

Planning and Transportation Commission Public Comment 9-25-19

From: [Andie Reed](#)
To: [French, Amy](#); [Castilleja Expansion](#)
Subject: Moncharsh DEIR comments
Date: Monday, September 16, 2019 3:27:00 PM
Attachments: [Leila Moncharsh comment letter. September 16, 2019.pdf](#)
[Archer CUP 2013 1.pdf](#)

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

Here's Leila's comment letter and her one attachment (Archer School for Girls Conditions), which she references in her letter, so they go together.

She sent the two emails to you and me only. Can't figure out why you wouldn't get it, as I know you and she have emailed.

Please let me know.

Thanks.

--

Andie Reed CPA
[REDACTED] Melville Ave
Palo Alto, CA 94301
[REDACTED]

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

Planning and Development Commission Public Comment 9-25-19
DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

**OFFICE OF
ZONING ADMINISTRATION**

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318

FAX: (213) 978-1334

www.planning.lacity.org

July 29, 2013

Elizabeth English (A)(O)
The Archer School for Girls
11725 West Sunset Boulevard
Los Angeles, CA 90049

Cindy Starrett/Beth Gordie (R)
Latham & Watkins, LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560

CASE NO. ZA 98-0158(CUZ)(PA4)
APPROVAL OF PLANS
11725 West Sunset Boulevard
Brentwood-Pacific Palisades
Planning Area
Zone : R3-1, RE11-1
D. M. : 135B145
C. D. : 11
CEQA : ENV 2012-3300-CE
Legal Description: Lots 3, 4, 18-21;
Westgate Heights Tract

Pursuant to Los Angeles Municipal Code Section 12.24-M and Condition No. 44 of Case No. ZA 98-0158(CUZ)(PA3) dated November 14, 2007 (corresponding Council File No. 98-2181), I hereby:

DETERMINE: that the applicant has substantially complied with the terms and Conditions of approval previously established,

MODIFY Condition Nos. 5, 13, 40.a, 44, 50, and 52, and

ADD Condition Nos. 34.g and 44.i as incorporated with the other unchanged Conditions, into a new comprehensive list of Conditions, labeled Exhibit B-3 of this determination, and a Chart of Special Events, labeled Exhibit C,

in conjunction with the continued use and maintenance of a private school for girls in the RE11-1 and R3-1 Zones.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.



VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after AUGUST 13, 2013, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit

applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on May 23, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use plan approval under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The property is a slightly sloping, irregular-shaped, interior, through parcel of land, consisting of six record lots, totaling approximately 6.20 acres, having a frontage of 300 feet on the north side of Sunset Boulevard and a frontage of 600 feet on the south side of Chaparal Street and a depth varying from 300 to 600 feet. The property features a slight upslope from Sunset Boulevard to Chaparal Street.

The front portion of the site is developed with a one- and two-story Spanish Colonial Revival style building formerly utilized as a residential home and convalescent facility for elderly women (Eastern Star). Currently, the building is the Archer School for Girls. The subject site contains approximately 6.2 acres of land in the R3-1 and RE11-1 Zones, and is designated Medium Residential and Very Low II Residential in the Brentwood-Pacific Palisades Community Plan. The existing school is comprised of approximately 95,000 square feet of floor area, and the site includes administrative offices, school classrooms, assembly and meeting rooms, a large play field, a sport court and two surface parking lots with 109 striped parking spaces.

Archer was first approved by the City of Los Angeles to operate at its current location in 1998 under a Conditional Use Permit Case Nos. ZA 98-0158(CUZ)(ZV), BZA 5618, 5619 and 5620; and CF-98-2181, and has been in continuous operation at 11725 Sunset Boulevard since a Certificate of Occupancy was issued on May 26, 1999.

The surrounding properties are within the RE11, RE15, RD3, R3, [Q]R4, and C2 Zones and are characterized by slightly sloping topography and semi- and fully-improved streets. The surrounding properties are generally developed with one- and two-story single-family dwellings north of the site. Multi-family and commercial uses are located along Sunset Boulevard and extend to the east, west and south of the site. A small shopping center and two service stations are located on the south side of Sunset Boulevard at the intersection with Barrington Avenue. Other institutional and quasi-public uses include four schools within the immediate vicinity of the project site: Brentwood Lower School, Brentwood Upper and Middle School, Saint Martin of Tours, the Sunshine School, and the Synagogue School. The Kentor Canyon Elementary School and Mount St. Mary's College exists within one to two miles of the site.

The adjoining properties to the north of Chaparal Street are zoned RE15-1 and developed with two-story single-family dwellings on estate-sized lots. The adjoining properties to the south of Sunset Boulevard are zoned R3-1 and [Q]R4-1 and are developed with three- and four-story apartments and condominiums with over street-level parking. The adjoining

properties to the east of the site are zoned RE11-1 and R3-1 and are developed with two-story single-family dwellings and two- and three-story apartments. The adjoining properties to the west of the site are zoned RE11-1 and R3-1 and are developed with one- and two-story single-family dwellings and two- and three-story apartments and condominiums with surface and subterranean parking.

The Brentwood-Pacific Palisades Community Plan designates the property for RE11 "Very Low II Residential" and R3 "Medium Residential" land uses with corresponding zones of RE15, RE11, and RS, respectively, and Height District No. 1. The property is not currently within the area of any specific plans or interim control ordinances.

Sunset Boulevard, adjoining the property to the south, is a Scenic Major Highway with a variable width of 60 to 100 feet and improved with curb, gutter, and sidewalk on both sides.

Chaparal Street, adjoining the property to the north, is a Local Street with a width of 60 feet and improved with asphalt and rolled berms.

Previous zoning related actions on the site/in the area include:

Subject site:

Case No. ZA 98-0158(CUZ)(ZV)(PA3) – On November 14, 2007, pursuant to the Los Angeles Municipal Code Section 12.24-M and Condition No. 44 of Case No. ZA 98-0158(CUZ)(ZV)(PA2), the Zoning Administrator determined that the applicant had substantially complied with the terms and conditions of approval previously established and modified Condition Nos. 11.c(2), 11.e, 20.a, 40, and 44, as incorporated with the other unchanged Conditions, into a new comprehensive list of Conditions and a Chart of Special Events.

Case No. ZA 98-0158(CUZ)(ZV)(PA2) – On June 17, 2004, pursuant to the Los Angeles Municipal Code Section 12.24-M and Condition No. 44 of Case No. ZA 98-0158(CUZ)(ZV)(PA) [and corresponding Council File No. 98-2181], the Zoning Administrator determined that the applicant had substantially complied with the terms and conditions of approval previously established and modified, deleted, added certain Conditions.

Case No. ZA 98-0158(CUZ)(ZV)(PA1) – On January 25, 2001, pursuant to Condition No. 44 of Case No. ZA 98-0158(CUZ)(ZV), and subsequent appeals thereof under Case Nos. BZA 5618, 5619, and 5620, and Council File No. 98-2181, the Zoning Administrator took multiple actions and made several amendments regarding the original application.

Case No. ZA 98-0158(CUZ)(ZV) – On August 21, 1998, the Zoning Administrator approved a conditional use and zone variance to allow the conversion, use and maintenance of a live-in convalescent facility for elderly women (Eastern Star Home) to a private school for girls grades 6 through 12 with a maximum enrollment of 450 students along with the construction of an approximate 12,000 square-foot gymnasium/multi-purpose facility, to permit the proposed gymnasium/multi-purpose building to be 45 feet in height instead of the maximum allowable 36 feet for property located in the RE11 Zone to be the combined width of two side yards of approximately 40 feet instead of the required 120 feet; all on property located in the RE11 and R3 Zones; a variance permit the two surface level parking lots to be

located in the RE11 Zone as well as access to these parking areas to be across property classified in a less restrictive zone; permit the construction, use and maintenance of a turf covered playing field to be located in the RE11 Zone; permit the proposed gymnasium/multi-purpose building to be located in a more restrictive zone (RE11) than that required for the main use on the site (R3); and permit the proposed facility to provide 109 off-street parking spaces instead of the approximate 415 spaces required.

Case No. ZA 11709 – On December 27, 1951, the Zoning Administrator granted the construction of a staff building, superintendent unit and carport for 16 autos for a two year period.

Case No. ZA 11173 – On May 12, 1950, the Zoning Administrator denied the construction of a one-story staff facility with an 80-foot setback from Chaparal Street and partially granted the construction of a two-story addition to the rear of the existing Eastern Star Home building and a setback of 200 feet from Chaparal Street. On June 4, 1950, the Board of Zoning Appeals denied the Eastern Star Home Association appeal.

Case No. ZA 4021 – In 1931, the Zoning Administrator approved a conditional variance (Ordinance No. 68,813) to permit the establishment and maintenance of a facility for aged members of the Eastern Star Home Association. One condition requires that the buildings be set back at least 224 feet from Chaparal Street.

Surrounding Properties:

Case No. ZA 97-0749(YV) – On December 30, 1997, the Zoning Administrator approved an application to permit the installation of a 12-foot high wall in the rear yard setback of two contiguous single-family residences and a 6-foot high fence with 6-foot high gates in the front yard setback at 11706 Chaparal Street.

Case No. ZA 95-0404(CUZ) – On August 29, 1995, the Zoning Administrator approved a conditional use at 11967 Sunset Boulevard, to permit an approximately 4,800 square-foot addition to an existing parochial school and an approximately 1,000 square-foot residential addition to an existing rectory.

Case No. ZA 93-0388(CUZ) – On May 18, 1993, the Zoning Administrator terminated the zoning case for a conditional use at 11960 Sunset Boulevard, to permit a private school with a maximum enrollment of 166 students.

Case No. ZA 92-0372(CUZ) – On September 11, 1992, the Zoning Administrator approved a conditional use at 105 South Barrington Place, to permit the continued maintenance and operation of a private junior high/senior high school having approximately 100,000 square feet of development.

Further, with said school having a minimum of 190 improved on-site parking spaces and an additional 122 unimproved spaces on the adjacent Veterans' Administration property; and, a maximum enrollment of 695 students (copy attached).

Case No. CUZ 78-108 – On June 16, 1978, the Zoning Administrator approved a conditional use to permit the modification of City Plan Case No. 1273 which previously authorized a private elementary school at 12001 Sunset Boulevard, to

now permit a one-way, loop driveway system for the pickup and delivery of school children along the Bundy Drive frontage, instead of from the Saltair Avenue frontage.

PUBLIC HEARING:

The public hearing for the subject matter was held on May 23, 2013 at the West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue and was attended by the applicant [Archer School staff, members of the board of trustees, past and current presidents of the parents' association, parents, the head of school], the applicant's representatives [Beth Gordie and Cindy Starrett of Latham & Watkins], residents in the area and the representatives of the Brentwood Community Council and Council District 11. After explaining the procedures to be followed during the course of the hearing and the scope of the subject application, the Zoning Administrator invited the public to present oral and written testimony.

The applicant and the applicant's representatives stated the following:

- The Archer school has been at the subject site since 1999.
- As indicated in the Zoning Administrator's findings for the prior condition compliance reviews, which were conducted in 2004 and 2007, the Archer school has attained substantial condition compliance.
- The school has two neighborhood liaison meetings per year. The last meeting was on November 3, 2012 and the next meeting will be on June 12, 2013.
- For each school year, students are informed of the conditions to comply for traffic and parking.
- The Archer school students are not allowed to drive alone.
- The traffic mitigation measures require a minimum of 50% bus ridership; however, the school achieved an average ridership of 80% or more. During peak hours, an average ridership has been 7 persons per vehicle.
- The students are not allowed to park or to be dropped off on the neighboring streets.
- The community liaison always follows up on the neighbors' concerns/complains.
- An environmental Impact Report is being prepared for the Archer School Forward project.

The representative of the Brentwood Community Council spoke in support of the application.

- The Archer school conditional use permit has the most stringent conditions.
- The school administration has been taken an immediate action to correct non-compliance of the conditions. The school took disciplinary action for students who violated traffic and parking conditions.
- The school has achieved higher ridership than the average ridership required by the conditional use.

The current/past parents, current/past presidents of the Archer School Parents' Association, members of the Archer School Board of Trustees, and residents spoke in support of the applicant stating that the school has attained substantial compliance with the required conditions.

- The Archer school students/parents understand that they have to comply with the traffic and parking conditions required by the conditional use permit.
- Most students take a bus.
- The school made substantial improvements on Sunset Boulevard and is respectful to its neighbors.
- The school preserves an architectural character.
- New parents have been informed of the required parking condition and understand that students are not allowed to be dropped off on the neighboring streets.
- During special events, no queuing occurred on the surrounding streets.
- Parents are constantly reminded of off-site parking at the Veteran's Affair parking lot.
- Some parents moved to the area to send their kids to Archer School.
- The school has completed the traffic mitigation measures required in the traffic management plan.
- Approximately 80% of the students take a bus.
- The school has reached out to the community to be informed of any issues associated with the operation of the school and has been in close contact with the local business association.
- The school has worked to improve pedestrian safety at the intersections.
- Two crossing guards are recommended at the intersection of Sunset Boulevard and Barrington Avenue.

The adjoining property owner at 11840 Chaparal Street, and the property owner of 134 North Westgate Avenue expressed the following concerns:

- The school has generally been a good neighbor; however, recently there has been a lack of condition compliance resulting in adverse impacts to the surrounding properties.
- Due to noise from the athletic field during school hours, the surrounding neighbors cannot enjoy their yards until late evening. [The noise from the school recorded at 134 North Westgate Avenue was played at the hearing.] Sound sensors at the walls of the athletic field are recommended to monitor the noise level.
- The neighbors have been concerned about the use of and lack of landscape around the school owned property at 141 North Barrington Avenue. Until the hearing for the subject application has been scheduled, the school has not maintained the property well resulting in a blighting appearance.
- The single-family dwelling at 141 North Barrington has been vacant and such a vacant appearance may cause health and safety issues to the surrounding neighbors.
- The adjoining property is the most affected neighbor. Students congregate in the athletic field next to the adjoining property resulting in noise impacts to the residents of 11840 Chaparal Street.
- The future meetings for the proposed school expansion should be sent to residents beyond a 500-foot radius.
- Even though it is not frequent, students are dropped off and/or park on the surrounding streets, on Chaparal Street and Barrington Avenue especially on graduation day or special events.
- The existing fence and net barrier between the athletic field and the adjoining property is ineffective to mitigate errant balls and excessive noise. A more extensive landscape barrier is needed to mitigate the noise and errant balls going over the fence barrier to the neighboring property.

The representative of Council District 11 spoke in support of the school and submitted a letter of support.

In response to the public comments, the applicant's representative stated the following:

- An Environmental Impact Report [EIR] is being prepared for the proposed school expansion named Archer School Forward. A new traffic and noise study will be included in the EIR to address potential traffic and noise impacts.
- A new underground parking and a gymnastic building are proposed as part of the proposed expansion.
- The school owned property at 141 North Barrington Avenue is patrolled by security guards.
- A total of eight school buses are in operation in the morning and twice after school at 3:15 p.m. and 5:30 p.m.
- No access from/to Chaparal Street is permitted except for emergency.
- Students and parents park at the Brentwood Village public parking lot located at 201 South Barrington Place.
- A total of nine students who are juniors and seniors drive with an average of three to four students per car.
- There are crossing guards at the intersection of Barrington Avenue and Sunset Boulevard.
- The Draft Environmental Impact for the proposed expansion is expected to be circulated for public review. The first phase of the proposed expansion is planned to commence in June, 2014.

