased 8 per cent to 448 the neighborhood can live with that because we have in the past. At that level the current 86 at grade parking spaces are enough to accommodate a good amount of daily staff. The school might even be able to squeeze in a few more car parking spots. The school, at an enrollment of 448, can continue to remain a top flight education provider. Configure the new buildings around the current at grade parking areas, and recommend the same enrollment increase as Castilleja got when the current CUP was approved in 2000. True, the school violated the current CUP's enrollment cap but let them commit to abiding by the city's rules with an additional 8 per cent enrollment. There would be some conditions in the new CUP, such as a commitment to shuttling in virtually all the students and limiting the number of events.

My next point is about city staff trying to change the designation of the proposed underground parking garage to a basement. When I went back through the school's Project Alternative, submitted to the city on April 16, 2020 out of the 23 pages 8 pages show the drawing of the underground garage. All refer to it as a "garage", an "underground garage" or "underground parking lot". In the previous plan submittal there are 25 mentions of the underground garage using the same verbiage. Even the school's attorney declared at the Aug. 26 PTC meeting "The garage is a below grade parking facility not a basement". It doesn't seem right or fair to try to now label the garage a basement to skirt the requirement that the 35,000 square feet be added to the FAR. When you look at the tape of Sept. 9th meeting a couple of the commissioners seemed baffled and unsure how to wrap their heads around what they were hearing. Please recommend the project with authentic shuttling in place of a garage, along with a modest enrollment increase of 8 per cent.

Thank you,

Hank Sousa
Melville Ave.

From: [Jim Fitzgerald](#)
To: [Planning Commission](#)
Subject: Jim Fitzgeralds Statement at 10/28 Castilleja public hearing
Date: Friday, October 30, 2020 11:06:20 AM

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My name is Jim Fitzgerald, a 30 year resident of Palo Alto and I'm here to urge you to support Castilleja's Floor Area Ratio variance for several reasons.

First, this variance is actually a reduction from current conditions. Technically, the variance would allow Castilleja to maintain the floor area it has now, but the project actually reduces the school's above-ground square footage.

Second, there is precedent. The City has granted Castilleja Conditional Use Permits to operate as a school with this amount of space to support its operation in the past. There is no conceivable justification to reduce that space now.

Third, Castilleja predates the codes. The school has been on the site for over a century, for almost as long as the city has been in existence and for longer than any of the surrounding homes.

The variance is consistent with the City's Comprehensive Plan, the primary tool for preservation and development, and once again, the project does not increase above-ground square footage but instead *decreases* it.

This project's Final Environmental Impact Report finds no significant impacts, so I do not see any reason or justification to deny this variance, and not doing this would just block benefits the city wishes for.

This proposal not only decreases above-ground square footage, it also decreases roof heights and increases setbacks and greenspace. At the same time, it replaces inefficient aging buildings with net zero sustainable spaces. I absolutely see this variance as one that significantly improves the quality of life in the neighborhood.

Finally, it needs to be acknowledged that Castilleja has been an exceptional neighbor and community citizen through this whole process. They have consistently addressed neighbors' objections and have been responsive to the City with a positive and accommodating attitude, only to be met by neighbors who will not agree with anything short of the school just going away. I'm seriously troubled by this last minute change in procedure you just decided at the start of the meeting, this only favors the enemies of Castilleja, who through this change get the last word. It can be seen this is already being gamed by Castilleja detractors. It's hard enough Castilleja with the neighbors constantly moving the goalpost without the city officials doing the same thing. In conclusion, at this time when the world is in great need of world class women institutions and leaders, I urge you to support Castilleja so they can get on with their mission.

--

Jim Fitzgerald

M: 650 888-1293

Email: jimfitz8@gmail.com

<http://www.linkedin.com/in/jimfitz8>

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From: [Roy Maydan](#)
To: [Planning Commission](#)
Subject: Addressing Some Inaccuracies in Public Comments About Castilleja CUP
Date: Thursday, October 29, 2020 7:47:14 PM

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Dear Members of the Planning Commission,

Thank you for taking the time last night to discuss Castilleja's plans for its new CUP. I attended virtually the entire meeting and listened to the public comments. I am a 25 year resident of Downtown North and a 40 year resident of the South Peninsula area. I am writing to you to address some incorrect statements made in some of the public comments by people opposed to Castilleja's plans.

I want to start by specifically addressing some of the comments from Rebecca Eisenberg. Castilleja is not the only school in Silicon Valley in a residential zoned property. Harker's lower and middle school campuses are both in residential zoned areas in San Jose and Pinewood's K-2 and 3-5 campuses are in residential zoned areas of Los Altos. She said that Castilleja does not open its doors to the public, but Castilleja's theatrical productions, musical concerts, Arts with a Heart annual benefit dance program, and others are all open to anyone who can purchase a ticket. Not to mention that Castilleja offers summer camps (Casti Camp and i2 stem camp) that are open to girls in the community. She also said that Castilleja is only for the rich and does not offer scholarships when, in fact, there are Castilleja students who reside in East Palo Alto and less wealthy neighborhoods of Menlo Park and Palo Alto. Castilleja states on their website that 21% of students receive some form of tuition assistance (<https://www.castilleja.org/admission/tuition-and-affordability>).

A couple of speakers compared Castilleja to Pinewood School. I attended middle school at Pinewood's Fremont Hills campus in the early 1980's so I have personal knowledge of some of that history. Yes, Pinewood has 3 campuses, a K-2 and a 3-5 in a residential area of Los Altos and the Fremont Hills campus which is 7-12. When I got there, Fremont Hills was only a middle school. They started adding the high school one year at a time during my years there. In the succeeding decades, they have added facilities including a gymnasium (when I was on the basketball team we had to practice at a Mormon church in Los Altos), tennis courts, and a swimming pool on campus. So, if anything, the scope of Pinewood's expansion of its Fremont Hills campus is the more applicable comparison to Castilleja, albeit much more ambitious than what Castilleja plans to do.

Another speaker, noting the # of events that Castilleja is requesting to have on campus, showed a bar chart that said that Pinewood has only 12 on campus events a year. I took a quick look at the Pinewood athletic calendar for October of 2019 (https://www.pinewood.edu/athletics/athleticscalendar?cal_date=2019-10-01) and counted 5 junior high sporting events, 2 football games, 6 girls tennis matches, and 8 girls volleyball matches all on campus. This is just one month and does not count basketball games later in the winter or the 3 theater productions done annually in the high school or back to school nights or graduations (middle and high school) or anything else.

If you look at the facts, what Castilleja is asking for permission from the city to do is not at all unreasonable. Castilleja is a community treasure and has put together a forward thinking plan

that will allow it to continue to be a guiding light in the area.

Thank you again for all your hard work and service and I look forward to a satisfying conclusion of these deliberations at the November 4 meeting.

Sincerely,
Roy Maydan
131 Byron Street

From: [cbhechtman](#)
To: [French, Amy](#)
Cc: [Lait, Jonathan](#); [Nguyen, Vinhloc](#)
Subject: Castilleja CUP PTC 11/4
Date: Thursday, October 29, 2020 6:50:34 PM
Attachments: [Hechtman Proposed Minor Changes to CS Findings.pdf](#)
[Hechtman Proposed Minor Changes to CS Conditions.pdf](#)

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Ms. French,

Attached please find two documents regarding the Castilleja project: my proposed minor changes to the draft findings, and my proposed minor changes to the draft conditions of approval (only pages with proposed changes). I am forwarding them at this time with the thought that they can be made available to the Commissioners and public in advance of the 11/4 hearing (along with any public comments that come in), so that I do not need to take the time of the public or Commissioners at the hearing to go through each of these minor changes individually.

I will be able to attend the hearing on 11/4, and during the Commissioners' deliberation I will provide my comments on the project and suggested substantive changes to the findings and conditions of approval.

Stay well,
Bart Hechtman

ATTACHMENT A

DRAFT CUP AND VARIANCE FINDINGS FOR APPROVAL
TO BE INCLUDED IN COUNCIL RECORD OF LAND USE ACTION

Packet Pages 25-29

Castilleja School Project – Project Alternative #4

16PLN-00238 (CUP and Variance for Replaced Floor Area)

CUP for phased annual enrollment increases to 540 students with Enhanced TDM plan and Associated phased campus redevelopment, Project Alternative #4, including:

- Minor alternations to the Gunn Building Category 3 Historic Resource built 1926
- Retention of two Emerson residential structures on adjacent Castilleja parcels
- Construction of below grade parking facility (no setback encroachments)
- Retention of two surface lots each providing 13 vehicle spaces
- Retention and use of Kellogg Avenue and Bryant Avenue Driveways for student drop offs
- Modifications to site include pool demolition and relocation
- Demolition of five existing structures and replacement with new classroom/library (requiring a variance because the existing gross floor area does not comply with the FAR)

CUP FINDINGS

Conditional Use Permit (CUP) findings from PAMC Section 18.76.010 are tailored to the Castilleja School Project. CUP Approval is subject to Conditions of Approval in this Draft Record of Land Use Action:

1. *The proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience:*
 - A. Castilleja is a private school, in existence in its current location since 1910, prior to the City's requirement for CUP approvals for private schools in R-1 zones. Campus modifications and operations have been subject to CUPs issued since the 1960s, as follows:
 - 1960 CUP and Variance for 41' tall, three-story dormitory exceeding R1 height limit; classrooms, administrative offices, auditorium, library, dorm kitchen, dining room, social room, gymnasium, pool, tennis courts, caretaker quarters, shop, and garage.
 - 1970's CUPs traffic condition, chapel addition requiring 52 parking spaces, designated student pick-up and delivery areas, and compliance with prior CUP
 - 1990's CUPs sixth grade class added back, Melville Avenue abandonment, use of the abandoned area, creation of 28-space parking lot, multi-use field; TDM required; conversion of a dormitory into a library, classrooms and offices for a maximum of 385 students (154 middle school and 231 high school by the year 2000), requiring an amendment to exceed 385 students
 - 2000's CUPs increased the allowable enrollment to 415 students, implemented TDM program, added basement below the physical arts building (ARB)
 - B. Over eight years of fall and spring TDM program monitoring, Castilleja has demonstrated the school is capable of reducing peak hour trips and maintaining these reductions. Since the monitoring began in 2012, Castilleja has achieved a reduction of 28% of the trips in the morning peak hour.
 - C. In 2013 and 2017, the City began enforcement actions for violations of the 2000 CUP related to enrollment and events, respectively. Castilleja School has worked cooperatively with the City to gradually reduce enrollment and lessen the impact of events on the surrounding neighborhood.

D. Project Alternative #4:

- a. Does not change the campus parcel size,
- b. Does not increase the degree of nonconformity with respect to maximum lot size within the R-1(10,000) zone;
- c. Proposes a replacement academic building to meet the R-1 Zone height limit of 30 feet, whereas the existing 34'8" tall building to be demolished in this location does not meet the R-1 Zone height limit;
- d. Expands usable (habitable) basement area within the Academic Building, and replaces and slightly reduces existing above ground Gross Floor Area (GFA);
- e. Demolishes non-historic buildings and proposes site improvements and buildings that would be more compatible than the existing buildings with the residential character of the area, given materials and landscaping relevant to the residential context; i.e., materials, colors, and details would be compatible with the remaining, existing structures on the site such that the overall campus would have a unified and coherent design.
- f. Further improves the visual character of the site and its compatibility with the surrounding residential neighborhood compared to the existing conditions by:
 - i. reducing the amount of at-grade parking, both on-street and off-street,
 - ii. relocating bus loading and unloading to the Circle, in the interior of the site.
- g. Includes pedestrian scale fencing and gates to provide several paths of ingress and egress for students, staff and visitors, including convenient bicycle parking.
- h. Incorporates elements that meet the City's sustainability goals, such as rooftop photovoltaics, energy efficiency, and water-use efficiency, in addition to meeting current building and seismic codes;
- i. Improves compliance with the City's parking requirements, whereas the existing campus' on-site automobile parking facilities do not meet the code requirements for on-site parking for private school facilities. The proposed parking facilities will meet the required number of spaces: 104 non-tandem spaces - located in two surface lots (at 13 spaces each) and in one underground parking facility (78 spaces, non-tandem);
- j. Improves bicycle parking spaces (an increase from 102 spaces to 140 spaces);
- k. Does not increase the number of peak hour trips with implementation of the Enhanced TDM program and mitigation measures. Traffic to the proposed school will be conducted in an orderly and safe manner, with consequences for noncompliance (including enrollment reductions and CUP revocation);
- l. loads only 114 net new daily trips (after implementation of Mitigation Measure 7a), which does not represent a significant, adverse environmental impact.