The following was submitted to the file:

- A letter dated May 21, 2013 from Council Office 11 in support of the school stating that the school has demonstrated a track record of compliance.
- A letter dated May 20, 2013 from the Brentwood Community Council in support stating that the school has complied with the required conditions. The Community Council suggested that an Archer school trip counts should be in the hours between 3 p.m. and 7:15 p.m. and the permitted unspecified events should be defined.
- A letter dated May 14, 2013 from the Brentwood Park Property Owners Association, Inc. in support of the school stating that the school is an asset to the community and has worked diligently to ensure all operating conditions are in compliance.
- Letters dated October 9, 2012 and May 20, 2013 from the westerly adjoining property owner of 11840 Chaparal Street [Eric Waxman] indicating that the school has not attained full compliance with the required conditions. The immediate neighbors have organized their website www.archerneighbors.com in response to the proposed expansion "Archer Forward".
The concerns mentioned in the letter include the use of the school owned property at 141 North Barrington as a storage facility, students being dropped off on Barrington Avenue and parents parking on Chaparal Street, noise from the athletic field, the neighborhood liaison meetings required to discuss any compliance issues being used to seek support for the proposed expansion plans, amplified sound on the athletic field, violation of the limits on weekend field use, a lack of barrier/buffer between the athletic field and the adjoining property resulting in errant balls landing on the neighbor's property and noise impacts, and a lack of transparency with the neighbors in connection with the proposed expansion plans. [The letter dated

- October 9, 2012 included 25 signatures signed by neighbors, whom the westerly adjoining property owner represents.]
- Approximately 50 letters/e-mails were received from the residents and current/past parents and trustees of the Archer school. [Some are duplicative.] A majority of the neighbors expressed concerns about traffic, parking congestion and violation of the required conditions mentioned by the westerly adjoining property owner. Few neighboring property owners including the adjoining neighbor at 11718 Chaparal Street indicate that the school has been a good neighbor. The communication received from parents/students and trustees of the school states that the school has attained a full compliance with the required condition.

REVIEW OF COMPLIANCE WITH PRIOR CONDITIONS OF ZA 98-0158(CUZ)(PA3) DATED NOVEMBER 14, 2007:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

STATUS: There was no communication or documentation in the record to suggest any violation with this condition.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

STATUS: Per the field site staff, investigative staff determined compliance. The plot plan submitted to the file indicates no changes to the existing school.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

STATUS: This review provides an opportunity to assess the degree of compliance.

4. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

STATUS: The site visit revealed there was no graffiti present.

5. The physical plant shall be limited to the existing main building which contains a floor area of 95,500 square feet including eight dwelling units limited to occupancy by school personnel and visiting guests, a proposed gymnasium building with a maximum floor area of 12,000 square feet located in the southeast corner of the lots zoned RE-11 and approximately 75 feet south of the property line along Chaparal Street, a maintenance building located at the northwest corner of the gym and shall be no closer to the Chaparal Street property line than the gym and shall be harmonious with the gym and attached, with a maximum floor area of 709 square

feet and a height not to exceed 16 feet, an "east" and "west" parking area, a turf-covered athletic field, 200 bleacher seats located on the south side of the field and no more than 60 feet long and 5 feet high with 5 tiers of seats,, enclosing fences, driveways and landscaping.

STATUS: Per site inspection, no dwelling units or gymnasium exists on site; the site contains an athletic field and the main building. The Exhibit "A" in the prior determinations indicates that a gymnasium and maintenance building were previously approved; but, they were never built as reflected on the plot plan submitted with the current application. The dwelling units in the prior convalescent home were remodeled for the existing school.

6. The use of the subject property shall be limited to a private school for girls, Grades 6 through 12, with a maximum enrollment of 518 students. Maximum total enrollment is not intended to be reached. This number recognizes the inability of school admissions staff to know with precision the number of students who will actually matriculate relative to the number of students who are sent acceptance letters, and provides a cushion to protect the school from being out of compliance with its targeted baseline enrollment of 450 students.

STATUS: Per applicant's statement, the enrollment for the 2011-2012 school year was 430 students. The school remains as a private school for girls, Grades 6 through 12.

7. Use restrictions:

- a. Rental or lease of the facilities is not permitted, with the exception of not more than one day every five years by the Los Angeles Conservancy for a maximum of 200 people. [The term "rental of the facilities" is not dependent upon the payment of a fee. The use by homeowner and civic groups or an athletic contest not including an Archer Team, for example, is not permitted.]

STATUS: Per applicant's statement, Archer school does not rent or lease the facilities, with the exception noted in this condition. No comments have been received to support non-compliance with this condition.

- b. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.24-X,20 of the Municipal Code, and is granted such request. A public hearing must be held.

STATUS: The applicant states that on-site parking is not utilized for events or uses occurring at off-site location. No comments have been received to suggest non-compliance with this condition.

- c. Rental or lease of the property for filming shall not be permitted at any time.

STATUS: Per applicant's statement, Archer does not rent or lease the property for filming. No comments have been received to suggest non-compliance with this condition.

8. Gymnasium.

- a. The proposed gymnasium building shall not exceed 36 feet in height above existing adjacent ground elevation.
- b. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of adjoining lots.
- c. The maximum number of seats, whether fixed or movable, shall not exceed 450.
- d. The maximum occupancy of the building shall not exceed 500 persons at any time, unless the Fire Department establishes a lesser number, and shall be so posted.

STATUS: Archer has not constructed the approved gymnasium.

9. Trash storage and removal.

- a. Trash shall be contained within an enclosed area indicated on the plot plan and located at least 35 feet from any property line and not within view of adjoining properties or the public street. Trash pickup shall be made within the property, during the hours between 9 a.m. and 5 p.m., Monday through Friday.

STATUS: As shown on Exhibit "A", the trash bin is contained within an enclosed area located more than 35 feet from any property line and not within view of adjoining properties or the public street. The applicant indicates that trash pickup is made within the property, during the hours between 9 a.m. and 5 p.m., Monday through Friday.

- b. The trash hauling company shall be informed by the applicant in a letter that all activity associated therewith shall be conducted in a manner so as not to interrupt traffic on the adjoining streets or cause excessive noise, disturbance or parking problems. The letter shall indicate that no service shall be permitted during the hours of student drop off and pick up. The applicable hours shall be stated in the letter. Upon mailing such letter to the trash hauling company, the applicant shall transmit a copy thereof to the Zoning Administrator.

STATUS: A letter informing the trash hauling company of the required restrictions has not been submitted to the file; however, the applicant states that Archer contracts with Consolidated Disposal for its trash hauling. Archer has informed Consolidated Disposal that all activity associated therewith shall be conducted in a manner so as not to interrupt traffic on the adjoining streets or cause excessive noise, disturbance or parking problems. No service is permitted during the hours of student drop off and pick up. No complaints have been received indicating violation of this condition.

10. Historic Resources

- a. All construction on the property shall be subject to design approval by the Cultural Heritage Commission. The existing main building shall be subject to the Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Structures.
- b. New construction shall be compatible with the existing main building in accordance with the concepts described in the Secretary of the Interior's Standards and Preservation Brief No. 14, published by the National Park Service.
- c. Significant existing designated historic landscape features, including the front lawn, courtyard and fountain shall be retained. New landscaping shall respect the historic character of the building and, where possible, recreate or reference documented historic landscaping.

STATUS: The subject plan approval application is to review the applicant's condition compliance. No construction is proposed or associated with the subject application. The significant features (lawn, courtyard, fountain) have been retained. The applicant has provided documentation that the site is a Historical Monument, dated July 19, 1989.

11. Hours of operation shall observe the following limitations per Exhibit B-2:

- a. For classroom instruction: 7 a.m. to 6 p.m., Monday through Friday for the main building, 7:30 a.m. to 6 p.m., Monday through Friday for the gym, and 7:40 a.m. to 6 p.m., Monday through Friday for the field. No classroom instruction is permitted on Saturday, Sunday or national holidays, with the exception of Columbus Day and Veterans Day when those days are used as regular school days.

STATUS: The hours of the school operation are consistent with the hours required in this condition. No comments have been received indicating non-compliance with this condition.

- b. For gymnasium use: 7:30 a.m. to 6 p.m., Monday through Friday for class instruction, 6 p.m. to 7:30 p.m., Monday through Thursday for athletic practice, 6 p.m. to 7:30 p.m., Monday through Thursday for competitions/other schools (notice to neighbors required), 6 p.m. to 9 p.m., Fridays for athletic practice, 6 p.m. to 9 p.m., Fridays as needed for competitions/other schools (notice to neighbors is required), 10 a.m. to 9 p.m., Saturdays for athletic practice and 10 a.m. to 6 p.m., Saturdays as needed for play offs (notice to neighbors required). No gymnasium use is permitted on Sundays with exception of 3 admissions open houses between the hours of 12 p.m. to 5 p.m. (notice to the neighbors is required) or national holidays.

STATUS: The approved gymnasium has not been constructed.

c. For outdoor use:

- 1) Passive use: 7:40 a.m. to 6 p.m., Monday through Friday and 10 a.m. to 6 p.m., Saturdays. No passive use is permitted on Sunday and national holidays, with the exception of Columbus Day and Veterans Day when those days are used as regular school days. Passive use is limited to schools students, staff and families as long as no "fans" or excessive noise is generated. Examples of passive uses include picnics, walking, sitting and eating lunch in designated areas.
- ii) Athletic use: 7:40 a.m. to 6 p.m., Monday through Friday, with a limitation of 100 students at one time and 6 p.m. to 7 p.m., Monday through Friday for athletic practice. Saturday use is limited to 4 days a year with a 4 hour period between 10 a.m. and 6 p.m. for a school use within the established school program. No activities of any kind [e.g., setting up, deliveries, warm ups] shall take place on the field prior to 9 a.m. Within the 4 hour period limit, the 4 Saturday uses shall permit practices between the hours of 9 a.m. and 6 p.m., as needed, and competitions/other schools with a goal of being played between the hours of 3:30 p.m. and 6 p.m. Notice to the neighbors is required for competitions/other schools. Athletic use is not permitted on Sundays or national holidays, with the exception of Columbus Day and Veterans Day when those days are used as regular school days.

STATUS: The hours, use, and special events submitted by the applicant indicate that the passive use and athletic use has been within the hours and dates required in this condition. No complaints have been received indicating violation of this condition.

- d. Teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school activities cumulatively limited to 40 vehicles on the property at one time are permitted to 9 p.m., Monday through Friday.

STATUS: The school conducts such activities and meetings until 9 p.m. Monday through Friday.

- e. Not more than 47 Special Events are authorized. All Special Events are listed in Exhibit B-3, and summarized below. Full utilization of the 109 striped parking spaces on-site is limited to daily class time, parent conferences and teacher meetings, Competitions/Other Schools, scheduled performances, Back to School Nights, Graduation, and the annual Holiday Boutique. No parking is permitted on the athletic field. Permitted hours of Special Events are limited to those listed in Exhibit B-3, including any time needed to clean and restore the site, if necessary.

- 1) Back to School Nights - two days during the school year, Monday through Friday, 6 p.m. to 10 p.m.
- 2) School Performances - four days during the school year, Fridays and Saturdays, 6 p.m. to 11 p.m. [approximately 200 attendees]

- 3) Graduation - one Saturday during the school year, 10 a.m. to 3 p.m.
- 4) School Dances/Socials - four days during the school year, Fridays and Saturdays, 6 p.m. to 11 p.m.
- 5) Admissions Open Houses/Events - four Sundays and one Saturday, 12 noon to 5 p.m., each calendar year
- 6) Parents Association Holiday Boutique - one day during the school year, Saturday 10 a.m. to 6 p.m. This event is open to the public. Only if the east parking lot is full may entering vehicles park in the west parking lot.
- 7) Parent Orientations - Two days during the school year, Monday through Friday, 6:30 p.m. to 10 p.m.
- 8) School Plays - Three Fridays and three Saturdays, 6 p.m. to 9 p.m., each calendar year.
- 9) Twenty-two additional days annually as per Exhibit B-3, including:
 - a. Thirteen days, Monday through Saturday, 10 a.m. to 9 p.m., and
 - b. Nine days, Monday, Tuesday, and Thursday, 6 p.m. to 9 p.m. Parking for these events shall be limited to 65 vehicles on-site and shall be located in the east lot.

Written notification via US mail and electronic mail by the property owner is required to the Zoning Administrator, Council Office, President of the Brentwood Homeowners Association, Chair of the Brentwood Community Council, the Brentwood Village Chamber of Commerce, and all abutting and adjacent neighbors at least 45 days prior to such event date(s).

STATUS: The written notification of the special events required in this condition has not been submitted to the file; therefore, it is not clear whether such notification was mailed to the Zoning Administrator, Council Office, and other organizations and neighbors within the specified time. The special events list submitted to the file indicates compliance with the condition. No complaints have been received indicating non-compliance with this condition. The adjoining neighbor attended the hearing, but, did not indicate whether or not the notifications of the special events were received.

- f. The permitted maximum number of cars parked on-site is limited to those listed in Exhibit B-3. "Car" is defined as a passenger car with the maximum capacity of 10 persons. Events that require more parking shall use remote lots.

STATUS: Events that require more parking use remote lots.

- g. Motorized sweeping of the parking lots and driveways and motorized landscape maintenance shall occur only between the hours of 8 a.m. and 6 p.m., Monday through Saturday.

STATUS: The applicant states that motorized sweeping of the parking lots and driveways is not allowed. Motorized landscape maintenance occurs only between the hours of 8 a.m. and 6 p.m., Monday through Saturday.

- 12. At least 109 permanent, striped parking spaces shall be provided in accordance with the provisions of Section 12.21-A,5 of the Municipal Code.

STATUS: 109 striped parking spaces are provided on site.

- 13. The applicant shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking. A copy shall be mailed to the Zoning Administrator at the same time. The applicant shall maintain a progressive disciplinary system of enforcement in which the first violation shall result in suspending driving privileges to and from school for one week (both parent and students). The second violation shall result is suspending driving privileges two weeks (both parent and student). The third violation shall result in suspending driving privileges for one year (both parent and student). A violation requires that the student ride the bus. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.

STATUS: At the beginning of each school year, Archer informs parents, students, faculty and staff on an annual basis of all rules regulating school traffic and parking. A copy of the letter that Archer sent to parents and students for the 2012 – 2013 school year has been submitted to the file.

Archer maintains a progressive disciplinary system of enforcement. The school administration maintains a list of license plate numbers of all families whose children are enrolled in the carpool program as well as the license plate numbers for each employee who parks on the property.

- 14. One or more parking monitors in orange vests or other distinctive attire shall be located at each driveway entrance during all drop off and pick up hours and at all special events to preclude parking on neighborhood streets (Chaparral and Barrington Avenue), noise from car horns, car radios, car alarms and loud voices, and to maintain smooth ingress to and egress from the parking areas. The monitors shall prevent exiting vehicles from traveling westbound on Chaparral Street or exiting onto Barrington Avenue and turning northbound. Monitors shall report any violations to the school administration, including any off-campus drop offs or pick ups which are observed, and applicable license plate numbers. Students who walk or bike to or from campus must have established proof of residency in the immediate area, or be issued a photo identification “transit pass”.

STATUS: Archer Security monitors all school entrances during pick up and drop off hours and at all special events as required. Access from/to Chaparal Street is for emergency only and is not permitted during drop off or pick up hours or for special events. Archer's Transportation Coordinator and Archer Security enforce the rules regarding transportation and prohibiting parking on neighborhood streets. Archer Security reports any violations to the Transportation Coordinator. The Transportation Coordinator keeps a log of all violations observed or reported and enforces compliance. Archer Security checks in all walkers, bikers, and public transportation riders, and if any student arriving at the school does not have proper permission for these modes of transportation, the school issues a transportation violation.

In addition, for the 2012 – 2013 school year, Archer contracted with Division Patrol, Inc. to provide crossing guards at the intersection of Sunset Boulevard and Barrington Avenue. Division Patrol, Inc. provides two crossing guards at the intersection on all school days from 7:00 a.m. – 8:00 a.m., 11:45 a.m. – 12:45 p.m., and 2:45 p.m. – 3:45 p.m. Archer voluntarily contracts with Division Patrol, Inc. to provide the crossing guards as a security measure for the students and other members of the community at the intersection of Sunset Boulevard and Barrington Avenue.

15. Any school-operated van and bus and all other vehicles which bring students to school and take them home shall park, load and unload students within the property and not on any adjoining streets, except that a maximum of 15 student carpool vehicles may park off-site at a Veterans Administration parking lot approved by the Zoning Administrator. The site shall be within student walking distance to the campus. The school shall issue identification permits to each vehicle parking at the lot. School personnel shall monitor such off-site parking location for student safety and to ensure that only student driver-registered carpool vehicles park in such lot and that no student vehicle is parked on neighborhood streets.

STATUS: Archer operates approximately 8 to 10 bus routes with one a.m. run and two p.m. runs: an early p.m. bus at 3:15 p.m. and a late p.m. bus at 5:30 p.m. No vehicles which bring students to school and take them home are permitted to park, load and unload students on any adjoining streets.

For the 2011 – 2012 school year, there were nine registered student-driven carpools that parked off-site at the Brentwood Village parking lot on Barrington Place, which is located at 201 South Barrington Place between the Post Office and Chayote Street.

Archer issues identification permits to each vehicle parking at the lot. School personnel monitor the off-site parking location for student safety and to ensure that only student driver-registered carpool vehicles park in such lot and that no student vehicle is parked on neighborhood streets.

Despite the school's effort to monitor students parking and being dropped off on neighborhood streets, letters received from the residents, and comments received at the hearing indicate that students are occasionally dropped off and park their cars on neighborhood streets.

16. Except during special events, all faculty, administrators, other employees and visitors shall be instructed by persons acting on behalf of the school to park on-site at designated locations.

STATUS: Except during special events, all faculty, administrators, other employees and visitors are instructed to park on-site at designated locations.

17. The applicant shall implement a Traffic Management Program with a Trip Reduction Plan to the satisfaction of the Department of Transportation and the Zoning Administrator prior to the issuance of a certificate of occupancy or temporary certificate of occupancy. Components of such efforts shall include:

- a. Achieving an average vehicle ridership of 3.0 persons per vehicle beginning January 31, 2000 through the following or similar actions. Failure to achieve the 3.0 ratio on schedule shall require the applicant to reduce the maximum number of students enrolled in the first September thereafter by an amount equal to the number of students below the 3.0 ratio and a \$2,100 fine for each trip to be deposited into the Neighborhood Protection Fund per DOT [e.g., a 3.0 ratio and an enrollment of 450 students, plus 50 faculty and administrative staff, results in 166 vehicles and a hypothetically observed 2.7 ratio results in 185 vehicles. Multiply 19 (the difference between 185 and 166) times 3.0 for a total reduction of 57 students]. Students who live within one-half mile of the property and who sign a contract with school administrators promising to walk to and from school every day and students who sign a contract with school administrators promising to bicycle to and from school every day may, at the discretion of the school administration, be issued a "transit pass" and for purposes of determining average vehicle ridership they shall be considered as carpool riders.

STATUS: Archer implemented a Traffic Management Program with a Trip Reduction Plan prior to the issuance of a certificate of occupancy, which was approved May 26, 1999. The Transportation Management Program for 2012-2013 was submitted to the file.

Transportation Management Program provides transportation options to Archer students; students may arrive at Archer by school bus, parent-driven carpools with at least three students plus the driver in the car, student-driven carpools for 11th and 12th grades with four students in the car including the driver, walking/biking, or public transportation. Archer requires each student to choose and register for her selected mode of transportation. During the 2011 – 2012 school year approximately 85 percent of the students used the school bus, there were 18 registered parent-driven carpools, nine registered student-driven carpools, and 23 registered student walkers.

Traffic Monitoring Reports for 2004 – 2006 were submitted as part of the prior 2007 Plan Approval application. Copies of the Traffic Monitoring Reports that were conducted in 2007 and 2008 have been submitted to the subject Plan Approval Application. Traffic count conducted since January 31, 2000 showed that Archer achieved an average vehicle ridership of 3.0 persons or more per vehicle.

- b. Appointing an overall school traffic coordinator for the program, appointment of parent coordinators for each class, distribution of literature explaining the program, distribution of family names and phone numbers so that parents can identify potential carpool opportunities, and requiring parents to sign a contract for carpool plan participation.

STATUS: Archer has a traffic coordinator for its program and appoints grade level parent representatives for each class.

- c. Providing preferred parking locations for carpool vehicles.

STATUS: Archer provides preferred parking locations for employee carpool vehicles.

- d. Scheduling classes to avoid peak hour drop off and pick up activity of nearby schools.

STATUS: Prior to establishing its own drop-off and pick-up times for its first year of operations at the school, Archer conducted a comprehensive survey of the starting and ending class times of five schools in the nearby area. These included Brentwood Lower Campus, Brentwood Upper Campus, Saint Martin of Tours, Sunshine Pre-School, and University Synagogue. Archer then developed its start times so that these times would not conflict with or overlap those of the other schools. A copy of Archer's 2011 – 2012 Daily Schedule is submitted to the file. In preparation for the Plan Approval application, Archer reviewed the starting and ending class times for each of these schools and confirmed that the schedules are staggered to the extent practical. A summary of the starting and ending class times for these schools is also included in the case file.

- e. Conducting annual traffic counts for 5 years, beginning in 2004, at all school driveways at the applicant's expense by a licensed traffic engineer to be taken on one day of a typical five-day school week between the hours of 7:00 a.m. and 9:00 a.m. in October on a date not to be disclosed to the school in advance. The Department of Transportation shall be informed by the engineer prior to the taking of such traffic counts to permit their observation of same.

STATUS: The applicant has completed its requirement to conduct annual traffic counts. Copies of the Traffic Monitoring Reports that were submitted in 2007 and 2008 are included in the case file.

- f. Investigating or implementing distribution of public transit passes or subsidies for faculty and administrators.

STATUS: Archer has investigated distribution of public transit passes or subsidies for faculty and administrators.

- g. Submitting annual Traffic Management Program Reports to the Zoning Administrator, Department of Transportation, Council Office and President of the Brentwood Homeowners Association indicating average vehicle ridership and compliance with implementation mechanisms above, or others as approved by Department of Transportation and the Zoning Administrator. Such reports shall be considered at the review of operations set forth in Condition No. 44.

STATUS: Copies of the Traffic Monitoring Reports were submitted as set forth in Condition No. 48 through November 2008. As part of Archer's 2007 Plan Approval application Archer submitted copies of the Traffic Monitoring Reports for 2004 – 2006. Copies of the Traffic Monitoring Reports that were submitted in 2007 and 2008 are included in the subject file. A copy of Archer's Transportation Management Program and Transportation Registration Form for the 2012 – 2013 school year sent to Archer families is attached to the subject case file.

- h. Utilization of vans/buses to transport 50% of the student enrollment on a daily basis within two years from the date of the issuance of the Certificate of Occupancy.

STATUS: Archer has utilized buses to transport at least 50% of the student enrollment on a daily basis since two years from the date of the issuance of the Certificate of Occupancy. During the 2011 – 2012 school year approximately 85 percent of the students used the school bus.

18. A maximum of 15 student carpools are permitted consisting of 3 students in each vehicle. Additional carpools are permitted consisting of 4 or more students in each vehicle. Student drivers are limited to only the 11th and 12th graders.

STATUS: Student drivers are limited to only the 11th and 12th graders. For the 2011 – 2012 school year there were nine registered student-driven carpools. Student carpool parking is in the Brentwood Village parking lot on Barrington Place, which is located at 201 South Barrington Place between the Post Office and Chayote Street.

19. A school fee of not less than \$750 per student per year shall be charged to support the school's student busing program. The school shall contract with a licensed transportation provider and offer routes designed to achieve bus usage by 50 percent of the enrollment within two years of the issuance of the Certificate of Occupancy. The transit provider shall utilize transit routes to and from the property which minimize use of local streets and minimize congestion on major and secondary routes, to the satisfaction of the Department of Transportation.

STATUS: Archer charges a school fee of not less than \$750 per student per year to support the school's student busing program. Archer contracts

with a licensed transportation provider and offers routes that achieve bus usage by at least 50 percent of the enrollment.

20. Special Event Parking

- a. If a special event at the property is expected to attract more than the permitted number of cars per Exhibit B-3, then off-site parking for vehicles in excess of those limitations shall be provided at the Veterans Administration property and/or other locations which the school may secure, to the satisfaction of the Zoning Administrator. Except for school staff, faculty, and employees who are permitted to utilize on-site parking, all guest parking for Grandparents' Day (if applicable) and 12th Grade Graduation shall be provided at the Veterans Administration property and/or, to the satisfaction of the Zoning Administrator, other locations which the school may secure. Those persons attending the event shall be instructed to park in such off-site parking locations, and a shuttle service shall be provided to transport visitors to the school. The off-site locations shall not include any parking on residential streets within 500 feet of the school.

STATUS: If a special event at the property is expected to attract more than the permitted number of cars per Exhibit B-3, then off-site parking for vehicles in excess of those limitations is provided at the Brentwood Village parking lot on Barrington Place, which is located at 201 South Barrington Place between the Post Office and Chayote Street.

Those persons attending the event are instructed to park in such off-site parking locations, and a shuttle service is provided to transport visitors to the school. The Brentwood Village parking lot is located south of Sunset Boulevard.

- b. The school administration shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity. Condition 11.f provides additional on-site parking restrictions.

STATUS: Archer assigns parking to parents, visitors, staff and faculty prior to the scheduled events at a specific location, whether on-site or off-site. As described above, Archer complies with the additional on-site parking restrictions provided in Condition 11.f.

21. All exterior signs shall be of an identification or directional type and shall be indicated on plans submitted to and approved by the Zoning Administrator prior to the issuance of permits therefore.

STATUS: Staff site visit indicates the exterior signs are informational and directional signs. To support Archer's outdoor athletics, the school has one electronic scoreboard at the outdoor athletic fields. The scoreboard is fully concealed behind the masonry wall and is not visible from any public right-of-way.

22. Delivery vehicles shall enter and exit the property from Sunset Boulevard only. The property owner shall instruct companies who deliver to do so between 7:30 a.m. and 6 p.m. but outside the stated hours of student drop off and pick up.

STATUS: Delivery vehicles enter and exit the property from Sunset Boulevard only. Archer instructs companies who deliver to do so between 7:30 a.m. and 6 p.m. but outside the stated hours of student drop off and pick up.

23. Buses shall enter and exit the site via Sunset Boulevard only. Buses shall queue within the internal campus driveways. The school shall monitor buses to make sure they do not idle with their engines running. Neither buses nor passenger vehicles shall queue on local streets or Sunset Boulevard except as permitted by DOT, e.g. left turn lanes for entering school on Sunset Boulevard.

STATUS: Buses enter and exit the site via Sunset Boulevard only. Buses queue within the internal campus driveways. The school security monitors buses to make sure they do not idle with their engines running. Neither buses nor passenger vehicles are permitted to queue on local streets or Sunset Boulevard.

24. Except for egress to accommodate pick up and drop off of students as specified by the Department of Transportation study and limited to one hour in the a.m. and one hour in the p.m. with vehicle limit and emergency vehicle access, vehicular access via any Chaparal Street driveway is prohibited and shall be precluded by a gate installed with locking mechanisms/keys. Monitors shall restrict cars from exiting onto Chaparal when there is a queue at Chaparal and Barrington.

STATUS: Except for emergency vehicle access, there is no vehicular access via the Chaparal Street driveway. Access is precluded by a gate installed with locking mechanisms/keys.

25. Prior to the sign-off of any plans by the Zoning Administrator for any building permit and prior to the change in occupancy, the applicant shall submit parking, driveway and circulation plans to the satisfaction of the Department of Transportation, the Department of Building and Safety and the Bureau of Engineering, as applicable.

STATUS: No change in occupancy, no sign off of the plans by the Zoning Administrator are associated with the subject application.

26. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit plot plans to the Fire Department for review and approval and install fire hydrants if required, and comply with any plot plan requirements.

STATUS: The subject application is to allow a review of the applicant's condition compliance; therefore, this condition is not applicable to the subject application.

27. An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior

to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the Zoning Administrator upon its approval.

STATUS: Archer established an Emergency Procedures Plan prior to the issuance of a certificate of occupancy, which was issued on May 26, 1999. A copy of such document was submitted to the Zoning Administrator upon its approval.

28. A Security Plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the West Los Angeles Area Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the Zoning Administrator.

STATUS: Archer developed a Security Plan in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. The certificate of occupancy was approved May 26, 1999. In addition, Archer provided to the West Los Angeles Area Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response.

29. The property shall be internally secured when not in use.

STATUS: The property is internally secured when not in use with a guard station at the driveway entrance.

30. Prior to the sign off of any plans by the Zoning Administrator, the applicant shall submit plans to the satisfaction of the Bureau of Street Lighting and the Street Tree Division of the Bureau of Street Maintenance. No street lights are required along the Chaparal Street frontage unless and until the north side of the street is so improved.

STATUS: No sign off of plans is associated with the subject plan approval application.

31. Prior to the sign off of any plans by the Zoning Administrator, the applicant shall submit plans to the satisfaction of the Development Services Division of the City Engineer and provide evidence that fees required pursuant to Ordinance No. 171,502 have been paid in full. No sidewalk or curb is required along the Chaparal Street frontage unless and until the north side of the street is so improved.

STATUS: No sign off of plans is associated with the subject plan approval application.

32. All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties.

STATUS: All lighting is directed onto the site. Floodlighting is designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting is designed and installed with shielding such that the light source cannot be seen from adjacent properties.

Existing lighting within the campus consists of low-level exterior lights adjacent to the school building and along pathways for security and way-finding purposes. In addition, lamps within the on-site surface parking areas also are provided for security purposes.

33. The athletic field shall not be lighted except for low level security lighting.

STATUS: The athletic field is not lighted except for low level security lighting.

34. Noise mitigation:

- a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.

STATUS: No outdoor public address system has been installed or maintained on the subject property. There is no paging system which is audible outside the building in which it is located.

- b. A solid masonry wall 6 feet in height shall be built around the western parking lot between the field and parking lot to shield noise from neighbors. Solid masonry walls at the north, east and west property lines as well as the southerly property line adjoining residential uses shall be constructed a variable 6 to 10 feet in height after written consultation and response with each property owner to the satisfaction of the Zoning Administrator and with review and final wall approval by and to the satisfaction of the Zoning Administrator and prior to construction of the proposed gymnasium and prior to the use of the athletic field for athletic purposes. The Chaparal/Westgate Neighborhood Landscaping/Improvements Committee shall be established to recommend the appropriate wall heights, landscape buffers, buffer design and other improvements. On the north property line, the decision to have a wall or maintain the existing hedge cover and landscaping shall be recommended by the property owners on the north side of Chaparal opposite the school and the Committee.

STATUS: There is a solid masonry wall around the western parking lot between the field and parking lot to shield neighbors from noise.

- c. No amplified music or loud non-amplified music is permitted outside with the exception of one Saturday per school year for the High School Graduation ceremony between the hours of 10 a.m. and 3 p.m. Written notice to the neighbors and Council Office 10 days prior to the event is required.

STATUS: No amplified music or loud non-amplified music is played outside with the exception of one Saturday per school year for the High School Graduation ceremony between the hours of 10 a.m. and 3 p.m. Staff

previously used a non-permanent address system for limited uses on the athletic field including practices and games. Archer was notified of concern regarding this use, and since being notified Archer has ceased its use of the non-permanent address system on the athletic field.

- d. The gymnasium shall contain no openable windows on the north and east, openable windows, however, may be installed on the west and south. No doors shall be oriented to the north, east or west unless required by law, and then, only for emergencies or deliveries. All windows shall be double glazed. Windows and door shall remain closed whenever there is active use (except door may be used for entry/exit purposes).

STATUS: Archer has not constructed the approved gymnasium.

- e. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed by walls or otherwise attenuated so as to be inaudible off-site.

STATUS: Compressors and other equipment that may introduce noise impacts beyond the campus property line incorporate noise attenuation features as required by the LAMC.

- f. No exterior bells are permitted. Musical instruments used by members of the school's band or orchestra shall be confined to within the main building and the gymnasium.

STATUS: Archer has no exterior bells. Musical instruments used by members of the school's band or orchestra are confined to within the main building.

- 35. The applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect to the satisfaction of the Zoning Administrator and Council Office identifying existing and proposed landscaping. The plans shall include all open areas not used for buildings, driveways, parking areas, or walks.
 - a. The applicant shall submit a landscape plan identifying existing landscaping of the exterior side of the required fence adjacent to Chaparal Street as confirmed by the stamped approval of the Division of Street Trees.
 - b. The plans shall preserve the existing landscape between Sunset Boulevard and the existing main building except where removal of existing landscaping is required due to street widening along the project frontage.
 - c. Landscaping shall be utilized to mask maintenance facilities and utility apparatus that would otherwise be visible off-site.
 - d. All removed trees with a trunk diameter of 8 inches or greater shall be replaced on a minimum one-for-one basis with 36-inch box or larger.
 - e. All new landscaping shall comply with the Water Conservation Ordinance (Ordinance No. 170,978).