Staff fix

E. The conditions of approval, mitigation measures and monitoring and reporting program are designed so that:

- Development and approval of a preservation protection plan is ensured for each phase of construction so as not to adversely affect nearby eligible cultural resources;
- Tree removals/relocations will be limited as per arborist recommendations in 2016 and 2020 reports, and protection measures to ensure survival of trees to remain in place, replacement trees, and relocated trees;
- The project will meet sustainability requirements and goals (including EV charging stations spaces provided and LEED standard green building);
- The enhanced TDM program will be monitored and enforcement measures will ensure less than significant impacts to traffic, vehicle circulation, queuing due to student drop offs, school activities and events, and parking requirements met on site with the Project

Alternative #4 will address parking spill-over issues, all of which have greatly concerned neighbors in the vicinity of Castilleja School.

- The noise from construction and pool activity will be mitigated.
- The conditions of approval for the project are intended to address these issues by placing limitations on school hours, the number, frequency, and type of events, and enforcing ongoing performance standards and the TDM program.
- Performance standards include the requirement to have a designated point of contact for all complaints, provision of events and construction information, traffic data and reports on the School website, and provision of funds to enable the City to retain a 3rd party to assist the City evaluate, monitor, and enforce compliance with conditions and mitigation measures.
- Enforcement of the TDM program and events will be assured, including coordination of the School to troubleshoot issues and handle complaints in a timely manner.

Therefore, with implementation of the EIR mitigation measures as outlined in the MMRP and the conditions of project approval, the proposed CUP amendment will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. *The proposed use will be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance, in that:*

Private School Use is an existing, Conditionally Permitted use within Palo Alto's R-1 Zone, consistent with the underlying R-1 (10,000) zoning designation and Comprehensive Plan designation of *Single Family Residential*. The project conforms to relevant Comprehensive Plan policies cited in the project EIR on Table 4-1 of the final EIR. The EIR Mitigation Measures are intended to improve upon the existing TDM measures with performance monitoring and enforcement and impose clear special event restrictions; conditions of approval related to the CUP provide additional clarity for operations.

The ~~Private~~

delete underline

VARIANCE FINDINGS FOR REPLACEMENT OF GROSS FLOOR AREA

Variance approval of the replacement of above grade gross floor area is based on the findings indicated under PAMC Section 18.76.030(c), tailored to the Castilleja School Project. Approval of this Variance is subject to the Conditions of Approval in this Draft Record of Land Use Action.

1. *Because of special circumstances applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property.*

The Castilleja School campus is found to have special circumstances, in that:

- FAR limitations and maximum lot size (19,999 sf) would not support the physical space requirements of a private school and were not created with conditionally permitted private school uses in mind;
- The size of the campus (at 268,765 sf) is substantially greater than any other lot in the R-1(10,000) zone (where most surrounding lots are 8,000 to 12,000 sf) resulting in a maximum floor area ratio that disproportionately constrains the campus compared to neighboring properties;
- The extreme disparity in lot sizes is detrimental to Castilleja School; the formula calculates FAR at .45 for the first 5,000 sf and 0.30 for the remaining sf so as properties increase in size, the maximum permitted FAR decreases. While this has a reasonable impact for a 19,999 sf lot, it significantly constrains development potential on a lot the size of Castilleja School's. Therefore, strict application of the R1(10,000) development regulations would deprive Castilleja School of privileges enjoyed by other property owners in the R1(10,000) zone and deprived the School of its longstanding historic and permitted use of its property.

lot up to

2. *The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property.*

Except for the requested Floor Area Ratio standard, the Project Alternative #4 complies with all other R-1(10,000) development standards including building height, setbacks, site coverage, open space, and parking requirements.

- Whereas the allowable lot coverage for the campus parcel is 110,374 sf (35% of the campus) a total of 72,240 sf of coverage (27% of the campus parcel) is proposed.
- Whereas the existing gross floor area on the campus parcel is 116,297 sf (FAR of 0.43:1), a total of 113,667 sf is proposed on the campus (FAR of 0.42:1) which is the new Academic Building at 81,942 sf plus the buildings to be retained, at 31,725 sf.

The request is not to increase the gross floor area on campus, but to retain and slightly decrease the existing of above-grade gross floor area, which is most impactful on neighboring properties. The School facilities will be modified to provide appropriate programmatic space for

visually

learning environments, and for seismic safety. The removal of outdated buildings, reconstruction of gross floor area and provision of below grade building area does not constitute a special privilege.

and

The project would improve the campus open space characteristics, create code-compliant and sustainable buildings with deep roof overhangs and solar shading screens, renewable energy solar panels, high efficiency and noise mitigation glazing, natural lighting via skylights for teaching stations, durable and sustainable siding materials, locally sourced interior finishes, water efficient plumbing fixtures, graywater irrigation, and extensive landscaping.

3. *The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.*

As noted in the CUP findings above, EIR Table 4-1 provides an exhaustive list of the Comprehensive Plan policies relevant to the project review and analysis.

4. *The granting of the application will not be detrimental or injurious to property or improvements in the vicinity will not be detrimental to the public health, safety, general welfare, or convenience.*

, with a lower FAR than the existing buildings being removed

The replacement floor area variance would enable construction of a seismically safe and building designed to be visually compatible with the neighborhood character, with increased open space and provision of all required parking spaces provided on site, and sustainability measures. The variance is associated with a slight reduction in above-grade floor area and modernization of facilities, improving on existing conditions. The location of the Academic Building would allow bus drop-off and pick-ups to move internal to the site, and enable loading, delivery and trash functions to move off City streets and onto the school property below grade, to reduce neighborhood congestion and noise while enhancing neighborhood safety. Mature tree preservation and canopy retention and replacement is prioritized, and site landscaping and fencing is carefully designed for neighborhood compatibility.

Bart Hechtman Proposed Minor Changes to Draft Conditions of Approval
 Packet Pages 30-34, 38, 40, 42 & 44

ATTACHMENT B
DRAFT CONDITIONAL USE PERMIT (CUP) CONDITIONS OF APPROVAL
TO BE INCLUDED IN RECORD OF LAND USE ACTION

Castilleja School Project
 File #16PLN-00238: CUP and Variance for Replaced Gross Floor Area
 File #19PLN-00119: Architectural Review

Note: The following are draft conditions of approval for the Conditional Use Permit for the Disbursed Circulation/Reduced Garage Project Alternative ('Project Alternative' #4 in the Environmental Impact Report (EIR)). Alternative #4 includes the reduced and reconfigured below grade parking facility, retains the two residential structures on Emerson Street and the stand of Redwoods next to Spieker Field, utilizes three drop-off/pick-up locations to disburse traffic around the campus.

APPROVAL:

1. This conditional use permit incorporates all relevant conditions of approval from prior conditional use permits (00-CUP-23 and 06-PLN-15) and replaces those prior approvals. Upon the effective date of this entitlement, Castilleja School ('School') will be governed by this conditional use permit and other related City actions associated with the subject application.
2. The School shall operate in accordance with Project Alternative #4 documented in the project environmental impact report (EIR Alternative #4), as detailed in the administrative record and as modified by these conditions.
3. Any future request by the School to change or modify the CUP conditions of approval shall require a noticed public hearing before the Planning and Transportation Commission and Council action in accordance with PAMC Section 18.77.060 (e) *Hearing and Recommendation by the Planning and Transportation Commission.*

ENROLLMENT:

4. The School may enroll a maximum of 540 students in accordance with the following schedule:
 - a. Student enrollment for the 2020-21 academic year and subsequent years, except as modified below, shall not exceed the current enrollment of 426 students.
 - b. Upon completion (issuance of a certificate of occupancy) of the garage underground parking facility (Phase I), and starting with the next academic year, enrollment may begin to increase up to a maximum of 490 students.
 - c. Upon completion of all project construction (issuance of a final certificate of occupancy for all new buildings and facilities) and removal of all portable/temporary modular classrooms, enrollment may begin to increase to a maximum 540 students.
 - d. Student enrollment shall not increase by more than 25 students per academic year based on the lesser of the School's actual or permitted enrollment as documented

non-residential

by the School's independent auditor.

- 5. Prior to March 1st each year, the School shall provide the Director of Planning and Development Services a letter from an independent auditor attesting to the number of students enrolled at the School, at the time of the audit, for that academic year.

EVENTS:

6. The School may schedule up to a maximum of 70 special events each academic year. A special event is defined as one that includes more than 50 attendees as defined in Mitigation Measure 4a included in the Mitigation Monitoring Reporting Program (MMRP). A special event includes, but is not limited to student performances, showcase or social events; parent group meetings; admission, orientation, alumni and donor events; athletic competitions; celebrations, or other activity that brings parents of enrolled students or non-enrolled students to the campus. A special event does not include individual parent meetings or activity associated with the School's daily educational programming. Special events are subject to the following additional restrictions:

- a. Thirty-seven (37) of the maximum allowed special events may exceed 100 attendees, including five (5) major special events that may exceed 500 attendees.
- b. Inclusive of all special events, the maximum number of weekday evening special events, after 6pm, shall not exceed 32 events.
- c. Inclusive of all special events, the maximum number of Saturday special events, after 6pm, shall not exceed 5 events.
- d. No special events are permitted on Sunday.
- e. No special event during the weekday shall begin prior to 8am, or 9am on Saturday.
- f. ~~No more than half of the maximum allowed special events may extend past 6pm.~~ Those special events that extend past 6pm must end by 8pm, except for student performances, dances and major events, which shall end no later than 10pm.
- g. The School shall minimize the number of special events occurring on consecutive days and, for larger events, occurring on consecutive weekends.
- h. All special events are subject to the requirements of Mitigation Measure 4a included in the MMRP.
- i. A list of all special events for the upcoming academic year shall be provided to the Director of Planning and Development Services before school begins and posted on the School's website for the duration of the academic year. The number of event attendees and applicable parking plan required in Mitigation Measure 4a shall be similarly posted. The purpose of this condition is to provide a reasonable expectation when such events are anticipated and ensure the maximum number of events is not exceeded or occur during restricted hours. Occasional adjustments to the event schedule or minor exceedances to the ending time of an event during the academic year shall not constitute a violation of this condition of approval provided other applicable restrictions are met.
- j. All special events shall comply with the approved transportation demand management.

Covered in b and c

7. The Director of Planning and Development Services may approve a request to use the School's campus by the Palo Alto Unified School District, up to five times per academic year, without the need for a Temporary Use Permit or counting as special event as defined in Condition #6. This condition is intended to support and encourage continued collaboration between PAUSD and Castilleja in a manner that is minimally intrusive to the Castilleja neighborhood and may allow some of the School's larger events to occur off campus. The Director may impose conditions deemed necessary to address impacts of such events on the public. Nothing in this condition is intended to preclude the School from applying for a Temporary Use Permit in accordance with Palo Alto Municipal Code section [redacted].

OPERATIONS-RELATED:

- 8. Standard School hours are Mondays through Fridays 7am to 6pm. Co-curricular programming involving fewer than 50 students and confined to indoor spaces may occur outside of these hours.

- 9. Summer school programs shall be subject to all conditions and restrictions that apply to school year programs, except that summer use of the playing fields or the pool shall not occur before 9:00am. The School shall provide a minimum one-week student break between the school year and the summer program(s). The School is prohibited from renting or loaning the campus to another summer school program, organization or group provider.

- 10. Following construction of the Academic Building, all deliveries and bus pickups and drop offs shall be accomplished within the below grade parking garage or designated pickup/drop off areas on campus accessed from the driveway from Kellogg Avenue.

- 11. Removal of the temporary campus on Spieker Field shall commence within six months of the City's issuance of a final occupancy permit for the Academic Building.