STATUS: No new landscape plan is required for the subject application. The school has been landscaped as required. All removed trees with a trunk diameter of 8 inches or greater were replaced on a minimum one-for-one basis with 36-inch box or larger. All new landscaping complies with the Water Conservation Ordinance (Ordinance No. 170,978).

36. The property shall be maintained in an attractive condition and shall be kept free of trash and debris.

STATUS: Staff visit indicates that the site was well-maintained and free of trash/debris.

37. Construction of tree wells and planting of street trees and parkway landscaping shall be to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.

STATUS: Not applicable to the subject application. Such construction was completed as required.

38. Construction

- a. The applicant shall provide a construction schedule to the Council Office, President of the Brentwood Homeowners Association and to adjacent property owners at least 30 days prior to the commencement of demolition, site excavation and construction. Hours of excavation, hauling and all types of construction shall be limited to 7:30 a.m. through 4:30 p.m., Monday through Friday. No such activities are permitted Saturday, Sunday or national holidays.
- b. A construction relations officer shall be designated by the property owner to serve as a liaison with neighbors concerning construction activity.
- c. All construction vehicles shall access the property via Sunset Boulevard. Chaparal Street shall not be used as a construction haul route.
- d. Construction-related vehicles may arrive at the site no earlier than 7 a.m. so that actual construction may begin at 7:30 a.m. Construction worker vehicles shall exit the property by 5 p.m. This condition does not apply to construction personnel engaged in supervisory, administrative or inspection activities.
- e. Construction personnel and construction-related vehicles shall not park on any street in the neighborhood. Haul trucks and construction equipment shall be cleaned, watered and/or covered before leaving the property. Any material spilled on the streets adjacent to the property shall be removed immediately by the contractor. Construction equipment and trucks shall be staged on the property. Haul trucks shall not queue on streets adjacent to the property.

- f. A maximum of two catering truck visits daily is permitted and such trucks shall be accommodated within the property. Catering truck operators shall be instructed in writing not to use their horn or other loud signal. A copy of such letter shall be submitted to the Zoning Administrator.
- g. Any portable toilets shall be on the property and not visible from adjoining properties or the public street.
- h. All excavating and grading activities shall be suspended when sustained wind speeds exceed 25 miles per hour in the excavation area, as enforced by the property owner and contractor. The construction area shall be sufficiently dampened to control dust caused by grading, hauling and wind.
- i. Compressors shall have noise suppression features so as to reduce noise impacts off-site.
- j. If noise levels from construction activity are determined to exceed 75 dBA at the property line of an adjacent property and construction equipment is stationary and operating for more than 24 hours, the equipment shall be turned off until a temporary noise barrier is erected between the noise source and the receptor to reduce the noise level to 75 dBA or less. The contractor shall take noise readings when loud activities is underway on a frequent basis.
- k. Sound blankets shall be used on all construction equipment where technically feasible.
- l. Fire Department access shall remain clear and unobstructed.
- m. All contractors involved in demolition and/or renovation activity shall comply with all applicable City, AQMD, Federal and State regulations including the requirements of SCAQMD Rule 1403, pertaining to the removal of asbestos-containing materials. At least one representative of the contractor removing asbestos-containing materials who has successfully completed the Asbestos Abatement Contractor/Supervisor course pursuant to the Asbestos Hazard Emergency Response Act shall be present during any stripping, removing, handling, or disturbing of asbestos-containing materials. Warning labels, signs, and/or markings shall be used to identify any asbestos-related health hazards created by demolition or renovation activity.

STATUS: The construction was completed and the school has been in operation since 1999.

No new construction is associated with the subject plan approval application.

- 39. The applicant shall implement, to the satisfaction of the Department of Transportation, all of the following transportation improvements prior to the issuance of any Certificate (or Temporary) of Occupancy:
 - a. Sunset Boulevard and Kenter Avenue -- Widen the south side of Sunset Boulevard west of the intersection by 12 feet within the existing right-of-way

from Kenter Avenue to a point approximately 205 feet west of the Kenter Avenue center line, to install an exclusive eastbound right-turn-only lane. Restripe the eastbound approach of Sunset Boulevard to provide one left-turn lane, two through lanes, and the new right-turn-only lane.

- b. Sunset Boulevard and Bundy Drive -- Widen the east side of Bundy Drive south of Sunset Boulevard by approximately three feet for a distance of approximately 175 feet. Restripe northbound Bundy Drive to provide a shared left-turn/through lane and an exclusive right-turn-only lane.
- c. Sunset Boulevard and Barrington Avenue.
 - 1) Dedicate 20 feet of property on the north side of Sunset Boulevard along the project frontage to provide a 50-foot half right-of-way.
 - 2) Widen the north side of Sunset Boulevard by 15 feet along the project frontage from Barrington Avenue to a point approximately 500 feet west of the Barrington centerline.
 - 3) Widen the south side of Sunset Boulevard by 5 feet from Barrington Avenue to Beverly Court. Widen the south side of Sunset Boulevard by 3 feet from Beverly Court to Granville Avenue. Modify the existing berm radius on the southwest corner of Sunset Boulevard and Granville Avenue.
 - 4) Widen up to 14 feet on the south side of Sunset Boulevard from Barrington Avenue to a point approximately 200 feet east of the Barrington Avenue centerline.
 - 5) Widen the west side of Barrington Avenue by up to 6 feet from Sunset Boulevard northerly to Chaparal Street to lengthen the southbound left-turn lane. The curb lane shall be converted to an optional left-turn/through/right-turn lane.
 - 6) Restripe the eastbound approach of Sunset Boulevard at Barrington Avenue to provide for a left-turn-only lane, two-way left turn median, two through lanes and a right-turn only lane.
 - 7) Modify and install traffic signal equipment as necessary and install split signal phasing for the southbound and northbound traffic to the satisfaction of the Department of Transportation. Modify/install/remove street lights, trees, raised islands, storm drains, curbs and gutters as necessary.
 - 8) Modify the raised islands at the southwest and southeast corners and restripe the northbound approach to provide a left-turn lane, and optional through/right-turn lane and a right-turn-only lane. Overlap phasing is provided to allow the traffic in the right-turn-only lane to move at the same time that the westbound left-turn traffic on Sunset Boulevard has a green arrow.

- d. Sunset Boulevard and Barrington Place -- Restripe the northbound approach of this intersection to provide one left-turn and two right-turn-only lanes. Modify the traffic signal to allow an eastbound right-turn overlap phase with the northbound "green" phase.
- e. Sunset Boulevard and Church Lane -- Widen the north side of Sunset Boulevard up to 10 feet for a distance of approximately 450 feet west of the intersection, to allow the existing southbound right-turn-only lane to function as a "free-right" lane.

STATUS: The required improvements were completed prior to the issuance of Certificate Occupancy for the school. No new construction/improvement is associated with the subject plan approval application.

40. The applicant shall establish and maintain a continuous program of communication with the surrounding community which, as a minimum, shall include the following components:

- a. A designated community relations representative and telephone number for neighbors to contact regarding any complaints or concerns. Calls shall be responded to by the following business day. A Neighborhood Liaison Committee shall be established composed of a representative from the Archer School, President of the Brentwood Homeowners Association, representative from the Council Office, Chair of the Brentwood Community Council, the Private Schools Representative of the Brentwood Community Council, President of the Brentwood Village Chamber of Commerce, all residents immediately abutting and adjacent to the school, and two members of the local neighborhood appointed by the Council Office. The Neighborhood Liaison Committee shall meet not less than two times per year. The representative from the Archer School shall meet at reasonable times with neighborhood representatives in an attempt to resolve such issues. A log shall be kept of all complaints and concerns including complainant's name, date, time, phone number, nature of complaint and the response or resolution offered. A copy of the log shall be made available to the Zoning Administrator in conjunction with the review of conditions set forth under Condition No. 44. The school administration shall be responsible for disseminating the name and phone number of the Archer School representative to the Council Office, Neighborhood Liaison Committee, all abutting and adjacent property owners, the President of the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, the President of the Brentwood Village Chamber of Commerce, and the Zoning Administrator. The neighborhood representatives shall also be responsible for disseminating their updated names and phone numbers to the representative from the Archer School.

STATUS: According to the applicant, Archer has a designated community relations representative and maintains a telephone number for neighbors to contact regarding any complaints or concerns. The contact information has been disseminated to the community as required. Calls and e-mails are responded to by the following business day.

Since Archer commenced operation in Brentwood in 1999, the school has hosted biannual Neighborhood Liaison meetings for a total of 28 neighbor meetings over the past 14 years. Archer maintains a log of all complaints and concerns including complainant's name, date, time, phone number, nature of complaint and the response or resolution offered. A copy of the log is provided to the case file showing the following number of calls:

- School year 2007-2008: 11 calls
- School year 2008-2009: three calls
- School year 2009-2010: No comments recorded
- School year 2010-2011: 11 calls
- School year 2011-2012: 17 calls

The complaints include the following:

- too much water from sprinklers on Chaparal Street,
- AC units cycling on and off at night,
- talking loudly in the parking lot,
- loud music on the weekend before 7 a.m.,
- fire alarm going off during the night,
- students being picked up across the street from school,
- students being dropped off at Barrington Court,
- girls screaming during the day,
- students and parents parking on residential streets,
- neighbors playing soccer on the field,
- inconsiderate drivers driving in an unsafe and reckless manner,
- mattresses being left by the west entrance gate,
- brown patches on the lawn,
- playing music on their phone during lunch,
- girls sitting by the neighbor's window having lunch,
- blasting music on the weekend,
- noise and overgrown trees from the easterly adjoining property,
- a light left on in the building,
- class being held outside after 8 a.m. and the level of noise,
- the metal manhole covers in the east driveway making loud noise when drivers drove over them,
- girls littering on Barrington Avenue.

The log indicates that the complaints were responded/addressed by the school staff.

- b. The school shall distribute a schedule every September to the Council Office, the Neighborhood Liaison Committee, all abutting and adjacent adjoining property owners, the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, the Private Schools Representative of the Brentwood Community Council, and the Zoning Administrator announcing the dates and times of all special events for the next 12 months.

STATUS: The applicant stated that prior to the start of school each year, Archer distributes the dates and times of all special events for the next 12 months to the community as required. A copy of the 2012 -2013 Special Events list is included in the case file showing back to school nights, school performances, graduation, school dances, admissions open house and interviews, parent orientation, school plays and 22 other special events. The event calendar includes the dates, times and the nature of the events.

41. For the existing main building, the project shall be provided with an air filtration system. However, this requirement shall not preclude the installation of operable windows which permit passive heating and cooling.

STATUS: Per applicant's statement, Archer has an air filtration system for the Main Building. Investigative staff reports indicate there were operable windows.

42. The Department of Water and Power and the Southern California Gas Company shall be consulted regarding feasible energy and water conservation features which shall be incorporated into the design of the project.

STATUS: Incorporated through previous approvals; no construction proposed.

43. The course of instruction offered at the school shall comply with all applicable requirements of the Education Code of the State of California for courses required to be taught in private independent schools.

STATUS: Per the applicant's statement, the course of instruction offered at the school complies with all applicable requirements of the Education Code of the State of California for courses required to be taught in private independent schools.

44. Five years from the effective date of this determination, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property, as well as the President of the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, and the President of the Brentwood Village Chamber of Commerce. The matter shall be set for public hearing with appropriate notice. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and Conditions of this grant, including the effectiveness of the carpool program, the management of circulation impacts of parking associated with Special Events and any documented noise impacts from parking operations and athletic activities on the surrounding residential properties. Upon review of the effectiveness of and compliance with the Conditions, the Zoning Administrator shall issue a determination. Such determination may modify the existing terms and Conditions add new terms and Conditions or delete one or more of them, all as deemed appropriate. The Zoning Administrator may also require one or more subsequent Plan Approval applications, if deemed necessary. The application shall include the following minimum information:

STATUS: The subject application was filed as required. The mailing list for the subject application included the community organizations and the council office, to which the hearing notice was required to be mailed.

a. The number of students enrolled by Grade level.

STATUS: The total enrollment indicates 430 students for grades 6 through 12.

b. Physical modifications involving expansion or change of use or location.

STATUS: No physical modifications are associated with the subject application. The applicant states that since the issuance of Archer's Certificate of Occupancy in 1999, there have been no changes of use or significant modification of the site except for a few minor modifications. Since the last Plan Approval application in November, 2007, the basement Art Room was rehabilitated and given minor cosmetic improvements in 2010 including the installation of vinyl composition tile flooring. This rehabilitation included no changes to the original steel casement hopper windows in arched openings. In the summer of 2012, Archer conducted a minor renovation of the first floor science classrooms and lower level restrooms.

c. Operational changes to the school such as hours of operation, parking policy or formation of liaison committees with the community.

STATUS: No changes to the existing operating conditions are proposed by the subject application.

d. Copies of the traffic monitoring report set forth in Condition No. 48 shall be simultaneously sent to the Council Office, the Neighborhood Liaison Committee, the President of the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, the President of the Brentwood Village Chamber of Commerce, and any abutting or adjacent neighbor so requesting a copy.

STATUS: The school conducted annual traffic counts for 5 years, beginning in 2004. Copies of the Traffic Monitoring Reports that include these traffic counts were submitted as set forth in Condition No. 48 through November 2008. As part of Archer's 2007 Plan Approval application Archer submitted copies of the Traffic Monitoring Reports for 2004 – 2006. Copies of the Traffic Monitoring Reports that were submitted in

2007 and 2008 are included in the case file. Archer has completed its requirement to conduct annual traffic counts.

e. A summary listing of attendance at each special event and identification of the events which utilized on-site parking only and which utilized off-site parking.

STATUS: A total of 47 Special Events are permitted. A summary listing attendance at each special event and identification of the events which utilized on-site parking and which utilized off-site parking for the

2011 – 2012 school year is included in the subject case file. The applicant also submitted a list of the Special Events held on Archer's campus during the 2010 – 2011, 2009 – 2010, 2008 – 2009, and 2007 – 2008 school years showing the special events held on campus since the last 2007 plan approval application were in compliance with the required conditions.

- f. The status of obtaining access easements that would enable vehicles on site to exit directly onto Barrington Avenue in lieu of exiting onto Chaparal Street.

STATUS: When the applicant first obtained its CUP in 1998, obtaining access easements that would enable vehicles on site to exit directly onto Barrington Avenue was contemplated. The applicant subsequently determined, based on its operations that such an access easement was unnecessary due to the low volume of traffic generated by the school. The exit along Chaparal Street is used primarily for emergency vehicle access.

- g. The status of participation in efforts to develop a comprehensive and effective schedule for staggering drop off and pick up times among the nearby schools so as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated, and possibly duplicative traffic patterns.

STATUS: Prior to establishing its own drop-off and pick-up times for its first year of operations at the school, the applicant conducted a comprehensive survey of the starting and ending class times of five schools in the nearby area. These included Brentwood Lower Campus, Brentwood Upper Campus, Saint Martin of Tours, Sunshine Pre-School, and University Synagogue Pre-School. Archer then developed its start times so that these times would not conflict with or overlap those of the other schools. A copy of Archer's 2011 – 2012 Daily Schedule and a summary of the starting and ending class times for other schools nearby are included in the subject case file. Archer schedule indicates the starting and ending times at 7:50 a.m. and 3:00 p.m., respectively. Other schools have starting class times between 7:55 a.m. to 9:10 a.m., and ending class times between 12 p.m. and 3:15 p.m. Archer has maintained the same starting and ending class times.

- h. The status of any plan for the respective schools to share vans and buses or to consolidate disparate transit programs into a common transit carrier if doing so would result in a cost-effective diminution of total vehicle trips.

STATUS: Archer previously reached out to nearby schools regarding working together to develop a shared transit program. No decision has been reached on a shared transit program. During the 2011 – 2012 school year approximately 85 percent of Archer's students used the school bus.

45. All school administrators, faculty and school board members shall be provided a copy of the instant determination.

STATUS: The applicant states that the school informs all school administrators, faculty and school board members about the terms and Conditions included in its Conditional Use Permit.