- 12. At all times the School shall comply with the City's Noise Ordinance. Except for swimming pool-related activity, which is subject to Mitigation Measure 8b, and emergencies, including drills, no outdoor amplified sound equipment shall be used on the campus without approval of a noise exception permit from the City. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns, loudspeakers, or similar noise-generating equipment. Amplified outdoor sound associated with the swimming pool shall be prohibited between 8pm and 7am. The School shall take reasonable efforts to mitigate School-related noise complaints from nearby residents. If noise complaints are not satisfactorily resolved, the Director of Planning and Development Services may require the placement of noise monitors to collect data and determine compliance with this condition. Any consultant costs, installation, monitoring or remedial action required to address noise-related complaints shall be paid for by the School.

and staff time

The School is also subject to requirements of Mitigation Measure 8a and 8b related to construction and pool use. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

- 13. The School’s adjacent Emerson Street residential properties shall not be used for any School related purpose, including but not limited to, additional parking, storage or staging of materials or equipment, deliveries or student pick-up or drop-off. These parcels do not have City approval for use or activity supporting the School and are limited to residential and accessory uses customarily incidental to single family residential uses.
- 14. Outdoor athletic practices and games shall be limited to daylight hours only. No field lighting shall be installed. This does not preclude lighting for safety, landscaping and pathways approved by the City.
- 15. The following restrictions apply to the School’s gym operations in accordance with prior City approvals:
 - a. Activities are not permitted in the lower basement level of the Physical Arts Building that would cause the number of occupants to exceed 500.
 - b. Ventilation equipment for the gym is not to be operational from 9 pm to 6 am. However, the ventilation equipment may be operational until 10 pm when the gym is used for evening events as listed on the School’s event calendar.

COMMUNITY ENGAGEMENT:

On the School Website

- 16. The School is required to provide the following information on its website to serve as a resource to nearby residents and provide access to certain documents and information. This information shall be posted prior to the start of the 2021-2022 academic year and updated annually thereafter to include the following:
 - a. A signed copy of the Record of Land Use Action authorizing the School’s use and expansion project along with the mitigation monitoring and reporting program and transportation demand management plan.
 - b. A list of all planned special events in accordance with Condition #6.
 - c. Information on the maximum number of students authorized by this conditional use permit and the actual student enrollment figures for each academic year as soon as they are available, but no later than November 1 each year. Prior to March 1st each year, the School shall post the findings of an independent auditor attesting to the number of enrolled students for that academic year as required by Condition #5.
 - d. All monitoring and reporting documents required by these conditions of approval, including but not limited to transportation demand management program monitoring reports and the annual landscape maintenance contract (Mitigation Measure 7b).
 - e. The School shall provide regular construction updates to inform nearby residents

of the status, schedule and upcoming construction activity, information on lane closures, when heavy truck traffic is expected or use of particularly noisy equipment or vibration causing equipment. The website shall include an opportunity for the public to opt-in to receive twice monthly construction news updates by email.

17. Commencing Prior Prior to the 2021-2022 academic year, the School shall establish and maintain a dedicated phone number to be answered by someone affiliated with the School who will immediately respond to complaints regarding noise, special events, academic competitions, traffic and parking or other neighborhood disturbances. delete comma Prior to the start of each academic year, the School shall send notice to all property owners and tenants within 600 feet of the School's property boundaries informing occupants of this dedicated phone number and a link to find these conditions of approval on the School's website.

18. The School shall host regular neighborhood meetings to report on school operations, receive feedback, and attempt to problem solve any identified issues. A minimum of two meetings shall be scheduled each academic year, one in the fall semester and another in the spring semester. The School shall provide a summary of the topics discussed and any follow up action to Director of Planning and Development Services staff within 30 days of the meeting.

19. The School shall communicate with the parents of enrolled students the rules and expectations of the School and these conditions of approval. The School shall distribute a transportation and parking handbook that institutionalizes and encourages good neighbor parking and driving behavior detailed in Condition 25.

TRANSPORTATION DEMAND MANAGEMENT:

20. Sixty (60) days following the effective date of the Council's action on this application, the School shall prepare a complete transportation demand management (TDM) plan that compiles all applicable transportation-related requirements of this Record of Land Use Action into a cohesive, well-organized and indexed document. The TDM plan shall be submitted to the Director of Planning and Development Services for approval. The intent of the TDM plan is to reduce vehicle trips to, and parking demand at, the school for the purpose of minimizing School-related disruptions and intrusions into the nearby residential neighborhoods. The TDM plan shall also serve as a publicly available resource to inform interested residents of the School's transportation-related expectations and requirements and, therefore, may include performance standards or operational conditions of approval not typically associated with a TDM plan. As required below, the TDM plan shall incorporate requirements from several source documents. The TDM plan required by this condition does not need to be a verbatim restatement of the transportation management requirements but shall include specific performance measures and criteria where appropriate and generally document the implementation strategies to effectuate the intent of these provisions. Where a dispute between the City and School is unresolved regarding implementation of this condition, the Director shall

State frequency
of required counts

- spaces within surface lots used, extent (counts) of on-street parking adjacent to the school and in the expanded parking study area);
- viii. bicycle parking counts (supply and demand) and dates, times, & attendance of bicycle repair clinics.
 - ix. student drop-off/pick-up location counts and percentages by driveway.
 - x. an electronically transmitted appendix to the report containing the raw data from the driveway counting devices for the monitoring period.
- c. Describe how and where counts were conducted. Describe any off-site data collected by an independent traffic engineering company.
 - d. Driveway Counting Device: Describe installation, calibration methods, function and proposed maintenance of permanent traffic counting devices. Describe how records of traffic counts are to be preserved electronically and frequency of posting of this data to the School's website for accessibility to City officials and the public.
 - e. Include a detailed explanation of the pick-up and drop-off process as well as target pick-up/drop-off distribution percentages.
 - f. Include the number of daily (while school is in session) onsite traffic attendants.
 - g. Describe the use of traffic safety warning devices.
 - h. Provide a map of each parking study area, and description of methodology employed to capture off-campus parking.
 - i. Describe on and off campus Parking Management Strategies, Traffic Circulation Management Strategies and Event Traffic Procedures.
 - j. Identify scope and breadth of TDM measures utilized (i.e. programs that encourages walking/biking/transit, Auto trip reduction strategies, etc.).
 - k. Describe other programs provided by the school in detail (i.e. organized vans, shuttles, transit subsidies) and how the mode split data was collected (survey, website, etc.).
 - l. Provide the number of enrolled students for the period covered by the report.
 - m. List the dates of special events that occurred in the period covered by the report, including times, attendance, and parking/traffic management efforts and results.
 - n. Provide copies of mailings to families regarding the parking/traffic/pick-up/drop-off policy, including traffic management for special events.
 - o. Include a list of disciplinary consequences for students and parents who do not cooperate with the parking requirements
 - p. Provide the TDM Monitoring Report in a simplified, easy to read compliance review matrix format.
25. The School shall update its transportation and parking handbook and distribute it annually to the parents of enrolled students in advance of the upcoming academic year. The handbook shall be incorporated into the Castilleja School long range planning efforts and made part of the Board Policies and Procedures Manual. The handbook shall include the following policies and any applicable provisions from these conditions of approval:
- a. At the beginning of each school year an updated parking/traffic/pick-up/drop-off

- for overflow parking, as needed.
- xii. Castilleja shall continue its major transportation campaign with families to emphasize carpools and use of Castilleja buses and shuttles, Caltrain and other alternative means of transportation. Every Castilleja family shall receive information promoting carpooling and providing information to facilitate car/vanpooling in their immediate geographic area.
 - xiii. Castilleja shall experiment with a plan for an assigned parking program with designated areas for certain types of parking (i.e. student, employee, visitor).
 - xiv. Castilleja shall designate a Visitor Parking Zone in the area of the Administration Building. Visitors shall register in the Administration Building. At that time, they shall be asked where they are parked and redirected to the visitor's zones if necessary.
 - xv. Castilleja will continue to review its event calendaring process and develop procedures to more strategically plan school functions and their placement on the calendar so that functions with more than 100 attendees coming to campus do not become bunched on consecutive nights or weekends.
 - xvi. Castilleja has five Major Events each year (a start of year ceremony, back to school night, a community building event, Founder's Day Luncheon, and Baccalaureate/Graduation) that will bring almost all students and parents to the Castilleja Campus. For these occasions Castilleja shall provide traffic monitors to make sure that all vehicles park legally and safely on all street parking. Castilleja shall maximize all on-site parking and use tandem parking whenever feasible. Shuttles to Caltrain shall operate so that guests may attend without bringing a car to the campus area, and the shuttle schedule shall be published along with the parking plan for these events. A complete list of these events including date, time of event and number of expected attendees shall be published annually and distributed to neighbors and the City of Palo Alto.
 - xvii. The School shall review the parking/traffic requirements of each event and develop appropriate parking and shuttle service to Caltrain. Parking instructions and Caltrain shuttle schedules shall be included in event notifications. Castilleja shall provide traffic monitors for these events and shall direct as much traffic as possible onto the school site, using assisted tandem parking, allowing students to use all lots after hours, using the day-time loading zones for parking, and utilizing all resources to minimize impact to street parking. For certain events as needed, Castilleja shall make every effort to arrange off-site parking with nearby parking lots and provide shuttle service to the parking locations using school vehicles to transport people to and from the school. The availability of these lots is dependent on events and cooperation from lot owners.
 - xviii. For School committee meetings which bring volunteers to the campus, Castilleja shall coordinate a parking plan and shuttle schedule that will be

restrictive conditions shall govern; to the extent any mitigation measures and/or COA identified in the 2020 CEQA document were inadvertently omitted, they are automatically incorporated herein by reference.

and/or reduction required

29. Upon written notice from the City of Palo Alto, increases to student enrollment may be suspended when the School is found to be in violation of any conditions of approval, including but not limited to the approved transportation demand management plan, anticipated student drop off distribution, or environmental mitigation measures, subject to the following criteria:

- a. Following initial notice of a violation, the School shall be given 45 days to take corrective action and demonstrate compliance to avoid a suspension in enrollment.
- b. Any determination to reduce or suspend increases in enrollment from the Director of Planning and Development Services shall be made within 60 days of the initial notice. This determination may be appealed in writing within 14 days, in accordance with PAMC Chapter 18.78 and subject to applicable fees.
- c. A final determination to suspend increases to enrollment made after the start of the academic year and prior to March 1 shall apply to the next academic year. Final determinations made on or after March 1 but before the start of the next academic year shall apply to the following academic year regardless of whether the School has remedied any violation(s) that were the cause of the suspended enrollment. The term final determination used in this context includes the time to process an appeal, if filed.

or reduce

30. Violation of any term, condition or Mitigation Measure relating to the Approvals is unlawful, prohibited, and a violation of the Palo Alto Municipal Code pursuant to PAMC Section 18.01.080. The City of Palo Alto reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions/Mitigation Measures if it is found that there is violation of any of the Conditions, Mitigation Measures or the provisions of the Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions, including but not limited to the imposition of administrative financial penalties. The project applicant shall be responsible for paying fees in accordance with the City's Municipal Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

The periodic

31. The School shall deposit \$15,000 with the City of Palo Alto to cover all City costs associated with an annual review of the school's compliance with these conditions of approval, the cost of the City's consultant review of School-generated technical reports required by these conditions (including reports analyzing raw traffic data in accordance with these conditions), and handling of community complaints of alleged violations. The

parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

37. Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and/or mitigations, and if one or more of such conditions and/or mitigations is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the same purpose and intent of such Approval.

From: [Peter Levin](#)
To: [Planning Commission](#)
Subject: Castilleja plans
Date: Thursday, October 29, 2020 5:44:44 PM

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

I have lived at 662 Melville Avenue since 1999. I live approximately ½ block from Lucy Stern Community Center and the Children's Museum and Zoo, two blocks from Addison School, and two blocks from Walter Hayes School.

I have followed the discussions about Castilleja's planned renovations and an increase in class size for years. I have attended community meetings held at the school's cafeteria, on-line, and at a public committee meeting. I have also reviewed the original and revised plans for the school.

I have had two daughters attend Castilleja, the closest middle and high school, to our home.

I want to share my perspective, noting that I support the school's plans to work with the city and neighbors as Castilleja increases its class size and renovates its aging facilities.