46. The school shall stagger beginning and ending class times so as to minimize conflict with other schools in the area. In conjunction therewith, the applicant shall submit to the satisfaction of the Zoning Administrator a summary of drop off and pick up times applicable to the nearest five schools prior to the issuance of a certificate of occupancy.

STATUS: Archer conducted a survey of the starting and ending class times of five schools in the nearby area. These included Brentwood Lower Campus, Brentwood Upper Campus, Saint Martin of Tours, Sunshine Pre-School, and University Synagogue Pre-School. Archer then developed its start times so that these times would not conflict with or overlap those of the other schools. Archer has maintained these same starting and ending class times. [Refer to Condition No. 44.g above.]

47. Prior to the issuance of any certificate or temporary certificate of occupancy for school use, the property owner shall submit to the satisfaction of the Department of Transportation a Neighborhood Traffic Protection Plan designed to control the intrusion of school-generated traffic into the surrounding residential neighborhood and prevent on-street school-generated parking in the vicinity.

- a. Prior to issuance of any Certificate of Occupancy, \$100,000 cash or a letter of credit for such amount shall be deposited in a Neighborhood Protection Fund and made available to the Department of Transportation for implementation of such Protection Plan.
- b. Among the measures to be considered are speed humps, a "No Left Turn" sign at the Barrington Avenue/Chaparral Street intersection and restricted/preferential parking.
- c. The applicant shall submit a copy of such plan to the Zoning Administrator, Council Office and the Liaison Committee upon its approval by the Department of Transportation and the Neighborhood Protection Committee.

STATUS: Prior to the issuance of its certificate of occupancy on May 26, 1999, Archer submitted to the Department of Transportation and Neighborhood Traffic Protection Plan.

On June 4, 2003, the Zoning Administrator issued a Letter of Modification authorizing the Department of Transportation to release the letter of credit obligation because there was no further purpose in holding the guarantee of funds as "[t]he record of performance with regard to traffic and parking since the commencement of classes in the Fall of 1999 demonstrates there is no need for any further mitigation in this regard." Furthermore, the Zoning Administrator dissolved the Neighborhood Traffic Protection Plan Committee established to review and approve a plan for the expenditure of the funds because it no longer had any mission.

48. A Traffic Monitoring Report shall be submitted to the Department of Transportation, Zoning Administrator and Council Office for review in April and November for the first three years following the issuance of a certificate of occupancy. Thereafter, the report shall be submitted each November for at least an additional five years [2004 through 2008]. Such reports shall conform to requirements provided by the Department of Transportation.

STATUS: During the 2004 Plan Approval process, Condition 48 was updated to insert the clarification in brackets that the annual November reports would be from 2004 through 2008. As part of Archer's 2007 Plan Approval application Archer submitted copies of the Traffic Monitoring Reports for 2004 – 2006. Copies of the Traffic Monitoring Reports that were submitted in 2007 and 2008 are included in the subject case file.

49. Page 1 of the grant and all conditions of approval shall be printed on the building plans submitted to the Zoning Administrator and all other affected City departments who are required to sign-off on building plans.

STATUS: No building plans are associated with the subject application.

50. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

STATUS: No covenant and agreement recorded for the prior 2007 determination [Case No. ZA 98-0158(CUZ)(PA3)] was submitted to the subject file.

51. As of July 1, 2001, power pole access shall be from the subject property only and not from the easterly adjoining property by July 1, 2001.

STATUS: The applicant states that power pole access is from the subject property only and not from the easterly adjoining property.

52. As of July 1, 2001, a retractable net of sufficient height and width shall be installed and maintained to prevent soccer balls from landing on the property at 11840 Chaparal Street. The net and any appurtenant structures shall be retracted or lowered when soccer games or practices are not occurring. Prior to installation, the applicant shall obtain written concurrence from the affected property owner as to the proposed design, and to subsequently obtain the sign-off of the Zoning Administrator.

STATUS: The required retractable net was installed and maintained along the western boundary of the soccer field as required. However, the adjoining neighbor at 11840 Chaparal Street testified at the hearing

that balls are still coming into his yard and girls hang out in the soccer field adjacent to his property resulting in substantial noise impacts.

The Zoning Administrator recommends that, in addition to the conditions and limitations imposed upon the applicant, the Councilmember of the Eleventh District convene a meeting of the Heads of School for the five existing schools in the vicinity as well as the Head of the Archer School with the objective of voluntarily developing a comprehensive and effective schedule for staggering drop off and pick up times among all such schools so as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated traffic patterns. Such meeting should also consider opportunities for the respective schools to share vans and buses or to consolidate disparate transit programs into a common transit carrier if doing so would result in a cost-effective diminution of total vehicle trips. The Zoning Administrator shall consider any such cooperative efforts in this regard in the scheduled review of Archer's operation.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in part:

"M. Development, Change or Discontinuance of Uses:

1. Development of Site. On any lot or portion thereof on which a conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, and existing institutions or school developments may be expanded as permitted in Subsection L of this Section, provided plans therefore are submitted to and approved by the Commission or by a Zoning Administrator, whichever has jurisdiction at that time ...".

FINDINGS:

Archer School has been in operation at the subject location since 1999 as a Certificate of Occupancy was issued on May 26, 1999 per the conditional use permit approved under Case No. ZA 98-0158(CUZ). The school's compliance with the operating conditions required by the conditional use permit was reviewed three times in the past on January 25, 2001, June 17, 2004 and November 14, 2007. The subject application is the fourth review of the condition compliance as required in Condition No. 44 of the 2007 determination under ZA 98-0158(CUZ)(PA3). No changes are proposed to the existing school facility or operation in conjunction with the subject application.

As summarized in the Condition Compliance Section of this determination, the applicant has attained substantial compliance with the imposed conditions. However, there are still outstanding issues the school needs to improve including noise from the athletic field, students being dropped off or picked up on adjoining streets, students/parents parking on Chaparal Street and Barrington Avenue, errant soccer balls landing on the neighboring property, etc. The review of the log for complaints indicates that there have been maintenance issues for school indoor lighting, an alarm system, an automatic sprinkler system for the landscaped area, a lack of maintenance and use of the school owned property at 141 North Barrington, and malfunction of the air conditioning system resulting in noise and disturbance to the surrounding neighbors. The westerly adjoining property owner at 11840 Chaparal Street stated that the existing fence along the westerly property line is

not effective in preventing soccer balls from landing on his property and students hang out in the area adjacent to his property resulting in noise impacts. The residents complain that students and parents park their vehicle on the surrounding streets and students are picked up and dropped off on the surrounding streets.

In order to correct the deficiencies, the following conditions were modified or added.

Condition No. 5 is modified for clarification. The prior convalescent home was remodeled for the existing school facility and there are no dwelling units on the school campus.

Condition No. 13 is modified to ensure that parents, students, faculty and staff are informed of all rules regulating school traffic and parking including the school's disciplinary policy for violation so they are all aware of the consequences of violation.

Condition No. 34.g is added to mitigate noise impacts to the surrounding properties. Except for regular athletic use and other permitted uses, students will not be allowed to hang out in the area adjacent to the westerly adjoining properties. Posting a sign informing students of this condition is required.

Condition No. 40.a is modified to ensure that the community has an opportunity to address the applicant's non-compliance issues with the operating conditions at the required community meetings. The residents complain that the community meetings are intended to discuss the school's compliance with the operating conditions, but, have recently been used to promote the proposed Archer School Forward school expansion project. The meeting agenda is required to include a review of any complaints or concerns received from the community.

Condition No. 44 is modified to require the next plan approval application to be filed within five years from the effective date of the subject determination.

Condition No. 44.i is added to ensure that the required average vehicle ridership of 3.0 persons per vehicle is maintained.

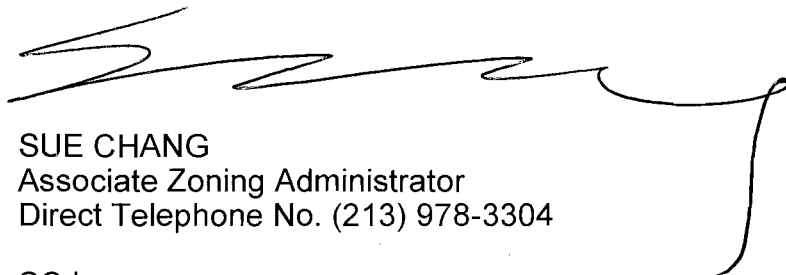
Condition No. 50 is modified to ensure the operating conditions as modified and added in this determination are recorded in a Covenant and Agreement in the County Recorder's Office.

Condition No. 54 is modified to correct the deficiencies associated with the existing fence along the westerly property line to prevent soccer balls from landing on the adjoining property.

All other prior conditions are retained as the conditions of the subject determination. The applicant is required to file a Plan Approval Application for condition compliance review within five years from the effective date of this determination. If the operation has been conducted appropriately and without creating problems, then a subsequent decision may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to add more restrictive conditions in order to mitigate the alleged impacts.

ADDITIONAL MANDATORY FINDINGS

1. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding.
2. On November 30, 2012, the project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV2012-3300-CE, for a Categorical Exemption, Class 1, Category 22, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.



SUE CHANG
Associate Zoning Administrator
Direct Telephone No. (213) 978-3304

SC:lmc

cc: Councilmember Mike Bonin
Eleventh District
Adjoining Property Owners

"ATTACHMENT A - 2013"CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
5. **[MODIFIED]** The physical plant shall be limited to the existing main building which contains a floor area of 95,500 square feet ~~including eight dwelling units limited to occupancy by school personnel and visiting guests~~, a proposed gymnasium building with a maximum floor area of 12,000 square feet located in the southeast corner of the lots zoned RE-11 and approximately 75 feet south of the property line along Chaparal Street, a maintenance building located at the northwest corner of the gym and shall be no closer to the Chaparal Street property line than the gym and shall be harmonious with the gym and attached, with a maximum floor area of 709 square feet and a height not to exceed 16 feet, an "east" and "west" parking area, a turf-covered athletic field, 200 bleacher seats located on the south side of the field and no more than 60 feet long and 5 feet high with 5 tiers of seats,, enclosing fences, driveways and landscaping.
6. The use of the subject property shall be limited to a private school for girls, Grades 6 through 12, with a maximum enrollment of 518 students. Maximum total enrollment is not intended to be reached. This number recognizes the inability of school admissions staff to know with precision the number of students who will actually matriculate relative to the number of students who are sent acceptance letters, and provides a cushion to protect the school from being out of compliance with its targeted baseline enrollment of 450 students.
7. Use restrictions:
 - a. Rental or lease of the facilities is not permitted, with the exception of not more than one day every five years by the Los Angeles Conservancy for a maximum of 200 people. [The term "rental of the facilities" is not dependent upon the payment of a fee. The use by homeowner and civic groups or an athletic contest not including an Archer Team, for example, is not permitted.]

- b. Parking provided on-site shall not be utilized for events or uses occurring at off-site locations unless the property owner files a shared parking application pursuant to Section 12.24-X,20 of the Municipal Code, and is granted such request. A public hearing must be held.
 - c. Rental or lease of the property for filming shall not be permitted at any time.
8. Gymnasium.
- a. The proposed gymnasium building shall not exceed 36 feet in height above existing adjacent ground elevation.
 - b. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of adjoining lots.
 - c. The maximum number of seats, whether fixed or movable, shall not exceed 450.
 - d. The maximum occupancy of the building shall not exceed 500 persons at any time, unless the Fire Department establishes a lesser number, and shall be so posted.
9. Trash storage and removal.
- a. Trash shall be contained within an enclosed area indicated on the plot plan and located at least 35 feet from any property line and not within view of adjoining properties or the public street. Trash pickup shall be made within the property, during the hours between 9 a.m. and 5 p.m., Monday through Friday.
 - b. The trash hauling company shall be informed by the applicant in a letter that all activity associated therewith shall be conducted in a manner so as not to interrupt traffic on the adjoining streets or cause excessive noise, disturbance or parking problems. The letter shall indicate that no service shall be permitted during the hours of student drop off and pick up. The applicable hours shall be stated in the letter. Upon mailing such letter to the trash hauling company, the applicant shall transmit a copy thereof to the Zoning Administrator.
10. Historic Resources
- a. All construction on the property shall be subject to design approval by the Cultural Heritage Commission. The existing main building shall be subject to the Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Structures.
 - b. New construction shall be compatible with the existing main building in accordance with the concepts described in the Secretary of the Interior's Standards and Preservation Brief No. 14, published by the National Park Service.

- c. Significant existing designated historic landscape features, including the front lawn, courtyard and fountain shall be retained. New landscaping shall respect the historic character of the building and, where possible, recreate or reference documented historic landscaping.

11. Hours of operation shall observe the following limitations per Exhibit B-2:

- a. For classroom instruction: 7 a.m. to 6 p.m., Monday through Friday for the main building, 7:30 a.m. to 6 p.m., Monday through Friday for the gym, and 7:40 a.m. to 6 p.m., Monday through Friday for the field. No classroom instruction is permitted on Saturday, Sunday or national holidays, with the exception of Columbus Day and Veterans Day when those days are used as regular school days.
- b. For gymnasium use: 7:30 a.m. to 6 p.m., Monday through Friday for class instruction, 6 p.m. to 7:30 p.m., Monday through Thursday for athletic practice, 6 p.m. to 7:30 p.m., Monday through Thursday for competitions/other schools (notice to neighbors required), 6 p.m. to 9 p.m., Fridays for athletic practice, 6 p.m. to 9 p.m., Fridays as needed for competitions/other schools (notice to neighbors is required), 10 a.m. to 9 p.m., Saturdays for athletic practice and 10 a.m. to 6 p.m., Saturdays as needed for play offs (notice to neighbors required). No gymnasium use is permitted on Sundays with exception of 3 admissions open houses between the hours of 12 p.m. to 5 p.m. (notice to the neighbors is required) or national holidays.
- c. For outdoor use:
 - 1) Passive use: 7:40 a.m. to 6 p.m., Monday through Friday and 10 a.m. to 6 p.m., Saturdays. No passive use is permitted on Sunday and national holidays, with the exception of Columbus Day and Veterans Day when those days are used as regular school days. Passive use is limited to schools students, staff and families as long as no "fans" or excessive noise is generated. Examples of passive uses include picnics, walking, sitting and eating lunch in designated areas.
 - ii) Athletic use: 7:40 a.m. to 6 p.m., Monday through Friday, with a limitation of 100 students at one time and 6 p.m. to 7 p.m., Monday through Friday for athletic practice. Saturday use is limited to 4 days a year with a 4 hour period between 10 a.m. and 6 p.m. for a school use within the established school program. No activities of any kind [e.g., setting up, deliveries, warm ups] shall take place on the field prior to 9 a.m. Within the 4 hour period limit, the 4 Saturday uses shall permit practices between the hours of 9 a.m. and 6 p.m., as needed, and competitions/other schools with a goal of being played between the hours of 3:30 p.m. and 6 p.m. Notice to the neighbors is required for competitions/other schools. Athletic use is not permitted on Sundays or national holidays, with the exception of Columbus Day and Veterans Day when those days are used as regular school days.
- d. Teacher preparations, normal school maintenance, parent conferences with teachers, school board meetings and similar customary school activities

cumulatively limited to 40 vehicles on the property at one time are permitted to 9 p.m., Monday through Friday.

- e. Not more than 47 "Special Events" are authorized. All Special Events are listed in Exhibit B-3, and summarized below. Full utilization of the 109 striped parking spaces on-site is limited to daily class time, parent conferences and teacher meetings, Competitions/Other Schools, scheduled performances, Back to School Nights, Graduation, and the annual Holiday Boutique. No parking is permitted on the athletic field. Permitted hours of Special Events are limited to those listed in Exhibit B-3, including any time needed to clean and restore the site, if necessary.
- 1) Back to School Nights - two days during the school year, Monday through Friday, 6 p.m. to 10 p.m.
 - 2) School Performances - four days during the school year, Fridays and Saturdays, 6 p.m. to 11 p.m. [approximately 200 attendees]
 - 3) Graduation - one Saturday during the school year, 10 a.m. to 3 p.m.
 - 4) School Dances/Socials - four days during the school year, Fridays and Saturdays, 6 p.m. to 11 p.m.
 - 5) Admissions Open Houses/Events - four Sundays and one Saturday, 12 noon to 5 p.m., each calendar year
 - 6) Parents Association Holiday Boutique - one day during the school year, Saturday 10 a.m. to 6 p.m. This event is open to the public. Only if the east parking lot is full may entering vehicles park in the west parking lot.
 - 7) Parent Orientations - Two days during the school year, Monday through Friday, 6:30 p.m. to 10 p.m.
 - 8) School Plays - Three Fridays and three Saturdays, 6 p.m. to 9 p.m., each calendar year.
 - 9) Twenty-two additional days annually as per Exhibit B-3, including:
 - a. Thirteen days, Monday through Saturday, 10 a.m. to 9 p.m., and
 - b. Nine days, Monday, Tuesday, and Thursday, 6 p.m. to 9 p.m. Parking for these events shall be limited to 65 vehicles on-site and shall be located in the east lot.