Palo Alto needs to support significantly expanded housing. Palo Alto needs to increase its housing by as many as 10,000 units by 2031, according to one proposal referenced on October 22nd in the Palo Alto Weekly. Perhaps we will approach these goals with large housing structures. Perhaps the ADUs built, planned, or under discussion in all parts of the city, including the areas near Castilleja. We need to accommodate our growing population and evolve our static views of density. Asking the school to relocate does not grow our community while preserving the Palo Alto character.

Castilleja has proven of great importance to our Palo Alto family. I am unmoved by others' notions that Castilleja serves other SF Bay area communities beyond Palo Alto as if this is bad. So does Lucy Stern Community Center, the Children's' Museum and Zoo, the Jewish Community Center, and many religious institutions, not even including the Palo Alto Medical Foundation and Stanford Hospital. Ours is a community that shares and leads. What is Palo Alto (and I will include Stanford in this comment) if not a center for education from pre-K through retirement? We are an educational center for the region, the county, and the world. We should continue to foster this. I advocate moving on in considering the plans for the school and not dwelling on past violations.

I feel fortunate to live in a city that has offered my family diversity of choices for educating my children. Let's move forward to meet the expanding needs in this community and our commitment to education.

Peter S. Levin; 662 Melville Ave; Palo Alto

From: [Daniel Garber](#)
To: [Planning Commission](#); [Council, City](#); [Architectural Review Board](#)
Subject: Castilleja School Comments
Date: Thursday, October 29, 2020 5:38:33 PM

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The following was presented via Zoom during the Public Comment period at the Oct 28, 2020 PA-PTC Meeting regarding item #2: PUBLIC HEARING/QUASI-JUDICIAL: Castilleja School Project, 1310 Bryant Street [16PLN-00238]:

In 1922 Palo Alto established its first zoning code. Castilleja School had opened its doors 12 years earlier when Mary Lockey established it to prepare young women to enter Stanford.

At that time the zoning district that included Castilleja's property allowed single-family houses, churches, municipal buildings, and schools. The Sanborn maps from then show about a dozen houses surrounding Castilleja's property. Today, 100 years later, there are a bit more than twice that many.

As I understand it, the first Conditional Use Permit that Castilleja operated under was written 40 years later in the 60's. And then in the late 70's the State took away the local purview that allowed the impacts of the recent PALY improvements to avoid the public scrutiny that Castilleja's project has had to go through.

I raise this history not to overlook the physical impacts that these institutions have on us. But rather, to emphasize that the value of these institutions to our community is often marginalized in our zealotness to argue the pros and cons of what their proposed impacts on us may be.

These institutions, including Castilleja, underpin not only all of our property values and, in part, the values we hold dear to our City. The commission needs to balance the interests of the immediate neighborhood and Castilleja fairly - so that the interests of one does not outbalance the other - and so that the identity and values of the City, our community as a whole, are not diminished.

In general, I support the staff's recommendations and urge the Commission to move the application forward.

Daniel Garber
Palo Alto Home Owner

From: [Roy Maydan](#)
To: [Planning Commission](#)
Subject: In Support of the Castilleja CUP
Date: Thursday, October 29, 2020 11:24:26 AM

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

My name is Roy Maydan. I have lived in Downtown North for 25 years, and I want to speak in support of Castilleja's underground parking facility. The Final Environmental Impact Report and Palo Alto Comprehensive Plan both found the underground parking to be superior to surface lots, so that ought to be a very clear statement about the benefits of the underground parking structure.

First and foremost the parking structure WILL NOT INCREASE CARTRIPS. Because Castilleja will not be allowed to enroll more students if cartrips increase, new trips will not be permitted. The garage has NO RELATION to the number of trips that will be permitted. It simply moves cars below grade.

Visually, I think the opposing voices believe - and want others to believe - that it is something that it absolutely is not. This is not an industrial garage, as they claim. The entrance and exit are single lane, set back from the street *behind gentle landscaping*. The garage is simply a means to remove cars from neighborhood streets, a request that was made by neighbors themselves early on. And, the distributed drop-off proposed by the school results in no traffic impact around the school.

It is compliant with City code for a school to have underground parking. Congregation Kol Emeth on Manuela has already been granted permission for underground parking in an R-1 neighborhood in Palo Alto, so there is obviously very recent precedent established.

The City created parking requirements, and this underground parking structure has been determined to be the most environmentally sound way for the school to meet these City-driven parking requirements.

Finally, with the smaller structure, the project conserves trees, and meets all standards in the Palo Alto Tree Technical Manual, and increases the overall canopy. I urge you to support this proposal.

Sincerely,

Roy Maydan

131 Byron Street

From: [Lian Bi](#)
To: [Planning Commission](#); [Council, City](#); [Architectural Review Board](#)
Subject: PTC Public Comments for this Wednesday, Oct. 28
Date: Thursday, October 29, 2020 11:11:29 AM

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

Hi Planning & Transportation Commission (PTC):

Thank you again for the opportunity to speak in support of Castilleja last night!

I live a few blocks away from campus, and I support the underground parking structure. I know that it will not increase daily car trips to campus, because that number is capped within the proposal. The school will not be permitted to admit more students if the daily car trips increase, so there will not be an increase in traffic. Instead, the structure will move street parking below ground, improving the aesthetics.

I also appreciate that the City's Comprehensive Plan and the Final Environmental Impact Report prefer the underground parking structure to surface parking lots. The Historic Review Board members and the Architectural Review Board members have already acknowledged these findings. I hope that you will also acknowledge the clear finding that the underground option is preferred to street parking and that the "No Garage Option" was deemed environmentally inferior.

With a child who bikes in the neighborhood, I am happy to see that the Final Environmental Impact Report supported the underground parking structure. It will promote safety along the Bike Boulevard. With only right turns into and out of Castilleja, cars will never cut across the flow of bicycles in the bike boulevard on Bryant. In addition moving parking below ground makes travel safer for cyclists because doors of parked cars will not be opening unexpectedly as the cyclists pass. The facts and data in the Environmental Report support this plan, and I feel that you should as well.

Regards,
Lian Bi

From: [Barbara Ann Hazlett](#)
To: [Planning Commission](#)
Cc: [Council, City](#); [Shikada, Ed](#); [French, Amy](#); [Kamhi, Philip](#); [Stump, Molly](#)
Subject: PTC - Castilleja Public Comments
Date: Thursday, October 29, 2020 10:29:56 AM

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

10/29/20

Dear Planning and Transportation Commission:

I am submitting written comments that I voiced at last evening's PTC meeting regarding Castilleja School. I have also appended a post-script. Thank you for the opportunity to speak.

Good Evening Commissioners:

My name is Barbara Hazlett. I have lived near Castilleja School, just across Embarcadero for 40 years.

It is a privilege to speak in support of Castilleja and another century, let me repeat, another century, of educating young women to become leaders. Castilleja is a treasure, and as a Palo Alto voter who strongly supports protecting neighborhoods, I feel that schools, churches, libraries, and community centers are crucial civic elements that enhance the appeal of residential neighborhoods. Schools serve the public good and should not be driven away from the students they serve. There is a vocal residentialist movement in our city - of which I am one - and I want to make clear that residentialists support Castilleja's proposal. I am tired of all the comments about neighbors' concerns. I am a neighbor and my only concern is that this application is approved.

Once again, I want to state that I am in favor of an approach that protects our town's neighborhoods. I know that supporting excellent schools supports healthy neighborhoods. I support Castilleja, and in doing so, I want to preserve the Embarcadero corridor and the vitality of my neighborhood.

However, I want to conclude by saying I am absolutely appalled by the Commission's process this evening. Commissioner Riggs threw a grenade, with a capital G, into the agenda. Thank you to Commissioner Alcheck and Vice-Chair Roohparvar for bring some modicum of sanity to the discussion. The complaints about not having enough time for the Commission and public to review the information is absurd. As your legal counsel clearly stated this evening, all information was timely and comports with legal regulations. This issue has been on the docket for 8 years, let me repeat, 8 years. Stop the delays, stop the continuances, please stop the extraordinary, extraordinary punitive overreach.

Regards,

Barbara Hazlett
Professorville

P.S. Commissioner Alcheck identified a central question. Are the demands being placed on this girl's school in line with other schools in Palo Alto? I look forward to City Staff compiling the data that the Commissioner requested. Bottom line, is Castilleja receiving equitable treatment? I suspect this treatment is seriously penal. The Commission and Palo Alto City Council certainly do not want to be on the wrong side of this issue.

cc:
Palo Alto City Council
Ed Shikada, City Manager
Amy French, Chief Planning Official
Philp Kahmi, Chief Transportation Official

Molly Stump, City Attorney

From: [J Stinson](#)
To: [Planning Commission](#)
Cc: [Aileen Lee](#)
Subject: Planning Commission Procedural changes
Date: Wednesday, October 28, 2020 11:05:38 PM

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

Planning Commission,

Thank you so much for the opportunity to speak tonight (28 Oct) on the subject of the the Castilleja CUP approval.

I wanted to add one related but separate comment: Last minute procedural changes wreak havoc on the procedure.

Commissioner Riggs proposal to delay the voting/discussion on the Castilleja CUP until all public comments have been heard until the next meeting was well-intentioned. However, it's quite clear that this procedural change was capitalized upon by those that oppose the CUP. This is a controversial issue and it could be reasonably expected that we'd hear roughly split pro/con speakers. However, you'll note that out of 41 original hands raised only 9 spoke out against the CUP. There were also many speakers who stayed on, but requested to delay their comments to the next meeting. My strong concern is that this is an organized gamification of the procedural change--basically those opposed pushing their comments to the very end of the process and in the meeting where the Commission would be voting.

I don't think the intent of Commissioner Riggs' proposal was to provide a method for one side of the debate to take advantage of the discussion. I hope the Commission pays close attention to tone and balance of comments in the next meeting on this subject, weighs them in context of the comments made tonight, and resists the temptation to be swayed simply by the last "squeaky wheel".

Thank you again for the opportunity to speak tonight and for all the work that you do for the City,
Jason Stinson

From: [Stew Plock](#)
To: [Planning Commission](#)
Subject: Mobility as a Service (MaaS)
Date: Wednesday, October 28, 2020 10:30:32 PM

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

Hello from a Palo Alto resident of 42 years and climate activist--- with a question. Is there anyone on the commission who has an interest in MaaS with whom I might have a conversation on that topic? I had been reading about MaaS advances in Europe and wondered if our city or the region has explored this opportunity. It seems especially relevant given the prospects of the requirement to significantly expand housing in our city limits.

As an introduction, I'm retired after having held senior strategic planning positions at Sun Microsystems and Tandem Computers/now part of HP. I served on the board of 350 Silicon Valley for 4 years and currently am part of the leadership team of a Silicon Valley-based direct action organization SV-CAN.

Best to you
Stew Plock

SV-CAN!

Silicon Valley Climate Action Now

sv-can.org

961 Elsinore Drive, Palo Alto
650-815-1372

From: nancytuck@aol.com
To: [Planning Commission](#)
Subject: Castilleja Proposal - my comments made at the October 28 PTC meeting
Date: Wednesday, October 28, 2020 9:22:57 PM

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

My name is Nancy Tuck. I live on Melville, less than a block from Castilleja and the proposed exit of the underground parking structure. I am a strong supporter of the school, the proposed upgrades, and the enrollment increase.

Castilleja has to be given the right to modernize. My neighbors who are fighting this project tooth and nail so that they don't have to endure the construction should not be given an audience. The Castilleja proposal is being held to a level of intense scrutiny, unlike anything imposed on public schools or the community center - which most certainly exist amidst residential neighborhoods..

I bought my home in Palo Alto 9 years ago, on this block, because of the outstanding educational opportunities, and I embrace the vibrant nature of the community. Regarding the attorney's comments, your statements are not accurate. Some neighbors developed an issue with the school - not all, and it didn't always exist. When I moved here 9 years ago with a Castilleja 7th grader, we met all of these neighbors and were told what a wonderful school we were joining. There was not a complaint uttered. Nothing about traffic, nothing about events, nothing about parking.

I want to share my input about the concerns expressed on traffic, events and overall trust.