Written notification via US mail and electronic mail by the property owner is required to the Zoning Administrator, Council Office, President of the Brentwood Homeowners Association, Chair of the Brentwood Community Council, the Brentwood Village Chamber of Commerce, and all abutting and adjacent neighbors at least 45 days prior to such event date(s).

- f. The permitted maximum number of cars parked on-site is limited to those listed in Exhibit B-3. "Car" is defined as a passenger car with the maximum capacity of 10 persons. Events that require more parking shall use remote lots.
 - g. Motorized sweeping of the parking lots and driveways and motorized landscape maintenance shall occur only between the hours of 8 a.m. and 6 p.m., Monday through Saturday.
12. At least 109 permanent, striped parking spaces shall be provided in accordance with the provisions of Section 12.21-A,5 of the Municipal Code.
 13. **[MODIFIED]** The applicant shall inform parents, students, faculty and staff in writing on an annual basis of all rules regulating school traffic and parking, and the school's disciplinary policy for violation. A copy of said notice to parents, students, faculty and staff and a disciplinary action taken for violation during the preceding school year shall be mailed to the Zoning Administrator at the same time. The applicant shall maintain a progressive disciplinary system of enforcement in which the first violation shall result in suspending driving privileges to and from school for one week (both parent and students). The second violation shall result is suspending driving privileges two weeks (both parent and student). The third violation shall result in suspending driving privileges for one year (both parent and student). A violation requires that the student ride the bus. The school administration shall maintain a list of license plate numbers of all families whose children are enrolled as well as the license plate numbers for each employee who parks on the property.
 14. One or more parking monitors in orange vests or other distinctive attire shall be located at each driveway entrance during all drop off and pick up hours and at all special events to preclude parking on neighborhood streets (Chaparral and Barrington Avenue), noise from car horns, car radios, car alarms and loud voices, and to maintain smooth ingress to and egress from the parking areas. The monitors shall prevent exiting vehicles from traveling westbound on Chaparral Street or exiting onto Barrington Avenue and turning northbound. Monitors shall report any violations to the school administration, including any off-campus drop offs or pick ups which are observed, and applicable license plate numbers. Students who walk or bike to or from campus must have established proof of residency in the immediate area, or be issued a photo identification "transit pass".
 15. Any school-operated van and bus and all other vehicles which bring students to school and take them home shall park, load and unload students within the property and not on any adjoining streets, except that a maximum of 15 student carpool vehicles may park off-site at a Veterans Administration parking lot approved by the Zoning Administrator. The site shall be within student walking distance to the campus. The school shall issue identification permits to each vehicle parking at the lot. School personnel shall monitor such off-site parking location for student safety and to ensure that only student driver-registered carpool vehicles park in such lot and that no student vehicle is parked on neighborhood streets.
 16. Except during special events, all faculty, administrators, other employees and visitors shall be instructed by persons acting on behalf of the school to park on-site at designated locations.

17. The applicant shall implement a Traffic Management Program with a Trip Reduction Plan to the satisfaction of the Department of Transportation and the Zoning Administrator prior to the issuance of a certificate of occupancy or temporary certificate of occupancy. Components of such efforts shall include:
 - a. Achieving an average vehicle ridership of 3.0 persons per vehicle beginning January 31, 2000 through the following or similar actions. Failure to achieve the 3.0 ratio on schedule shall require the applicant to reduce the maximum number of students enrolled in the first September thereafter by an amount equal to the number of students below the 3.0 ratio and a \$2,100 fine for each trip to be deposited into the Neighborhood Protection Fund per DOT [e.g., a 3.0 ratio and an enrollment of 450 students, plus 50 faculty and administrative staff, results in 166 vehicles and a hypothetically observed 2.7 ratio results in 185 vehicles. Multiply 19 (the difference between 185 and 166) times 3.0 for a total reduction of 57 students]. Students who live within one-half mile of the property and who sign a contract with school administrators promising to walk to and from school every day and students who sign a contract with school administrators promising to bicycle to and from school every day may, at the discretion of the school administration, be issued a "transit pass" and for purposes of determining average vehicle ridership they shall be considered as carpool riders.
 - b. Appointing an overall school traffic coordinator for the program, appointment of parent coordinators for each class, distribution of literature explaining the program, distribution of family names and phone numbers so that parents can identify potential carpool opportunities, and requiring parents to sign a contract for carpool plan participation.
 - c. Providing preferred parking locations for carpool vehicles.
 - d. Scheduling classes to avoid peak hour drop off and pick up activity of nearby schools.
 - e. Conducting annual traffic counts for 5 years, beginning in 2004, at all school driveways at the applicant's expense by a licensed traffic engineer to be taken on one day of a typical five-day school week between the hours of 7 a.m. and 9 a.m. in October on a date not to be disclosed to the school in advance. The Department of Transportation shall be informed by the engineer prior to the taking of such traffic counts to permit their observation of same.
 - f. Investigating or implementing distribution of public transit passes or subsidies for faculty and administrators.
 - g. Submitting annual Traffic Management Program Reports to the Zoning Administrator, Department of Transportation, Council Office and President of the Brentwood Homeowners Association indicating average vehicle ridership and compliance with implementation mechanisms above, or others as approved by Department of Transportation and the Zoning Administrator. Such reports shall be considered at the review of operations set forth in Condition No. 44.

- h. Utilization of vans/buses to transport 50% of the student enrollment on a daily basis within two years from the date of the issuance of the Certificate of Occupancy.
- 18. A maximum of 15 student carpools are permitted consisting of 3 students in each vehicle. Additional carpools are permitted consisting of 4 or more students in each vehicle. Student drivers are limited to only the 11th and 12th graders.
- 19. A school fee of not less than \$750 per student per year shall be charged to support the school's student busing program. The school shall contract with a licensed transportation provider and offer routes designed to achieve bus usage by 50 percent of the enrollment within two years of the issuance of the Certificate of Occupancy. The transit provider shall utilize transit routes to and from the property which minimize use of local streets and minimize congestion on major and secondary routes, to the satisfaction of the Department of Transportation.
- 20. Special Event Parking
 - a. If a special event at the property is expected to attract more than the permitted number of cars per Exhibit B-3, then off-site parking for vehicles in excess of those limitations shall be provided at the Veterans Administration property and/or other locations which the school may secure, to the satisfaction of the Zoning Administrator. Except for school staff, faculty, and employees who are permitted to utilize on-site parking, all guest parking for Grandparents' Day (if applicable) and 12th Grade Graduation shall be provided at the Veterans Administration property and/or, to the satisfaction of the Zoning Administrator, other locations which the school may secure. Those persons attending the event shall be instructed to park in such off-site parking locations, and a shuttle service shall be provided to transport visitors to the school. The off-site locations shall not include any parking on residential streets within 500 feet of the school.
 - b. The school administration shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity. Condition 11.f provides additional on-site parking restrictions.
- 21. All exterior signs shall be of an identification or directional type and shall be indicated on plans submitted to and approved by the Zoning Administrator prior to the issuance of permits therefore.
- 22. Delivery vehicles shall enter and exit the property from Sunset Boulevard only. The property owner shall instruct companies who deliver to do so between 7:30 a.m. and 6 p.m. but outside the stated hours of student drop off and pick up.
- 23. Buses shall enter and exit the site via Sunset Boulevard only. Buses shall queue within the internal campus driveways. The school shall monitor buses to make sure they do not idle with their engines running. Neither buses nor passenger vehicles

shall queue on local streets or Sunset Boulevard except as permitted by DOT, e.g., left turn lanes for entering school on Sunset Boulevard.

24. Except for egress to accommodate pick up and drop off of students as specified by the Department of Transportation study and limited to one hour in the a.m. and one hour in the p.m. with vehicle limit and emergency vehicle access, vehicular access via any Chaparal Street driveway is prohibited and shall be precluded by a gate installed with locking mechanisms/keys. Monitors shall restrict cars from exiting onto Chaparal when there is a queue at Chaparal and Barrington.
25. Prior to the sign-off of any plans by the Zoning Administrator for any building permit and prior to the change in occupancy, the applicant shall submit parking, driveway and circulation plans to the satisfaction of the Department of Transportation, the Department of Building and Safety and the Bureau of Engineering, as applicable.
26. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit plot plans to the Fire Department for review and approval and install fire hydrants if required, and comply with any plot plan requirements.
27. An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the Zoning Administrator upon its approval.
28. A Security Plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the West Los Angeles Area Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the Zoning Administrator.
29. The property shall be internally secured when not in use.
30. Prior to the sign off of any plans by the Zoning Administrator, the applicant shall submit plans to the satisfaction of the Bureau of Street Lighting and the Street Tree Division of the Bureau of Street Maintenance. No street lights are required along the Chaparal Street frontage unless and until the north side of the street is so improved.
31. Prior to the sign off of any plans by the Zoning Administrator, the applicant shall submit plans to the satisfaction of the Development Services Division of the City Engineer and provide evidence that fees required pursuant to Ordinance No. 171,502 have been paid in full. No sidewalk or curb is required along the Chaparal Street frontage unless and until the north side of the street is so improved.
32. All lighting shall be directed onto the site. Floodlighting shall be designed and installed to preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties.

33. The athletic field shall not be lighted except for low level security lighting.
34. Noise mitigation:
 - a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
 - b. A solid masonry wall 6 feet in height shall be built around the western parking lot between the field and parking lot to shield noise from neighbors. Solid masonry walls at the north, east and west property lines as well as the southerly property line adjoining residential uses shall be constructed a variable 6 to 10 feet in height after written consultation and response with each property owner to the satisfaction of the Zoning Administrator and with review and final wall approval by and to the satisfaction of the Zoning Administrator and prior to construction of the proposed gymnasium and prior to the use of the athletic field for athletic purposes. The Chaparal/Westgate Neighborhood Landscaping/Improvements Committee shall be established to recommend the appropriate wall heights, landscape buffers, buffer design and other improvements. On the north property line, the decision to have a wall or maintain the existing hedge cover and landscaping shall be recommended by the property owners on the north side of Chaparal opposite the school and the Committee.
 - c. No amplified music or loud non-amplified music is permitted outside with the exception of one Saturday per school year for the High School Graduation ceremony between the hours of 10 a.m. and 3 p.m. Written notice to the neighbors and Council Office 10 days prior to the event is required.
 - d. The gymnasium shall contain no openable windows on the north and east, openable windows, however, may be installed on the west and south. No doors shall be oriented to the north, east or west unless required by law, and then, only for emergencies or deliveries. All windows shall be double glazed. Windows and door shall remain closed whenever there is active use (except door may be used for entry/exit purposes).
 - e. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed by walls or otherwise attenuated so as to be inaudible off-site.
 - f. No exterior bells are permitted. Musical instruments used by members of the school's band or orchestra shall be confined to within the main building and the gymnasium.
 - g. **[ADDED]** Except for regular athletic use and other permitted uses, students shall not be allowed to hang out in the area adjacent to the westerly adjoining properties in order to mitigate noise to neighbors. A sign informing students of such a school policy shall be posted on the wall and conspicuous place along the western boundary of the field and the western parking lot.

Within 30 days from the effective date of the subject determination, evidence of compliance with this condition, e.g., a notice distributed to students and

photographs of the posted signs etc., shall be submitted to the Zoning Administrator for inclusion in the case file.

35. The applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect to the satisfaction of the Zoning Administrator and Council Office identifying existing and proposed landscaping. The plans shall include all open areas not used for buildings, driveways, parking areas, or walks.
 - a. The applicant shall submit a landscape plan identifying existing landscaping of the exterior side of the required fence adjacent to Chaparal Street as confirmed by the stamped approval of the Division of Street Trees.
 - b. The plans shall preserve the existing landscape between Sunset Boulevard and the existing main building except where removal of existing landscaping is required due to street widening along the project frontage.
 - c. Landscaping shall be utilized to mask maintenance facilities and utility apparatus that would otherwise be visible off-site.
 - d. All removed trees with a trunk diameter of 8 inches or greater shall be replaced on a minimum one-for-one basis with 36-inch box or larger.
 - e. All new landscaping shall comply with the Water Conservation Ordinance (Ordinance No. 170,978).
36. The property shall be maintained in an attractive condition and shall be kept free of trash and debris.
37. Construction of tree wells and planting of street trees and parkway landscaping shall be to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
38. Construction
 - a. The applicant shall provide a construction schedule to the Council Office, President of the Brentwood Homeowners Association and to adjacent property owners at least 30 days prior to the commencement of demolition, site excavation and construction. Hours of excavation, hauling and all types of construction shall be limited to 7:30 a.m. through 4:30 p.m., Monday through Friday. No such activities are permitted Saturday, Sunday or national holidays.
 - b. A construction relations officer shall be designated by the property owner to serve as a liaison with neighbors concerning construction activity.
 - c. All construction vehicles shall access the property via Sunset Boulevard. Chaparal Street shall not be used as a construction haul route.
 - d. Construction-related vehicles may arrive at the site no earlier than 7 a.m. so that actual construction may begin at 7:30 a.m. Construction worker vehicles shall exit the property by 5 p.m. This condition does not apply to

construction personnel engaged in supervisory, administrative or inspection activities.

- e. Construction personnel and construction-related vehicles shall not park on any street in the neighborhood. Haul trucks and construction equipment shall be cleaned, watered and/or covered before leaving the property. Any material spilled on the streets adjacent to the property shall be removed immediately by the contractor. Construction equipment and trucks shall be staged on the property. Haul trucks shall not queue on streets adjacent to the property.
- f. A maximum of two catering truck visits daily is permitted and such trucks shall be accommodated within the property. Catering truck operators shall be instructed in writing not to use their horn or other loud signal. A copy of such letter shall be submitted to the Zoning Administrator.
- g. Any portable toilets shall be on the property and not visible from adjoining properties or the public street.
- h. All excavating and grading activities shall be suspended when sustained wind speeds exceed 25 miles per hour in the excavation area, as enforced by the property owner and contractor. The construction area shall be sufficiently dampened to control dust caused by grading, hauling and wind.
- i. Compressors shall have noise suppression features so as to reduce noise impacts off-site.
- j. If noise levels from construction activity are determined to exceed 75 dBA at the property line of an adjacent property and construction equipment is stationary and operating for more than 24 hours, the equipment shall be turned off until a temporary noise barrier is erected between the noise source and the receptor to reduce the noise level to 75 dBA or less. The contractor shall take noise readings when loud activities is underway on a frequent basis.
- k. Sound blankets shall be used on all construction equipment where technically feasible.
- l. Fire Department access shall remain clear and unobstructed.
- m. All contractors involved in demolition and/or renovation activity shall comply with all applicable City, AQMD, Federal and State regulations including the requirements of SCAQMD Rule 1403, pertaining to the removal of asbestos-containing materials. At least one representative of the contractor removing asbestos-containing materials who has successfully completed the Asbestos Abatement Contractor/Supervisor course pursuant to the Asbestos Hazard Emergency Response Act shall be present during any stripping, removing, handling, or disturbing of asbestos-containing materials. Warning labels, signs, and/or markings shall be used to identify any asbestos-related health hazards created by demolition or renovation activity.

39. The applicant shall implement, to the satisfaction of the Department of Transportation, all of the following transportation improvements prior to the issuance of any Certificate (or Temporary) of Occupancy:

- a. Sunset Boulevard and Kenter Avenue -- Widen the south side of Sunset Boulevard west of the intersection by 12 feet within the existing right-of-way from Kenter Avenue to a point approximately 205 feet west of the Kenter Avenue center line, to install an exclusive eastbound right-turn-only lane. Restripe the eastbound approach of Sunset Boulevard to provide one left-turn lane, two through lanes, and the new right-turn-only lane.
- b. Sunset Boulevard and Bundy Drive -- Widen the east side of Bundy Drive south of Sunset Boulevard by approximately three feet for a distance of approximately 175 feet. Restripe northbound Bundy Drive to provide a shared left-turn/through lane and an exclusive right-turn-only lane.
- c. Sunset Boulevard and Barrington Avenue.
 - 1) Dedicate 20 feet of property on the north side of Sunset Boulevard along the project frontage to provide a 50-foot half right-of-way.
 - 2) Widen the north side of Sunset Boulevard by 15 feet along the project frontage from Barrington Avenue to a point approximately 500 feet west of the Barrington centerline.
 - 3) Widen the south side of Sunset Boulevard by 5 feet from Barrington Avenue to Beverly Court. Widen the south side of Sunset Boulevard by 3 feet from Beverly Court to Granville Avenue. Modify the existing berm radius on the southwest corner of Sunset Boulevard and Granville Avenue.
 - 4) Widen up to 14 feet on the south side of Sunset Boulevard from Barrington Avenue to a point approximately 200 feet east of the Barrington Avenue centerline.
 - 5) Widen the west side of Barrington Avenue by up to 6 feet from Sunset Boulevard northerly to Chaparal Street to lengthen the southbound left-turn lane. The curb lane shall be converted to an optional left-turn/through/right-turn lane.
 - 6) Restripe the eastbound approach of Sunset Boulevard at Barrington Avenue to provide for a left-turn-only lane, two-way left turn median, two through lanes and a right-turn only lane.
 - 7) Modify and install traffic signal equipment as necessary and install split signal phasing for the southbound and northbound traffic to the satisfaction of the Department of Transportation. Modify/install/remove street lights, trees, raised islands, storm drains, curbs and gutters as necessary.
 - 8) Modify the raised islands at the southwest and southeast corners and restripe the northbound approach to provide a left-turn lane, and

optional through/right-turn lane and a right-turn-only lane. Overlap phasing is provided to allow the traffic in the right-turn-only lane to move at the same time that the westbound left-turn traffic on Sunset Boulevard has a green arrow.

- d. Sunset Boulevard and Barrington Place -- Restripe the northbound approach of this intersection to provide one left-turn and two right-turn-only lanes. Modify the traffic signal to allow an eastbound right-turn overlap phase with the northbound "green" phase.
 - e. Sunset Boulevard and Church Lane -- Widen the north side of Sunset Boulevard up to 10 feet for a distance of approximately 450 feet west of the intersection, to allow the existing southbound right-turn-only lane to function as a "free-right" lane.
40. The applicant shall establish and maintain a continuous program of communication with the surrounding community which, as a minimum, shall include the following components:
- a. **[MODIFIED]** A designated community relations representative and telephone number for neighbors to contact regarding any complaints or concerns. Calls shall be responded to by the following business day. A Neighborhood Liaison Committee shall be established composed of a representative from the Archer School, President of the Brentwood Homeowners Association, representative from the Council Office, Chair of the Brentwood Community Council, the Private Schools Representative of the Brentwood Community Council, President of the Brentwood Village Chamber of Commerce, all residents immediately abutting and adjacent to the school, and two members of the local neighborhood appointed by the Council Office. The Neighborhood Liaison Committee shall meet not less than two times per year. The representative from the Archer School shall meet at reasonable times with neighborhood representatives in an attempt to resolve such issues. The Neighborhood meeting notice and agenda shall be mailed to the Neighborhood Liaison Committee at least 10 days prior to the scheduled meeting. The meeting agenda shall include a review of any complaints or concerns received from the community and their resolutions. A log shall be kept of all complaints and concerns including complainant's name, date, time, phone number, nature of complaint and the response or resolution offered. A copy of the log and minutes and agenda of the Neighborhood Liaison meetings shall be made available to the Zoning Administrator in conjunction with the review of conditions set forth under Condition No. 44. The school administration shall be responsible for disseminating the name and phone number of the Archer School representative to the Council Office, Neighborhood Liaison Committee, all abutting and adjacent property owners, the President of the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, the President of the Brentwood Village Chamber of Commerce, and the Zoning Administrator. The neighborhood representatives shall also be responsible for disseminating their updated names and phone numbers to the representative from the Archer School.
 - b. The school shall distribute a schedule every September to the Council Office, the Neighborhood Liaison Committee, all abutting and adjacent adjoining

property owners, the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, the Private Schools Representative of the Brentwood Community Council, and the Zoning Administrator announcing the dates and times of all special events for the next 12 months.

41. For the existing main building, the project shall be provided with an air filtration system. However, this requirement shall not preclude the installation of operable windows which permit passive heating and cooling.
42. The Department of Water and Power and the Southern California Gas Company shall be consulted regarding feasible energy and water conservation features which shall be incorporated into the design of the project.
43. The course of instruction offered at the school shall comply with all applicable requirements of the Education Code of the State of California for courses required to be taught in private independent schools.
44. **[MODIFIED]** Within five Five years from the effective date of this determination, the property owner shall file a Plan Approval application and associated fees together with mailing labels for all property owners and tenants within 500 feet of the property, as well as the President of the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, and the President of the Brentwood Village Chamber of Commerce. The matter shall be set for public hearing with appropriate notice. The purpose of the Plan Approval shall be to review the effectiveness of, and the level of compliance with, the terms and Conditions of this grant, including the effectiveness of the carpool program, the management of circulation impacts of parking associated with Special Events and any documented noise impacts from parking operations and athletic activities on the surrounding residential properties. Upon review of the effectiveness of and compliance with the Conditions, the Zoning Administrator shall issue a determination. Such determination may modify the existing terms and Conditions, add new terms and Conditions or delete one or more of them, all as deemed appropriate. The Zoning Administrator may also require one or more subsequent Plan Approval applications, if deemed necessary. The application shall include the following minimum information:
 - a. The number of students enrolled by Grade level.
 - b. Physical modifications involving expansion or change of use or location.
 - c. Operational changes to the school such as hours of operation, parking policy or formation of liaison committees with the community.
 - d. Copies of the traffic monitoring report set forth in Condition No. 48 shall be simultaneously sent to the Council Office, the Neighborhood Liaison Committee, the President of the Brentwood Homeowners Association, the Chair of the Brentwood Community Council, the President of the Brentwood Village Chamber of Commerce, and any abutting or adjacent neighbor so requesting a copy.

- e. A summary listing of attendance at each special event and identification of the events which utilized on-site parking only and which utilized off-site parking.
 - f. The status of obtaining access easements that would enable vehicles on site to exit directly onto Barrington Avenue in lieu of exiting onto Chaparal Street.
 - g. The status of participation in efforts to develop a comprehensive and effective schedule for staggering drop off and pick up times among the nearby schools so as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated, and possibly duplicative traffic patterns.
 - h. The status of any plan for the respective schools to share vans and buses or to consolidate disparate transit programs into a common transit carrier if doing so would result in a cost-effective diminution of total vehicle trips.
 - i. **[ADDED]** Evidence of compliance with Condition No. 17a, which requires an average vehicle ridership of 3.0 persons per vehicle for the last 5 years prior to the required plan approval application.
45. All school administrators, faculty and school board members shall be provided a copy of the instant determination.
46. The school shall stagger beginning and ending class times so as to minimize conflict with other schools in the area. In conjunction therewith, the applicant shall submit to the satisfaction of the Zoning Administrator a summary of drop off and pick up times applicable to the nearest five schools prior to the issuance of a certificate of occupancy.
47. Prior to the issuance of any certificate or temporary certificate of occupancy for school use, the property owner shall submit to the satisfaction of the Department of Transportation a Neighborhood Traffic Protection Plan designed to control the intrusion of school-generated traffic into the surrounding residential neighborhood and prevent on-street school-generated parking in the vicinity.
- a. Prior to issuance of any Certificate of Occupancy, \$100,000 cash or a letter of credit for such amount shall be deposited in a Neighborhood Protection Fund and made available to the Department of Transportation for implementation of such Protection Plan.
 - b. Among the measures to be considered are speed humps, a "No Left Turn" sign at the Barrington Avenue/Chaparal Street intersection and restricted/preferential parking.
 - c. The applicant shall submit a copy of such plan to the Zoning Administrator, Council Office and the Liaison Committee upon its approval by the Department of Transportation and the Neighborhood Protection Committee.
48. A Traffic Monitoring Report shall be submitted to the Department of Transportation, Zoning Administrator and Council Office for review in April and November for the first three years following the issuance of a certificate of occupancy. Thereafter, the

report shall be submitted each November for at least an additional five years [2004 through 2008]. Such reports shall conform to requirements provided by the Department of Transportation.

49. Page 1 of the grant and all conditions of approval shall be printed on the building plans submitted to the Zoning Administrator and all other affected City departments who are required to sign-off on building plans.
50. **[MODIFIED]** ~~Prior to the issuance of any permits relative to this matter~~ Within 15 days from the effective date of the subject determination, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
51. As of July 1, 2001, power pole access shall be from the subject property only and not from the easterly adjoining property by July 1, 2001.
52. **[MODIFIED]** As of July 1, 2001, a retractable net of sufficient height and width shall be installed and maintained to prevent soccer balls from landing on the property at 11840 Chaparal Street. The net and any appurtenant structures shall be retracted or lowered when soccer games or practice are not occurring. Prior to installation, the applicant shall obtain written concurrence from the affected property owner as to the proposed design, and to subsequently obtain the sign-off of the Zoning Administrator.

The applicant shall evaluate the effectiveness of the existing retractable net and the fence/wall along the westerly property line to prevent soccer balls from landing on the adjoining property. Prior to correcting the deficiencies, the applicant shall review a new or modified design of the errant ball mitigation measure with the affected property owner.

Within 120 days from the effective date of the subject determination, evidence showing that the deficiencies are corrected as required in this condition, shall be submitted to the Zoning Administrator.

The Zoning Administrator recommends that, in addition to the conditions and limitations imposed upon the applicant, the Councilmember of the Eleventh District convene a meeting of the Heads of School for the five existing schools in the vicinity as well as the Head of the Archer School with the objective of voluntarily developing a comprehensive and effective schedule for staggering drop off and pick up times among all such schools so as to be sensitive to the preferences of their respective parent and student bodies and no less so to the property owners affected by such otherwise uncoordinated traffic patterns. Such meeting should also consider opportunities for the respective schools to share vans and buses or to consolidate disparate transit programs into a common transit carrier if doing so would result in a cost-effective diminution of total vehicle trips. The Zoning Administrator shall consider any such cooperative efforts in this regard in the scheduled review of Archer's operation.

EVENT	MAIN	GYM	FIELD	PARKED CARS ¹
Classes	Mon - Fri 7 a.m. - 6 p.m.	Mon - Fri 7 a.m. - 6 p.m.	Mon - Fri 7:40 a.m. - 6 p.m.	109
Parents Conference/ Teachers Meetings	Mon-Fri 6 p.m. - 9 p.m.			109
Regular Athletic Use		Mon - Fri 7:40 a.m. - 9 p.m.	Mon - Fri 7:40 a.m. - 6 p.m.	25
Archer Teams Practice		Mon - Fri 3:30 p.m. - 6 p.m., and 10 Sat 10 a.m. - 6 p.m. with 4- hour limit	Mon - Fri 3:30 p.m. - 6 p.m., and 10 Sat 10 a.m. - 6 p.m. with 4-hour limit	25
Competitions/Other Schools ²		Mon - Fri 3:30 p.m. - 6 p.m.	Mon - Fri 3:30 p.m. - 6 p.m. ³	as needed ³
4 Dances ²		Fri - Sat 6 p.m. - 11 p.m.		109
4 Performances ²		Fri - Sat 6 p.m. - 11 p.m.		109
5 Admissions Open Houses ²	Sat/Sun 12 p.m. - 5 p.m.	Sat/Sun 12 p.m. - 5 p.m.		109
2 Back To School ²	Mon - Fri 6 p.m. - 10 p.m.	Mon - Fri 6 p.m. - 10 p.m. ³		109
1 Graduation ²		Sat 10 a.m. - 3 p.m.	Sat 10 a.m. - 3 p.m. ³	109
2 Holiday Boutique ²			Fri 7:40 a.m. - 6 p.m. and Sat 10 a.m. - 6 p.m.	109
21 Unspecified ²	Mon - Sat 10 a.m. - 9 p.m.	Mon - Sat 10 a.m. - 9 p.m.		65
1 Conservancy ²	Once/5 years 10 a.m. - 9 p.m.		Once/5 years 10 a.m. - 9 p.m.	109

*No field parking allowed

*All holidays excluded, except for Columbus Day and Veterans Day

¹ Passenger cars with 10 maximum capacity

² Notice requirement

³ "As needed" - when an event is not appropriate indoors or when the school cannot accommodate its needs indoors.

CHART OF SPECIAL EVENTS - 2013
ZA 98-0158(CUZ)(PA4)

	Event Name	Time/Day		Parked Cars On-Site		Approx. Attendance (includes Faculty & Staff)
		Existing (per CUP)	Revised in 2007 Determination	Existing (per CUP)	Revised in 2007 Determination	
1	Back to School Night (Middle School)	6PM-10PM (Mon-Fri)		109		300
2	Back to School Night (Upper School)	6PM-10PM (Mon-Fri)		109		200
3	School Performance	6PM-11PM (Fri & Sat)		109		120 (CUP allows 200)
4	School Performance	6PM-11PM (Fri & Sat)		109		120 (CUP allows 200)
5	School Performance	6PM-11PM (Fri & Sat)		109		150 (CUP allows 200)
6	School Performance	6PM-11PM (Fri & Sat)		109		150 (CUP allows 200)
7	Graduation (12th Grade)	10AM-3PM (Sat)		109		750 (Off site parking provided for all guests.)
8	Dance ("6th Grade Social")	6PM-11PM (Fri & Sat)		55		50
9	Dance ("7th Grade Social")	6PM-11PM (Fri & Sat)		55		50
10	Dance ("8th Grade Social")	6PM-11PM (Fri & Sat)		55		50
11	Dance ("9th & 10th Grade Social")	6PM-11PM (Fri & Sat)		55		100

	Event Name	Time/Day		Parked Cars On-Site		Approx. Attendance (includes Faculty & Staff)
12	Admissions Open House	12 NOON-5PM (Sun)		50		500
13	Admissions Open House	12 NOON-5PM (Sun)		50		500
14	Admissions Open House	12 NOON-5PM (Sun)		50		500
15	Admissions Open House	12 NOON-5PM (Sun)		50		500
16	Admissions Open House	12 NOON-5PM (Sat)		50		100
17	*Holiday Boutique	10AM-6PM (Sat)		109		400
18	Unspecified Event (i.e. 8th Grade Graduation)	10AM-9PM (Mon-Sat)		65		80
19	Unspecified Event (Parent Orientation – To be delineated)	10AM-9PM (Mon-Sat)	6:30PM-10PM (Mon-Fri)	65		200
20	Unspecified Event (Parent Orientation– To be delineated)	10AM-9PM (Mon-Sat)	6:30PM-10PM (Mon-Fri)	65		200
21	Unspecified Event (Middle School Play– To be delineated)	10AM-9PM (Mon-Sat)	6PM-10PM (Fri)	65		120
22	Unspecified Event (Middle School Play– To be delineated)	10AM-9PM (Mon-Sat)	6PM-10PM (Sat)	65		120
23	Unspecified Event (Upper School Play– To be delineated)	10AM-9PM (Mon-Sat)	6PM-10PM (Fri)	65		120
24	Unspecified Event (Upper School Play– To be delineated)	10AM-9PM (Mon-Sat)	6PM-10PM (Sat)	65		120