Regarding traffic, we have many traffic factors that can affect my block and nearby streets. Palo Alto High School, downtown employees, access to 101 on Embarcadero, and Stanford - to name the biggest. Castilleja is not a traffic game changer. Their traffic management measures have cut daily trips to the neighborhood by 30%, and that has been evident. Traffic monitors insure orderly flow and behavior. Parents, students and employees are thoughtful about how they commute, and the school culture embraces reducing impacts on the neighborhood. I am not negatively impacted at all by the traffic you hear so much about from opponents. THAT IS BECAUSE IT ISN'T AN ISSUE IN THE NEIGHBORHOOD. And I am not concerned that the proposed garage would create any new issue - especially with the recently added distributive drop-off & pick-up plan. And to stymie Castilleja because of a potential closure of Churchill is backwards. The closure of Churchill should take into consideration the community around it, which not only includes Castilleja, but the much larger and closer Palo Alto High School.

About events... Yes there is a big event at the start of the year and there are a couple more at the end - normal for a school. Castilleja is extremely conscientious about these and makes every effort to minimize impact or inconvenience to neighbors. When I hear events described as onerous or steadily disruptive, I honestly cannot relate at all. The school advises us about upcoming events, visitors come and go quietly, and paid traffic monitors help with even fairly small events.

Finally trust. Nanci Kauffman has been accessible, open and communicative for the past 9 years. There has been no valid issue regarding trust under her rein. I have to ask myself, exactly what it is that they don't want in their neighborhood? It's my neighborhood too, and I find Castilleja to be a truly excellent neighbor. In complete contrast to Attorney Moncharsh, I look forward to coexisting with this remarkable institution for many years to come.

Thank you,

Nancy Tuck
113 Melville Avenue

MEMORANDUM

DATE: October 25, 2013

TO: Steve Turner, City of Palo Alto

FROM: Nanci Kauffman, Head of School, Castilleja School

RE: Castilleja School Response to City of Palo Alto Letter, dated September 25, 2013, Enrollment Reduction Plan

CC: James Keene, City Manager
Aaron Aknin, Interim Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP

Below is an outline of Castilleja School's proposed enrollment reduction plan to address the City of Palo Alto's letter of September 25, 2013.

- Castilleja will continue to implement its robust TDM plan to meet the City-imposed goal of reducing the traffic impact levels to that of 385 students, as prescribed by the 2000 CUP.
- To ensure the impacts are reduced per the 2000 CUP, the school requires sufficient time to study, implement and monitor the efficacy of the TDM Plan. This will occur between August 2013 and December 2014.
- As stated in the City's letter of August 5, 2013, whereby the City informed Castilleja that it would need to apply for a new use permit, Castilleja intends to apply for an amended CUP no later than January, 2015 on the condition that the TDM Plan succeeded in reducing trip impacts to the 2000 CUP level.
- Should the TDM plan fail to reduce the school's traffic impact to levels of the 2000 CUP, Castilleja will reduce enrollment to 415 students, as follows:

Academic Year	2013-14 2014-15	2015-16	2016-17	2017-18	2018-19
Enrollment	448	440	432	424	415



PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

September 25, 2013

VIA CERTIFIED MAIL

Nanci Z. Kauffman
Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Re: NOTICE OF NONCOMPLIANCE AND REQUEST TO ABATE

Dear Ms. Kauffman:

The City is in receipt of your letter dated August 15, 2013 regarding the City of Palo Alto's request for a conditional use permit conformance report at Castilleja School ("School"). The City shares your focus to resolve the school's conformance issues as quickly and responsibly as possible and to improve your automobile parking and traffic management programs.

Enrollment Violation

After reviewing the School's conformance report it is evident that the School is not in conformance with the Conditional Use Permit requirement that the maximum enrollment be 415 students (Conditional Use Permit 00-CUP-23, November 2, 2000). The School has provided enrollment information to the City that illustrates non-conformance with the use permit enrollment for twelve consecutive years beginning with the 2002-2003 school year.¹ Over this twelve year period, the School has exceeded enrollment as follows:

School Year	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Students	391	414	416	418	416	424	427	427	432	431	434	437	450	448

In the current school year there are 33 students enrolled above the maximum allowed. Based upon the pattern of student enrollment that exceeds the maximum allowed, the City has concluded that the School has been in violation of the occupancy limit in its use permit for the years 2002-03 through the present.

¹ The City does not accept Average Daily Enrollment as the basis for conformance with the conditional use permit, in that that the conditional use permit specifically states, "415 students". There is no provision in the use permit to deduct student absences from the total enrolled students figure. In any event, data contained within the August 15 report demonstrates that by the school's measure of maximum enrollment as Average Daily Enrollment (identified as an incorrect measurement by the school), Castilleja has not conformed with the use permit since the 2009-2010 school year.



Request for Abatement

In accordance with the CUP, the City hereby notifies the School that it is in violation of the CUP's enrollment limit of 415 students and that the School must take immediate action to begin correcting this violation. As stated in our August 5 letter, the City recognizes the hardship involved with an immediate demand to bring enrollment down to 415. Accordingly, the City instead will require a two-fold approach to compliance.

First the School shall immediately implement a robust and exemplary Transportation Demand Management (TDM) program during these interim years of enrollment reductions. This TDM program would require performance standards, regular monitoring and enforcement penalties. The TDM program would be required to reduce automobile trips to the lesser of (1) 385 drop-off trips or (2) the number of baseline drop-off and pick-up trips originally estimated in the original 2000 CUP as adjusted by the CUP-required TDM measures. The City requests the School submit for City's review and approval a TDM program within 30 days of this letter. The City would expect this plan to be implemented over the current school year and would expect to see traffic reduced to the baseline level by the end of the 2013-14 school year. To ensure effectiveness, the City will require routine monitoring and achievement of targets for at least one year. Thereafter, the City will require the City to submit bi-annual TDM monitoring reports to the City for review and approval. All City costs of monitoring and enforcement will be borne by the School.

In addition to the TDM implementation, the City will also require an attendance reduction to 415 enrolled students through natural attrition and voluntary measures, such as acceptance of fewer new incoming students (Attendance Reduction Plan). Please provide the Attendance Reduction Plan to the City for approval within 30 days of this Notice. If the plan involves multiple years, provide annual performance metrics that can be verified by the City.

If the School is not able to meet the TDM goals and enrollment reduction by the dates set forth in the City-approved TDM Plan and Attendance Reduction Plan, the City reserves its right to initiate CUP revocation proceedings.

Penalties for Nonconformance

In light of the above non-compliance, the City will assess the School penalties in the amount of \$500/day for each instructional day that the School has violated the maximum enrollment. As the City is only permitted to go back three years in assessing penalties², the City has calculated the amount due as follows:

600 days x \$500 = \$300,000.00, based upon the start of the 2010-2011 school year, including 180 days of instruction per year, and concluding within the current school year on October 25, 2013, the due date for submittal of the School's TDM program.

Please remit this sum to the City within 30 days of this letter. As stated in our August 5, 2013 letter to you, the City will apply these administrative fines for the monitoring of the TDM program, assisting in mitigating the traffic and parking impacts of the School on the immediate neighborhood, and ensuring

² The City's practice is to treat CUP violations as statutory violations. Under State law, these types of violations allow a three year recovery period. (CCP Section 338.)

compliance with other conditions of approval. These fines may also be used, in part, to develop TDM programs throughout the City as directed by the City Council.

With respect to fines for future violations after October 25, 2013, the City will consider waiving such fines upon a showing of effective and continuing transportation demand management programs.

Request for Supplemental Information Regarding Additional Possible Violations.

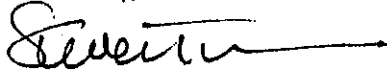
In addition to the primary area of non-conformance the school has provided statements indicating the status of conformance with the use permit conditions of approval. The City will require additional information, as outlined in Attachment A to this letter, to validate these conformance claims. The requested information contains items such as the latest versions of the Parking Management Plan, the parent/student handbook, and the Transportation Demand Management plan. The City is requesting data, if available, regarding carpooling rates, shuttle use and operations, student parking permits, and an accounting of previous community meetings and attendance data. This information shall be submitted to the City no later than October 25, 2013. Finally, the City will conduct unannounced, on-site inspections of the school grounds to determine the effectiveness of security staff and daily parking and traffic management, and off-site automobile parking conditions. The City will also inspect and confirm that the school conforms to the previously approved site improvements. The results of the inspections and the analysis of the requested additional information may form the basis of further corrections that the school shall make in order to conform to the existing use permit.

Further Enforcement Proceedings

Pursuant to Palo Alto Municipal Code Section 18.77.110 (b)(1) if the noncompliance is not abated, corrected or rectified within the time specified in the notice of noncompliance, the Director of Planning may issue an order to show cause why such a permit or approval shall not be revoked, suspended or modified. An order to show cause shall be set for a public hearing before the Director.

Thank you for your cooperation with this matter. Please contact me as soon as possible if you have any questions.

Sincerely,



Steven Turner
Advance Planning Manager

Attachment

- cc. James Keene, City Manager
Aaron Aknin, Interim Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP



December 20, 2013

Nanci Z. Kauffman
Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Re: City Response to October 25, 2013 Letter from Castilleja School

Dear Ms. Kauffman:

The City is in receipt of your letter dated October 25, 2013 in response to the September 25, 2013 Notice of Noncompliance and Request to Abate issued by the City of Palo Alto. The City appreciates the work of Castilleja School (School) staff to address the issues. The intent of this letter is to provide the City's response to the items contained in the October 25 letter and communicate the appropriate next steps to resolve the school's conformance issues.

As described in the September 25, 2013 letter to Castilleja School, the City will require a two-fold approach to compliance with the use permit. The first approach includes the immediate implementation of a robust and exemplary Transportation Demand Management (TDM) program during the interim years of enrollment reductions. The City's response to the proposed TDM program is provided below. The second approach includes a requirement for an attendance reduction to 415 enrolled students through natural attrition and voluntary measures, such as acceptance of fewer new incoming students.

Enrollment Reduction Plan

The City acknowledges the spirit of your proposed Enrollment Reduction Plan, but we feel it does not initiate reductions soon enough. As stated in our September 25, 2013 letter, the School must take immediate action to correct the enrollment violation, beginning in the 2014-2015 school year. Although the City will not specify specific reduction actions, we believe there are strategies such as attrition that can be used to reduce enrollment beginning immediately. Under this scenario, students who leave the School prior to graduation would not be "back-filled" with new students. The School may wish to consider this and other means to begin enrollment reductions in the 2014-2015 school year.

Please provide a revised Attendance Reduction Plan to the City for approval within 30 days of this letter. As previously stated in the September 25, 2013 letter, if the plan involves multiple years, provide annual performance metrics that can be verified by the City.

Transportation Demand Management Plan

The Transportation Demand Management (TDM) Plan, as described in the October 24, 2013 memorandum prepared by Nelson\Nygaard Consulting Associates describes the elements of the proposed TDM plan. The elements of the TDM plan appear to be generally adequate in a qualitative sense, but there is no quantitative estimate of the trip reduction effects for each of these elements. The

intent of the TDM plan is to reduce vehicle trips to a level that would be generated by 385 students, based upon a baseline year 2000 trip generation estimate provided by Fehr & Peers dated October 21, 2013 on behalf of Castilleja School. A revised TDM plan shall include trip reduction estimates that would meet the 385 student measurement.

In addition to the quantitative trip reduction estimates, the TDM plan shall also describe the monitoring plan to assess the success of the TDM plan. As stated in the September 25, 2013 letter, The City would expect the TDM plan to be implemented over the current school year and see traffic reduced to the baseline level by the end of the 2013-14 school year. To ensure effectiveness, the City will require routine monitoring and achievement of targets for at least one year. Thereafter, the City will require the School to submit bi-annual TDM monitoring reports to the City for review and approval. All City costs of monitoring and enforcement will be borne by the School.

Conditional Use Permit Revocation

If the School is not able to meet the TDM goals and enrollment reduction by the dates set forth in the City-approved TDM Plan and Attendance Reduction Plan, the City reserves its right to initiate CUP revocation proceedings.

Payment of Penalties for Nonconformance

The City has received an adjusted payment of \$265,000 which reflects each instructional day that the School has violated the maximum enrollment for the past three years. As stated in our August 5, 2013 letter to you, the City will apply these administrative fines for the monitoring of the TDM program, assisting in mitigating the traffic and parking impacts of the School on the immediate neighborhood, and ensuring compliance with other conditions of approval. These fines may also be used, in part, to develop TDM programs throughout the City as directed by the City Council.

With respect to fines for future violations after October 25, 2013, the City will consider waiving such fines upon a showing of effective and continuing transportation demand management programs.

Amendments to the Conditional Use Permit

The City will consider any future application request for amendments to the existing Conditional Use Permit (CUP) to be incomplete until the school can demonstrate an effective TDM program and an Enrollment Reduction Plan that describes the enrollment targets over time, concluding with an acceptable end date achieving a maximum of 415 students. The City does not recommend submitting a CUP amendment request before the 2015-16 school year. The school will need to demonstrate that it can comply with the requirements of the September 25, 2013 Notice of Noncompliance and Request to Abate.

Please respond to the City's request for a revised enrollment reduction plan and a more specific TDM plan by January 20, 2014. The City appreciates the School's efforts over these past six months and expects that with your continued focus and efforts, the School will be able to meet the requests we have outlined in this letter. Please contact me as soon as possible if you have any questions.

Sincerely,



Steven Turner
Advance Planning Manager

cc. James Keene, City Manager
Hillary Gitelman, Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP

From: [William Ross](#)
To: [Planning Commission](#)
Cc: [Stump, Molly](#); [Lait, Jonathan](#); [Yang, Albert](#); [Tanner, Rachael](#); [Fred Balin \(fbalin@gmail.com\)](#)
Subject: Revised; Planning and Transportation Commission Meeting of October 28, 2020 Agenda Item No. 2: Required Recusal of Commissioner Member
Date: Wednesday, October 28, 2020 5:59:23 PM
Attachments: [Templeton \(Revised - Planning and Transportation Commission Meeting of October 28, 2020 Agenda Item No. 2\) 10.28.20.pdf](#)
[Balin Communication.pdf](#)
[Attachment1.pdf](#)
[Attachment2.pdf](#)
[Attachment3.pdf](#)
[Attachment4.pdf](#)

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

Please see a *revised* communication.

Thank you,

William D. Ross, Esq.

Law Offices of William D. Ross

A Professional Corporation

400 Lambert Avenue, Palo Alto, California 94306

Tel: (650) 843-8080; Fax: (650) 843-8093

E-Mail: wross@lawross.com

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William D. Ross
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Kypros G. Hostetter

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11420 Santa Monica Blvd
#25532
Los Angeles, CA 90025

File No: 1/10

October 26, 2020

VIA ELECTRONIC TRANSMISSION
Planning.Commission@CityofPaloAlto.org

The Honorable Carolyn Templeton, Chair
and Members of the Planning and Transportation Commission
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Revised; Planning and Transportation Commission Meeting of October 28, 2020
Agenda Item No. 2; Required Recusal of Commissioner Member Alcheck

Dear Chair Templeton and Members of the Planning and Transportation Commission:

This communication is submitted as a resident and taxpayer of the City of Palo Alto (“City”) requesting recusal of Planning and Transportation Commission (“Commission”) Member Alcheck and reconsideration of the September 9, 2020 Commission recommendation on the Final Environmental Impact Report (“FEIR”) for the Castilleja School Project under the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, “CEQA”).

Recusal of Commission Member Alcheck

Commission members and certain members of Commission Staff must comply with the provisions of AB 1234, commonly known as the Ethic Statutes (Government Code Section 53233, *et seq.*). AB 1234 sets forth a three-tiered standard for recusal of government decision-makers (here, Commission members), based on defined conflict of interests, financial interests and the appearance of impropriety.

Reference is made to the October 26, 2020 communication of Mr. Fred Balin (copy enclosed) addressed to the City Attorney’s Office, Officials in the Planning Department and the City Council, concerning Commissioner Michael Alcheck presenting evidence as to why Commissioner Alcheck should not be allowed to participate in the Castilleja School Project.

The Balin communication presents evidence advanced as to why there is a conflict of interest as defined under Government Code Section 1090, because of the relationship of Counsel for Project Applicant, Castilleja, also representing business interests of Commissioner Alcheck,

The Honorable Carolyn Templeton, Chair
and Members of the Planning Commission
October 28, 2020
Page 2

including representation with respect to a land-use decision in which City Planning Staff was involved.

Moreover, the third element of AB 1234 recusal requirements, that of avoiding the appearance of impropriety or common-law bias, is directly applicable.

If Commissioner Alcheck is allowed to participate (and his past participation bares on further issues which are the responsibility of the Commission as developed *infra*) the Commission would be allowing a Commissioner to make another decision on a matter where the Applicant's attorney has also been his attorney on a land-use matter before the City as described in the Balin communication this conduct should be confirmed by the City Attorney as a prohibited AB 1234 conflict of interest, financial interest and an appearance of impropriety requiring recusal.

The Commission Recommendation on the Sufficiency of the Project FEIR Should Be Reconsidered

The recusal of Commissioner Alcheck is also involved with the Commission decision as to whether to recommend approval of the Project EIR and the proceedings associated with your Commission's September 9, 2020.

At that hearing, a principal advocate for the sufficiency of the Project FEIR was Commissioner Alcheck. Among other things, Commissioner Alcheck referenced analysis by the Applicant's Attorney as being the most thorough in his career as a land-use lawyer.

Under established authority, the additional "analysis" or "advocacy" by Commissioner Alcheck at the September 9, 2020 provides an additional basis for his required recusal.

Given the evidence advanced concerning recusal of Commissioner Alcheck on basis for AB 1234 recusal, it also sets the basis for that same conduct at the Commissions last hearing for probability based on the disqualification on the basis of bias. *See, Woody's Group Inc. v. City of Newport Beach* (215 233 Cal. App. 4th. 1012, 1021. *See also, Nasha v. City of Los Angeles* (2004) 125 Cal. App. 4th. 470, 483. (The comments made by a decision-maker before a hearing can be considered to constitute evidence of "unacceptable probability of bias"). Here, the comments were made *during* the hearing and serve as a basis for disqualification based on the probability of bias.

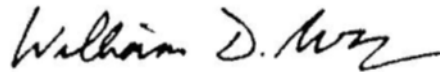
The Commission vote to recommend approval on the Project FEIR 4-1-2 (Commissioner Summa opposed, Roohparvar and Riggs absent) was based on the participation of Commissioner Alcheck, when he should have been recused. Without his participation, there was no Commission action (three (3) votes is insufficient), it should be reconsidered.

The Honorable Carolyn Templeton, Chair
and Members of the Planning Commission
October 28, 2020
Page 3

Conclusion

It is respectfully requested that your Commission and the City Attorney, analyze this issue prior to any substantive consideration of Agenda Item No. 2.

Very truly yours,

A handwritten signature in black ink that reads "William D. Ross". The signature is written in a cursive style with a large, sweeping "W" and "R".

William D. Ross

WDR:jf

Enclosure

cc: Molly Stump, molly.stump@cityofpaloalto.org
Johnathan Lait, jonathan.lait@cityofpalalto.org
Albert Yang, albert.yang@cityofpaloalto.org
Rachael Tanner, rachael.tanner@cityofPaloAlto.org

Fred Balin, fbalin@gmail.com

From: Fred Balin <fbalin@gmail.com>

Subject: Why Michael Alcheck Should Not Participate in Wed 10/28 PTC Castilleja QJ Hearing

Date: October 26, 2020 at 9:17:39 PM PDT

To: Molly Stump <molly.stump@cityofpaloalto.org>, Albert Yang <albert.yang@cityofpaloalto.org>, city.attorney@cityofpaloalto.org, Jonathan Lait <jonathan.lait@cityofpalalto.org>, Rachael Tanner <rachael.tanner@cityofPaloAlto.org>, Palo Alto City Council <city.council@cityofpaloalto.org>

To: City Attorney Molly Stump and Deputy City Attorney Albert Yang

To: Director of Planning Jonathan Lait and Assistant Director of Planning Rachael Tanner

To: Palo Alto City Council

City Legal and Planning Staff,

Planning and Transportation Commissioner Michael Alcheck should not participate in Wednesday's Item 2 at the commission -- Public Hearing/Quasi-Judicial: Castilleja School Project, 1310 Bryant Street [16PLN-00238], for the following reasons:

1. Alcheck retained the attorney for Castilleja for his personal interests while Castilleja's application was before the commission on which he served

Castilleja's current application first came to the PTC on February 8, 2017 for a public scoping meeting on the notice of preparation for an environmental impact report. Page 2 of the staff report (Attachment1 to this email) lists the legal counsel for Castilleja School as Mindie Romanowsky

In the summer of 2017 and in the aftermath of the illegal conversion of a carport to a garage on each of two residential properties in which Alcheck had an economic interest, one he owned and a second in which he was an investor, Romanowsky was hired to represent his interests. Attachment2 is a series of communications between Romanowsky and the city during that period.

Having a commissioner whose own attorney represents an applicant before him on quasi-judicial matters that the commissioner will rule on is a clear conflict of interest.

2. Alcheck violated Planning Commission protocols between the August 26 and September 9, 2020 PTC Meetings

On August 26th, after the close of the public hearing and discussion at the dais of the quasi-judicial Castellija EIR, the matter was continued to a future date.

Planning Commission Procedural Rule IV relates to quasi-judicial hearings. Its sub-section B-5-e entitled "No Contacts after Hearings" reads:

Following closure of the hearing, and prior to a final decision, Commissioners will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

After the start of the subsequent September 9 PTC continuation, Alcheck stated that he had contacted at least two representatives of Castilleja as well as some other schools (Attachment3). Neither is permissible under the commission's quasi-judicial protocols, and his disclosure at the meeting does not cure the violation.

Even a humble juror on the most basic cases is expected to comply with a principle that Alcheck disregards, now over 8 years since joining the commission.

3. Alcheck's Double Standard

At the September 9th PTC meeting on the Castilleja EIR, Alcheck argued that the explicit wording of a city ordinance should be ignored in favor of a past practice. Even though the code required a basement to be under the building's footprint, he claimed that a precedent in another project overrode the code.

But in 2015, as a commissioner, and arguing in regard to his own residential redevelopments, he advocated the exact opposite: that the explicit wording of an ordinance trumps any precedent. That ordinance prohibited a "garage" in the front half of his lots, but it did not explicitly exclude a "carport." (Attachment4)

When it worked in favor of Alcheck's personal interests, he advocated for a strict reading of the code, but when it benefited the Castilleja application, he spoke in favor of ignoring the clear reading of the code.

Final Word (to the city council)

The above are new examples of why Michael Alcheck has not met the ethical standards to remain a Palo Alto city official.

-Fred Balin
2385 Columbia Street

4 PDFs attached



Planning & Transportation Commission

Staff Report (ID # 7316)

Report Type: Action Items **Meeting Date:** 2/8/2017

Summary Title: Castilleja EIR Scoping Meeting

Title: 1310 Bryant Street [16PLN-00258]: The Planning and Transportation Commission Will Hold a Public Scoping Meeting on the Notice of Preparation for an Environmental Impact Report for the Castilleja School Expansion Project. Public Input is Encouraged. For More Information, Please Visit the Webpage or Contact Amy French at amy.french@cityofpaloalto.org.

From: Hillary Gitelman

Recommendation

It is recommended that the Planning and Transportation Commission (PTC) take the following action(s):

1. Conduct a meeting to allow the public to participate in an Environmental Review Scoping Meeting for the Castilleja School Expansion project.

Report Summary

Castilleja School is a private, all-girls school in Palo Alto. The school seeks city approval to expand its enrollment and for a major phased renovation of the school property. As currently proposed, different aspects of this project will require review by the PTC, the Architectural Review Board, and ultimately, a decision by the City Council.

As part of the review process, the City is preparing an Environmental Impact Report (EIR) to evaluate potential environmental impacts pursuant to the California Environmental Quality Act (CEQA). Staff and its consultants have identified several environmental issues that warrant further analysis and review. This preliminary review, an Initial Study (IS), is attached to this report as Attachment B.

The purpose of this public meeting is to provide interested persons an opportunity to comment on environmental issues they think the city should examine or study in the EIR. This type of

meeting is referred to as a scoping meeting in CEQA and is required for certain projects. While not legally required for this project, having an opportunity like this for early public consultation can be helpful to all parties.

The PTC's role in this meeting is to provide an opportunity for public comment and to offer its own perspective about issues that should be studied. Importantly, this meeting is not intended to serve as a forum for dialogue about the merits of the project. In fact, the PTC's own purview on the project is limited to the anticipated parcel map. There will be future, noticed, public hearings that will provide an opportunity for public comment on the proposed project.

Background

Project Information

Owner:	Castilleja School
Architect:	Steinberg
Representative:	Kathy Layendecker
Legal Counsel:	Mindie Romanowski

Property Information

Address:	1310 Bryant Street, and 1235 and 1263 Emerson Street (all owned by Castilleja and located within R-1 (10,000) Zone District)
Neighborhood:	Seale Addition (located south of Embarcadero Rd west of Alma St)
Lot Dimensions & Area:	Project site is 286,783 sf comprised of three parcels. <ul style="list-style-type: none">• APN 124-12-034 (1310 Bryant, school site) frontages: 500' on Kellogg Av; 406.6' on Bryant St; 429.4' on Embarcadero Rd.; 430' on Emerson St.• Project site includes two additional parcels, 100 feet deep adding 180' of frontage to Emerson St. for Castilleja School (site's total frontage on Emerson would be 610'):<ul style="list-style-type: none">○ APN 124-12-031 (1235 Emerson, "Emerson House" aka 'Lockey/Alumnae House', 75' on Emerson St, a rental housing unit on a nonconforming 7,500 sf lot)○ APN 124-12-033 (1263 Emerson, "Head's House", 105' on Emerson St, no longer used as a housing unit).
Housing Inventory Site:	No
Located w/in a Plume:	No
Protected/Heritage Trees:	Yes
Historic Resource(s):	Yes. The administration building and former chapel are listed historic resources (Category 3) on the City's Historic Resources Inventory. Other buildings on Castilleja property are more than 45 years but are not listed on any inventory. Attachment E provides a brief summary of the campus' development history.
Existing Improvement(s):	Approximately 105,700 square feet of floor area above grade, plus basement area below grade; buildings are one, two and three

From: [Mindie S. Romanowsky](#)
To: [Yang, Albert](#)
Subject: Re: Request for a Call?
Date: Monday, October 02, 2017 5:24:02 PM

Albert-

Thank you for our call today. Jonathan sent me the link to the address specific memos.

Please let me know if you have had the chance to loop back with Molly re: our discussion about a possible conditioned approval. I would like to reach out to her tomorrow to follow up.

Thank you.

Mindie.

From: mindie romanowsky <msr@jsmf.com>
Date: Monday, October 2, 2017 at 10:47 AM
To: "Yang, Albert" <Albert.Yang@CityofPaloAlto.org>
Subject: RE: Request for a Call?

Is it Ok if I call you at 11:15? I am afraid my 10:30 call will run long...

Mindie S. Romanowsky

Jorgenson, Siegel, McClure & Flegel LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
Ph: 650-324-9300
Fx: 650-324-0227
Email: msr@jsmf.com

From: Mindie S. Romanowsky
Sent: Monday, October 02, 2017 9:47 AM
To: 'Yang, Albert' <Albert.Yang@CityofPaloAlto.org>
Subject: RE: Request for a Call?

I will plan to phone you at 11:00 this morning.

Mindie.

Mindie S. Romanowsky

Jorgenson, Siegel, McClure & Flegel LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
Ph: 650-324-9300
Fx: 650-324-0227
Email: msr@jsmf.com

From: Yang, Albert [<mailto:Albert.Yang@CityofPaloAlto.org>]
Sent: Friday, September 29, 2017 5:00 PM

To: Mindie S. Romanowsky <msr@jsmf.com>

Subject: RE: Request for a Call?

Yes that works, thanks.

On Sep 29, 2017 4:53 PM, "Mindie S. Romanowsky" <msr@jsmf.com> wrote:

Sorry. I set another call when I didn't hear back.
Can we plan to speak at 11 on Monday?

Sent with Good (www.good.com)

-----Original Message-----

From: Yang, Albert [Albert.Yang@CityofPaloAlto.org]

Sent: Friday, September 29, 2017 04:02 PM Pacific Standard Time

To: Mindie S. Romanowsky

Subject: RE: Request for a Call?

Hi Mindie,

Just realized I never confirmed 4pm. I'm available now if this time still works for you.
Otherwise, I can be available most of the day Monday.

Thanks,

Albert S. Yang | Deputy City Attorney

250 Hamilton Avenue | Palo Alto, CA 94301

P: 650.329.2171 | E: albert.yang@cityofpaloalto.org

This message contains information that may be confidential and privileged. Unless you are the addressee, you may not use, copy or disclose the message or any information contained in the message. If you received the message in error, please notify the sender and delete the message.

From: Mindie S. Romanowsky [<mailto:msr@jsmf.com>]
Sent: Thursday, September 28, 2017 10:48 PM
To: Yang, Albert
Subject: RE: Request for a Call?

I could speak at 4 tomorrow. Does that work?

Sent with Good (www.good.com)

-----Original Message-----

From: Yang, Albert [Albert.Yang@CityofPaloAlto.org]
Sent: Thursday, September 28, 2017 04:00 PM Pacific Standard Time
To: Mindie S. Romanowsky
Subject: RE: Request for a Call?

Hi Mindie,

I can be available tomorrow between 11am and 2pm or between 3-5pm.

Thanks,

Albert S. Yang | Deputy City Attorney

250 Hamilton Avenue | Palo Alto, CA 94301

P: 650.329.2171 | E: albert.yang@cityofpaloalto.org

This message contains information that may be confidential and privileged. Unless you are the addressee, you may not use, copy or disclose the message or any information contained in the message. If you received the message in error, please notify the sender and delete the message.

From: Mindie S. Romanowsky [<mailto:msr@jsmf.com>]
Sent: Thursday, September 28, 2017 2:49 PM
To: Yang, Albert
Subject: Request for a Call?

Good afternoon, Albert-

I hope you are well. I wonder if you and I could schedule a call in the next few days (Monday is fine) to discuss 11 Phillips Road and 558 Madison Way. Jonathan Laid has communicated the City's position on the pending building permits, but I would like to discuss the legal rationale with you.

Please let me know your schedule.

Kind regard, Mindie.

Mindie S. Romanowsky

Jorgenson, Siegel, McClure & Flegel LLP

1100 Alma Street, Suite 210

Menlo Park, CA 94025

Ph: 650-324-9300

Fx: 650-324-0227

Email: msr@jsmf.com

1 Mr. Yang: So, this is a continued public hearing from the previous PTC meeting and as a result
2 there's... it's not necessary to have another public comment period because there... in our view,
3 there's not been a significant change in the project or the item that's before you.

4
5 Yes, Staff has issued a Staff Report responding to the Commission's questions said at its last
6 meeting, but these are largely clarification items. It's akin to or responding to Commissioner
7 questions if we had just continued on into the wee hours of the morning that last time.

8
9 Chair Templeton: Thank you for clarifying. Ok, so we have a possible presentation from Ms.
10 French to address the items that were put in the At Place Packet. Is that something you'd like to
11 share with us now?

12
13 Ms. Amy French, Chief Planning Official: Yes, I'll try to share my screen.

14
15 Chair Templeton: Thank you.

16
17 Ms. Rachael Tanner, Assistant Director: And just as she prepares for that, our intention was not
18 to respond to each question. Ms. French will provide kind of an overview of where we left off
19 and where we are, but we are available at the pleasure of the Chair and of the Commissioners
20 to go into more detail as discussion items are brought forward or questions that you'd like to
21 have oral conversation about.

22
23 Ms. French: Ok, can everyone see my screen?

24
25 Ms. Tanner: We can Amy. If you can go to display settings at the top of your screen and switch
26 your display. That may improve (interrupted)

27
28 Commissioner Alcheck: I just had... can I jump in real quick? I want to update the disclosure for
29 the... this quasi-judicial item. I did reach out to Castilleja among a number of other schools but
30 because they're the applicant I just wanted to disclose that I reached out to their
31 representatives to inquire about the conditions that are applicable. And they pointed me to the
32 letter that they prepared... that their attorney-prepared and its footnotes on Page 6 which is
33 public information now. So, but I did want to disclose that I did reach out to them for the
34 purposes of better understanding the specifics of the conditions that they are already operating

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 under or preserve to be interested in operating under this application. I also reached out to
2 some other schools too, but they're not (interrupted)

3
4 Chair Templeton: Thank you for sharing that Commissioner Alcheck. Any other changes to
5 disclosures? Commissioner Summa.

6
7 Commissioner Summa: Yes, I have a disclosure, but I also have some questions about the
8 process about the timing of submissions and also oral speakers to this item. Should those be
9 addressed now or after Staff's (interrupted)

10
11 Chair Templeton: If we could give Staff the chance to orient us to what process they have in
12 mind for sharing... they have a couple of context items to share. Then we'll go to you first to
13 address your questions about the process for our discussion. Would that be ok?

14
15 Commissioner Summa: Ok, yeah, I don't need to be first. I just wanted to know what time but I
16 do have a disclosure and that's what... that I was at a regular neighborhood association meeting
17 to update people about the NVCAP process as I had asked to do. And they actually had... they
18 were going to discuss the Castilleja process. So, I'd left the meeting so there wouldn't be an
19 appearance; but I just want to be super careful in case somebody knew I was at that meeting
20 that I did excuse myself because I didn't feel it was right to stay.

21
22 Chair Templeton: Alright, thank you. Any other changes to disclosures since our last meeting?
23 Alright, over to you Ms. French.

24
25 Ms. French: Ok, thank you. Let me try that again. Is everyone seeing the presentation? It's a
26 short one I promise.

27
28 Ms. Tanner: We can see it, Amy. Thank you.

29
30 Ms. French: Thank you. We are back. Last we met was August 26th where we had a Staff
31 presentation, applicant presentation, a presentation on the EIR Environmental Impact Report,
32 and public comment; extensive public comments. The topic was focused on Alternative Number
33 Four which is the Disbursed Circulation and Reduced Garage Alternative. There was not enough
34 time for the Planning and Transportation Commissioners to take up discussion, in-depth
35 discussion on this project.

-
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 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
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From: Mike Alcheck
To: [McKay, Scott](#)
Cc: [French, Amy](#); [Reich, Russ](#)
Subject: Re: Palo Alto Planning Department: 558 Madison (15000-00402)
Date: Friday, April 17, 2015 4:56:28 PM

Hi Scott,

Thank you for getting back to me. We are available to meet on Wednesday, 4/22 at 4pm. I assume Amy and Russ will be joining us and I look forward to sitting down with all of you. Please let me know where we will be meeting and have a nice weekend.

Best,

Mike Alcheck

Phone: 650.248.5121

Email: malcheck@gmail.com

On Apr 17, 2015, at 3:48 PM, McKay, Scott <Scott.McKay@CityofPaloAlto.org> wrote:

Mike,

Are you available to meet on Wednesday 4-22-15 at 4PM?

Scott McKay, AICP | Associate Planner | C&D Debris Diversion Program
Coordinator

ISA Certified Arborist | P&CE Department
285 Hamilton Avenue | Palo Alto, CA 94301

T: 650.617.3113 **IE:** Scott.McKay@CityofPaloAlto.org

Please think of the environment before printing this email – Thank you!

From: McKay, Scott

Sent: Wednesday, April 08, 2015 11:47 AM

To: 'Mike Alcheck'

Cc: French, Amy; McKay, Scott

Subject: RE: Palo Alto Planning Department: 558 Madison (15000-00402)

Mike,

I am in receipt of your email and anticipate having a response by next week at the latest.

City Logo



Scott McKay, AICP | Associate Planner | C&D Debris Diversion Program
Coordinator

ISA Certified Arborist | P&CE Department
285 Hamilton Avenue | Palo Alto, CA 94301

T: 650.617.3113 **IE:** Scott.McKay@CityofPaloAlto.org

Please think of the environment before printing this email – Thank you!

From: Mike Alcheck [<mailto:malcheck@gmail.com>]

Sent: Monday, April 06, 2015 12:33 PM

To: McKay, Scott

Cc: French, Amy

Subject: RE: Palo Alto Planning Department: 558 Madison (15000-00402)

Hi Scott,

Thank you for getting back to me.

I presume that the process of reviewing this project and comparing it to our neighbor's home at 1523 Hamilton Ave. required more thought and discussion with management over the past month than your original March 6th email anticipated.

I think it would be useful for us to have a discussion in person along with those in management who were consulted. As you can imagine, I spent a significant amount of time analyzing the code with our architects before coming up with our design. We believe that there is both precedence and support in the code for our position and for that reason spent substantial resources coming up with the plan submitted with the carport located in the front half of the house footprint.

As for past experience, the example in our neighborhood (1523 Hamilton Ave.) clearly shows that the code related to "Contextual *Garage* Placement" was not applied to the placement of a *carport* in the front half of the house footprint even where the site had a rear facing *garage* and was located on a street with a predominant pattern of *garages* or *carports* located in the rear half of the lots. In other words, the omission of the term *carport* in 18.12.040(f) was considered deliberate in reviewing that project. You should know that we didn't come to this conclusion on our own. We consulted with Alpheus (Chip) Jessup of M. Designs Architects several times throughout the process about their decision to build a carport in place of a garage for 1523 Hamilton Ave. Chip was clear that the decision to incorporate a carport was deliberate because it was not subject to the Contextual *Garage* Placement. At the time of review, this home was reviewed under the more stringent Individual Review Guidelines by Arnold Mammarella (who helped draft the Zoning Ordinance Technical Manual) who confirmed the carport placement met the guideline.

As for the intent behind the parking regulations, while many other sections of the Palo Alto Zoning Code articulate within the code the intent of the regulation that follows, the Code referencing parking, carports and garages, including 18.12.040(f), does not. Moreover, the Zoning Ordinance Technical Manual for Single-Family Residential Zones which is supposed "to indicate the underlying intent and basis for many of the zoning ordinance provisions" does not state, as you do below, a preference that all covered parking facilities are to be visually minimized. The only articulated preference set forth on page 34 related to Parking is that parking regulations minimize the number of cars parked *on the street* and in the *front yards*. Our design does not propose parking on the street or in the front yard. Rather, we have proposed a design that allows two cars to be parked deeper in the lot.

Please let me know when you and those you've consulted with are available to meet. Please note, I am coping Amy French as well because I would like her to participate as well. I look forward to continuing this discussion.

Regards,

Michael Alcheck
Applicant
558 Madison Way
Palo Alto

From: McKay, Scott [<mailto:Scott.McKay@CityofPaloAlto.org>]

Sent: Wednesday, April 01, 2015 11:50 AM

To: Mike Alcheck

Cc: 'Joe Gardella'

From: [William Ross](#)
To: [Planning Commission](#)
Cc: [Fred Balin](#); [Stump, Molly](#); [Lait, Jonathan](#); albert.yang@cityofpalotato.org; [Tanner, Rachael](#)
Subject: Planning and Transportation Commission Meeting of October 28, 2020 Agenda Item No. 2; Required Recusal of Commissioner Member
Date: Wednesday, October 28, 2020 5:04:58 PM
Attachments: [Templeton \(Planning and Transportation Commission Meeting of October 28, 2020 Agenda Item No. 2\) 10.28.20.pdf](#)
[Balin Communication.pdf](#)

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

Please see the attached.

Thank you,

William D. Ross, Esq.

Law Offices of William D. Ross

A Professional Corporation

400 Lambert Avenue, Palo Alto, California 94306

Tel: (650) 843-8080; Fax: (650) 843-8093

E-Mail: wross@lawross.com

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William D. Ross
David Schwarz
Kypros G. Hostetter

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Facsimile: (650) 843-8093

Los Angeles Office:

11420 Santa Monica Blvd
#25532
Los Angeles, CA 90025

File No: 1/10

October 26, 2020

VIA ELECTRONIC TRANSMISSION
Planning.Commission@CityofPaloAlto.org

The Honorable Carolyn Templeton, Chair
and Members of the Planning Commission
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Planning and Transportation Commission Meeting of October 28, 2020 Agenda
Item No. 2; Required Recusal of Commissioner Member

Dear Chair Templeton and Members of the Planning Commission:

This communication is submitted as a resident and taxpayer of the City of Palo Alto (“City”) requesting recusal of Commission Member Alcheck and a Commission rehearing on the September 9, 2020 action on the Final Environmental Impact Report (“FEIR”) for the Castilleja School Project under the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, “CEQA”).

Recusal of Commission Member

All Commission Members and certain members of Commission Staff must comply with the provisions of AB 1234, commonly known as the Ethic Statutes (Government Code Section 53233, *et seq.*). AB 1234 sets forth a three-tiered standard for recusal of government decision makers (here, Members of the Commission), based on defined conflict of interests, financial interests and the appearance of impropriety.

References made to the October 26, 2020 communication of Mr. Fred Balin (copy enclosed) addressed to the City Attorney’s Office, Officials in the Planning Department and the City Council, concerning Commissioner Michael Alcheck and both, evidence and analysis, as to why Commissioner Alcheck should not be allowed to participate in this Agenda Item.

The Balin communication presents evidence advanced as to why there is not a conflict of interest as defined under Government Code Section 1090, because of the relationship of Counsel for Project Applicant, Castilleja, also representing business interests of Commissioner Alcheck,

The Honorable Carolyn Templeton, Chair
and Members of the Planning Commission
October 28, 2020
Page 2

including representation with respect to a land-use decision in which City Planning Staff was intricately involved.

Moreover, the third element of AB 1234 recusal requirements, that of avoiding the appearance of impropriety or common-law bias, is directly applicable.

If Commissioner Alcheck is allowed to participate (and his past participation bares on further issues which are the responsibility of the Commission as developed infra) you're practically allowing a Commissioner to make a decision on a matter where the Applicant's attorney has also been his attorney on a land-use matter before the City.

Even using common English there is an appearance of impropriety. This should be a matter that should be addressed, first with your Commission, in conjunction with whoever from the City Attorney's Office is present.

The Commission Hearing on the Sufficiency of the Project FEIR Should be Reopened

The recusal of Commissioner Alcheck is involved with the Commission decision as to whether to recommend approval of the Project EIR and the proceedings associated with your Commission's September 9, 2020, Regular Meeting of the Commission and requirements of the Brown Act (Government Code Section 54950 *et seq.*).

With respect to the September 9, 2020 meeting, the Staff Report was *not* made available until barely one (1) day before the hearing, and an Applicant's communication was forwarded to Members of the Commission and not made available to Members of the Public prior to your Commissions hearing.

At that hearing, a principal advocate for the sufficiency of the Project FEIR was Commissioner Alcheck. Among other things, Commissioner Alcheck referenced analysis by the Applicant as being the most thorough in his career as a land-use lawyer.

Under established authority, the additional "analysis" or "advocacy" by Commissioner Alcheck at the September 9, 2020 provides an additional basis for his required recusal.

Given the evidence advanced concerning for the recusal of Commissioner Alcheck as a basis for *ethical* recusal, it sets the basis for that same conduct at the Commissions last hearing to disqualification on the basis of bias. *See, Woody's Group Inc. v. City of Newport Beach* (215 233 Cal. App. 4th. 1012, 1021. *See also, Nasha v. City of Los Angeles* (2004) 125 Cal. App. 4th. 470, 483. (The comments made by a decision-maker before a hearing can be considered to constitute evidence of "unacceptable probability of bias"). Here, the comments were made *during* the hearing, that evidenced based conduct serves as a basis for disqualification based on bias.

The Honorable Carolyn Templeton, Chair
and Members of the Planning Commission
October 28, 2020
Page 3

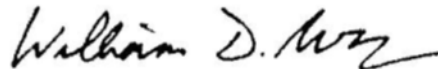
Given the restricted nature of this Commission's last hearing – substantial evidence concerning the Project's actual configuration and whether an alternative should be considered *after* public testimony *after* the lack of compliance with the seventy-two (72) requirement for Staff's position being available to the public merit reopening of the hearing on the Commission's determination on the sufficiency of the CEQA evaluation of this Project.

The Commission vote to recommend approval on the Project FEIR 4-1-2 (Commissioner Summa opposed, Roohparvar and Riggs absent) is not effective because of the unauthorized participation of Commissioner Alcheck.

Summary

It is respectfully requested that your Commission, City Staff, including the City Attorney, analyze this issue prior to any substantive consideration of Agenda Item No. 2.

Very truly yours,



William D. Ross

WDR:jf

Enclosure

cc: Fred Balin, fbalin@gmail.com
Molly Stump, molly.stump@cityofpaloalto.org
Johnathan Lait, jonathan.lait@cityofpalalto.org
Albert Yang, albert.yang@cityofpaloalto.org
Rachael Tanner, rachael.tanner@cityofPaloAlto.org

From: Fred Balin <fbalin@gmail.com>

Subject: Why Michael Alcheck Should Not Participate in Wed 10/28 PTC Castilleja QJ Hearing

Date: October 26, 2020 at 9:17:39 PM PDT

To: Molly Stump <molly.stump@cityofpaloalto.org>, Albert Yang <albert.yang@cityofpaloalto.org>, city.attorney@cityofpaloalto.org, Jonathan Lait <jonathan.lait@cityofpalalto.org>, Rachael Tanner <rachael.tanner@cityofPaloAlto.org>, Palo Alto City Council <city.council@cityofpaloalto.org>

To: City Attorney Molly Stump and Deputy City Attorney Albert Yang

To: Director of Planning Jonathan Lait and Assistant Director of Planning Rachael Tanner

To: Palo Alto City Council

City Legal and Planning Staff,

Planning and Transportation Commissioner Michael Alcheck should not participate in Wednesday's Item 2 at the commission -- Public Hearing/Quasi-Judicial: Castilleja School Project, 1310 Bryant Street [16PLN-00238], for the following reasons:

1. Alcheck retained the attorney for Castilleja for his personal interests while Castilleja's application was before the commission on which he served

Castilleja's current application first came to the PTC on February 8, 2017 for a public scoping meeting on the notice of preparation for an environmental impact report. Page 2 of the staff report (Attachment1 to this email) lists the legal counsel for Castilleja School as Mindie Romanowsky

In the summer of 2017 and in the aftermath of the illegal conversion of a carport to a garage on each of two residential properties in which Alcheck had an economic interest, one he owned and a second in which he was an investor, Romanowsky was hired to represent his interests. Attachment2 is a series of communications between Romanowsky and the city during that period.

Having a commissioner whose own attorney represents an applicant before him on quasi-judicial matters that the commissioner will rule on is a clear conflict of interest.

2. Alcheck violated Planning Commission protocols between the August 26 and September 9, 2020 PTC Meetings

On August 26th, after the close of the public hearing and discussion at the dais of the quasi-judicial Castellija EIR, the matter was continued to a future date.

Planning Commission Procedural Rule IV relates to quasi-judicial hearings. Its sub-section B-5-e entitled "No Contacts after Hearings" reads:

Following closure of the hearing, and prior to a final decision, Commissioners will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

After the start of the subsequent September 9 PTC continuation, Alcheck stated that he had contacted at least two representatives of Castilleja as well as some other schools (Attachment3). Neither is permissible under the commission's quasi-judicial protocols, and his disclosure at the meeting does not cure the violation.

Even a humble juror on the most basic cases is expected to comply with a principle that Alcheck disregards, now over 8 years since joining the commission.

3. Alcheck's Double Standard

At the September 9th PTC meeting on the Castilleja EIR, Alcheck argued that the explicit wording of a city ordinance should be ignored in favor of a past practice. Even though the code required a basement to be under the building's footprint, he claimed that a precedent in another project overrode the code.

But in 2015, as a commissioner, and arguing in regard to his own residential redevelopments, he advocated the exact opposite: that the explicit wording of an ordinance trumps any precedent. That ordinance prohibited a "garage" in the front half of his lots, but it did not explicitly exclude a "carport." (Attachment4)

When it worked in favor of Alcheck's personal interests, he advocated for a strict reading of the code, but when it benefited the Castilleja application, he spoke in favor of ignoring the clear reading of the code.

Final Word (to the city council)

The above are new examples of why Michael Alcheck has not met the ethical standards to remain a Palo Alto city official.

-Fred Balin
2385 Columbia Street

4 PDFs attached