	Event Name	Time/Day		Parked Cars On-Site		Approx. Attendance (includes Faculty & Staff)
25	Unspecified Event (All School Musical- To be delineated)	10AM-9PM (Mon-Sat)	6PM-10PM (Fri)	65		120
26	Unspecified Event (All School Musical- To be delineated)	10AM-9PM (Mon-Sat)	6PM-10PM (Sat)	65		120
27	Unspecified Event (i.e. Grandparents' Day)	10AM-9PM (Mon-Sat)		65		550 (Off site parking provided for all guests.)
28	Unspecified Event (i.e. New Family Social)	10AM-9PM (Mon-Sat)		65		300
29	Unspecified Event (i.e. Senior Dessert Night)	10AM-9PM (Mon-Sat)		65		120
30	Unspecified Event (i.e. Art Gallery Show)	10AM-9PM (Mon-Sat)		65		150
31	Unspecified Event (i.e. Art Gallery Show)	10AM-9PM (Mon-Sat)		65		150
32	Unspecified Event (i.e. Art Gallery Show)	10AM-9PM (Mon-Sat)		65		150
33	Unspecified Event (i.e. Speaker)	10AM-9PM (Mon-Sat)		65		100
34	Unspecified Event (i.e. Junior College Night)	10AM-9PM (Mon-Sat)		65		75
35	Unspecified Event (i.e. 10th Grade College Night)	10AM-9PM (Mon-Sat)		65		75
36	Unspecified Event (i.e. 9th Grade College Night)	10AM-9PM (Mon-Sat)		65		75
37	Unspecified Event (i.e. Dad's & Daughters' Movie Night)	10AM-9PM (Mon-Sat)		65		30

	Event Name	Time/Day		Parked Cars On-Site		Approx. Attendance (includes Faculty & Staff)
38	Unspecified Event (i.e. Spanish Speaking Parent Night)	10AM-9PM (Mon-Sat)		65		25
39	Unspecified Event (i.e. Community Service Project)		After school 6:00PM-9PM (M,T,TH)		65	40 (100 max.)
40	Unspecified Event (i.e. Geek Week Student Night)		After school 6:00PM-9PM (M,T,TH)		65	30 (100 max.)
41	Unspecified Event (i.e. Faculty & Staff Book Club)		After School 6:00PM-9PM (M,T,TH)		65	20 (100 max.)
42	Unspecified Event (i.e. Poetry Slam)		After school 6:00PM-9PM (M,T,TH)		65	30 (100 max.)
43	Unspecified Event (i.e. Diversity Club Panel)		After school 6:00PM-9PM (M,T,TH)		65	30 (100 max.)
44	Unspecified Event (i.e. College Reps)		After school 6:00PM-9PM (M,T,TH)		65	40 (100 max.)
45	Unspecified Event		After school 6:00PM-9PM (M,T,TH)		65	TBD (100 max.)
46	Unspecified Event		After school 6:00PM-9PM (M,T,TH)		65	TBD (100 max.)
47	Unspecified Event		After school 6:00PM-9PM (M,T,TH)		65	TBD (100 max.)

47 Special Events Total

NOTE: All attendances indicated are estimates.

From: [Bruce McLeod](#)
To: [Castilleja Expansion](#); [Planning Commission](#); [Council, City](#)
Subject: DEIR comments (2) Lnd Use
Date: Monday, September 16, 2019 4:48:36 PM
Attachments: [McLeod DEIR Land Use comments.docx](#)

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

Comments also attached.

Chapter 4: Land Use issues

Below ground parking is not allowed at all in R-1 neighborhoods and should require a variance for the entire below grade structure. Additionally, the garage and below grade access to the proposed classrooms will intrude on an existing utilities easement. This encroachment should also require a variance. This section of the Municipal code (18.12) governs R-1 zoned properties. The DEIR suggest that this project is not a single-family use for the purpose of allowing the underground garage yet repeatedly cites other R-1 limitations (setbacks, building heights, etc) as applicable. The City must either change the zoning of the property or require a variance for the underground parking.

Land use and Planning Section 4.2:

The massing, materials and minimal articulation on the street facing elevations is modernistic and incompatible with the surrounding neighborhood. The project design ignores the visual heritage of the existing Birge Clark designed administration building on Bryant Street. The 401' long building facing Kellogg is an affront to any sensible reading of the Code. It is as long as This project does nothing to "maintain and prioritize the varied residential neighborhood" around the school. Instead it proposes a monolithic, commercial development with a large underground garage that would not be allowed in single family neighborhoods.

The DEIR mistakenly gives priority to enhancing the functionality of the school over neighborhood impacts. The DEIR acknowledges that the enrollment increase will draw more traffic to the school and City, yet somehow fails to address this in the land use considerations. Traffic mitigation should include studies of traffic calming measures or barriers to deter traffic on the neighborhood streets adjacent to the site. Why was this not studied?

The traffic plan for the garage requires that much of the traffic approaching the school must first circle all or part of the campus to enter the garage from Embarcadero and Bryant. Vehicles exiting the garage must travel along Emerson Street and then head East on an already congested Embarcadero Road. Vehicles whose ultimate destination is North, South, or West of the school will necessarily proceed through residential

Planning and Transportation Commission Public Comment 9-25-19

neighborhoods on all sides during the same peak hours that children in these neighborhoods will be heading to local public school on foot and by bicycle.

How does removing housing in any way “prioritize and maintain” the residential neighborhood? The loss of these residences, matures trees and landscaping along Emerson street is offset only by increased square footage for construction. The school’s architects are certainly capable of designing safe, sustainable structures that improve programmatic space without stripping housing from the neighborhood.

The City’s residents have spent many years developing the Comprehensive Plan. The plan has historically prioritized the protection of residential uses over larger developments in R-1 neighborhoods. The scale of this project, the removal of needed housing stock, and the increased traffic in the adjoining neighborhood and along an already congested Embarcadero Road should all be sufficient to make this project as designed inconsistent with the Comprehensive Plan. If the project is allowed to proceed, significant additional parking and traffic mitigation should be required.

Thank you for your consideration,

Bruce McLeod

████████ Bryant Street

Palo Alto, CA 94301

Bruce McLeod

████████████████████

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

Albert Camus

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DEIR comments: Land Use

Planning and Transportation Commission Public Comment 9-25-19
9/16/19

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Thank you for your consideration,
Bruce McLeod
[REDACTED] Bryant Street
Palo Alto, CA 94301

From: [Bruce McLeod](#)
To: [Castilleja Expansion](#); [Planning Commission](#); [Council, City](#)
Subject: Comments: DEIR Castilleja School 1310 Bryant Street
Date: Monday, September 16, 2019 4:41:02 PM
Attachments: [DEIR comments Project Objectives.docx](#)

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

Comments also attached.

Thank you for the opportunity to comment on the DEIR specific comments on the Project Objectives below.

The Project objectives below are noted in section 1.3 of the Executive Summary. Many of the comments apply to specific sections of the DEIR study as well.

2. Achieve better architectural compatibility with adjacent neighborhoods through a well-articulated building.

The homes in neighborhood are a variety of traditional styles with varied exterior finishes and mature landscaping. The current administration building on the site is historic and distinctively Craftsman in style., designed by local architect Birge Clark. The exterior elevations of the proposed project are minimally articulated and do not reflect the variety or historic context of the existing adjacent homes or the historic structure on the site The DEIR does not adequately address this discrepancy.

4. Increase on-site parking via an underground parking garage in order to reduce both parking visibility and surface parking spaces.

The campus needs to be require to self park, like any other school in the City -public or private. Parking needs to be increased or the need reduced through other means. There are, however, other ways to reduce the visibility of surface spaces besides digging an underground garage that is out of conformance with the character of the neighborhood. Section 18.12.060 of the PA Municipal Code states

“Underground parking is prohibited for single-family uses, except pursuant to a variance granted in accordance with the provisions of [Chapter 18.76](#), in which case the area of the underground garage shall be counted in determining the floor area ratio for the site.”

The City, the applicant and the DEIR incorrectly maintain that this does not apply because the garage is not for a single-family use. However, since the parking regulations are part of the larger zoning section 18.12 titled R-1 Single Family District, the zoning designation should be the overriding context. The garage should require a variance and the floor area should be counted. The City has required variances for other portions of the project and should do the same for the garage as a whole.

The DEIR did not study, as many neighbors requested, whether there were alternatives

to the garage as a solution to the parking and traffic issues surrounding the project.

5. Improve vehicular, pedestrian, and bicycle access for students and staff through design efficiencies and a robust Transportation Demand Management Plan.

Nothing in the plans significantly increase either pedestrian or bicycle access to the site. Vehicular access will increase traffic at the corner of Embarcadero and Bryant – making pedestrian and bicycle access more dangerous. The increased traffic from the additional students and large events will make this block more dangerous, not less, for non-Castilleja bicycle traffic. The 1300 block of Bryant is the primary North-South bicycle route in the City and is also part of the Safe Routes to Schools for 2 elementary schools (Addison and Walter Hays), one middle school (Green) and one high school (Palo Alto HS).

The current TDM Plan was introduced by Castilleja in 2015 despite requirements in their 200 OCUP that they institute a TDM at that time. The voluntary carpooling and shuttles have made reductions to peak traffic but no comprehensive study has been done to address the total daily trips that occur. The gains touted by Castilleja are not based on any measurable data before 2015. According to the school's own consultant during the small working group meetings, the gains achievable with voluntary measures could be as high as 25%. Any additional traffic and parking reductions would require mandatory measures for staff and students none of which are mentioned as mitigations by the DEIR.

While the DEIR suggests that a "robust" TDM will help reduce traffic it neither specifies the number of allowable vehicular trips nor any required actions – enrollment reductions, etc – should these targets not be met. While the report recognizes that total vehicle trips will increase approximately 16%, there is only discussion of mitigating "peak" trips, no mitigation of total trips. Were the site to be fully developed as R-1 (10,000) housing sites similar to the surrounding neighborhood, the total projected vehicle trips would be less than 300 per day, not the 1339 the DEIR projects. Nothing is said about this overwhelming difference and its effect on the quality of life in the neighborhood.

Thank you for your consideration,

Bruce Mcleod

██████████ Bryant Street

Palo Alto, CA 94301

Bruce McLeod

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Thank you for your consideration,
Bruce McLeod
[REDACTED] Bryant Street
Palo Alto, CA 94301

Planning and Transportation Commission Public Comment 9-25-19

From: [Kelly L. Rodriguez](#)
To: [Castilleja Expansion](#)
Cc: [Council_City; Planning Commission; Shikada, Ed; nkauffman@castilleja.org; klayendecker@castilleja.org; MarySpeiser@gmail.com; Mindie S. Romanowsky](#)
Subject: Castilleja School Project Draft Environmental Impact Report
Date: Monday, September 16, 2019 3:02:59 PM
Attachments: [2019-09-16 CastiDEIRmsrCommentLtr.pdf](#)

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

Pursuant to Mindie Romanowsky's request, please find attached her letter of today's date.

Regards,

Kelly Rodriguez
Assistant to Mindie S. Romanowsky, Esq.
JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
Phone: (650) 324-9300
Fax: (650) 324-0227

JORGENSEN, SIEGEL, McClure & FLEGEL, LLP
ATTORNEYS AT LAW

1100 ALMA STREET, SUITE 210
MENLO PARK, CALIFORNIA 94025-3392
(650) 324-9300
FACSIMILE (650) 324-0227
www.jsmf.com

WILLIAM L. McClure
JOHN L. FLEGEL
DAN K. SIEGEL
DIANE S. GREENBERG
JENNIFER H. FRIEDMAN
MINDIE S. ROMANOWSKY
DAVID L. ACH
GREGORY K. KLINGSPORN
NICOLAS A. FLEGEL
KRISTINA A. FENTON
CARA E. SILVER

JENNIFER A. BEYERS
KIMBERLY B. SAMEK
BRITTNEY L. STANDLEY

OF COUNSEL
KENT MITCHELL
LEIGH F. PRINCE

RETIRE
JOHN D. JORGENSEN
MARGARET A. SLOAN

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

September 16, 2019

Amy French, Chief Planning Official
Planning & Community Environmental Department
City of Palo Alto
250 Hamilton Avenue, Fifth Floor
Palo Alto, California 94301
Email: castilleja.expansion@cityofpaloalto.org

Re: Castilleja School Project Draft Environmental Impact Report

Dear Ms. French,

I write on behalf of the Castilleja School Foundation ("Castilleja"), an all-girls independent school serving grades 6 through 12. Castilleja was founded 112 years ago to educate young women, giving them the tools to become compassionate leaders and global citizens. Appreciating the importance of female mentorship, Castilleja's 6th through 12th grade program offers ample opportunities for students across grade levels to develop a keen sense of self and an unbridled zeal for exploration, innovation, friendship and leadership. Castilleja brings together intellectually curious students to collaborate and learn from one another and graduates each young woman with the commitment, knowledge and skills necessary to meaningfully participate in her community and the broader world.

As is described in the draft Environmental Impact Report ("EIR"), Castilleja seeks to (i) gradually increase enrollment to a maximum of 540 students, allowing for the opportunity to offer its unique single gender, non-sectarian education to more young women, and (ii) replace its aging campus with modern energy efficient buildings, including an

underground parking garage to remove parking from City streets and to maximize green space, while preserving the neighborhood feel of the school (the "Project"). Integral to the Project, is a robust and expanded Transportation Demand Management ("TDM") program to maintain the existing vehicle trips under current enrollment conditions (even when enrollment increases), with proposed enforcement mechanisms, including bi-annual audits and required trip reductions.

The publication of the draft Environmental Impact Report ("EIR") marks an important milestone in the entitlement process. Castilleja appreciates the opportunity to review and comment on the draft EIR for the Project. The purposes of review and comment on a draft EIR include sharing expertise, checking for accuracy, detecting omissions and providing counterproposals.¹ Comments on the draft EIR are evaluated and responded to in the final EIR. Responses to comments may take the form of revisions to the draft EIR, such as text changes, or may be a separate section of the final EIR.² Together, the draft EIR and final EIR comprise the EIR. The goal, at the conclusion of this process, is a legally defensible EIR that can be certified by the City of Palo Alto ("City") as compliant with the California Environmental Quality Act ("CEQA").

This letter is submitted on Castilleja's behalf to ensure that the EIR is accurate, defensible and legally appropriate for certification. The comments presented do not raise new significant environmental effects. Instead, the comments expressed herein to be addressed in the final EIR, will result in a clarified or amplified analysis which is anticipated to show that all significant environmental effects for the Project are avoided with mitigation.

1. The project description should accurately and consistently include the proposed Transportation Demand Management program as part of the Project.

The "project" for CEQA purposes is the whole of an action that has the potential to result in a physical change to the environment.³ In Chapter 3, the draft EIR provides a complete description of the Project. On page 3-1, the draft EIR lists all of the Project application materials, including the expanded TDM program, attached as Appendix B3. On page 3-6, the Project is described as including an application for various discretionary approvals, including an amendment to the school's existing CUP and a master plan. The proposed enrollment cap which is also part of the Project is discussed on page 3-10 of the draft EIR. In addition, the expanded TDM program, which is part of the Project, is described on page 3-11 of the draft EIR.

Despite describing and attaching the TDM program as part of the Project in Chapter 3, the document failed to analyze the TDM program as part of the Project for purposes of

¹ 14 Cal. Code Regs. Section 15200

² 14 Cal. Code Regs. Section 15088

³ 14 Cal. Code Regs. Section 15378

the transportation analysis in Chapter 7. On page 7-3, the draft EIR acknowledges that it is eliminating an element of the Project for purposes of the transportation analysis: “While the school is planning to implement an expanded TDM program with the project, no additional trip reductions have been applied.” By failing to include the expanded TDM program as part of the Project in the transportation analysis, the draft EIR uses an inaccurate and unstable project description. An accurate, stable and finite project description is an indispensable prerequisite to an informative and legally sufficient EIR. Without an accurate project description, the objective of furthering public disclosure and informed environmental decision making cannot be achieved. *County of Inyo v. Los Angeles* (1977) 71 Cal.App.3d 185. Thus, in the final EIR, the analysis needs to be clarified such that the expanded TDM program is analyzed as part of the Project.

The draft EIR reports on page 7-28 that the expanded TDM program (identified as Mitigation Measure 7a) is anticipated to reduce trips by between 12 and 22%. This reduction must be considered in the analysis of the Project, not as a mitigation measure, because the TDM program proposed by Castilleja is part of the Project. Including the expanded TDM program in the analysis will correct and make clear the impact that the Project would *actually* have on the environment. Then, if mitigations are necessary and appropriate, they may be applied.

The final EIR should make the text changes necessary to the draft EIR to clarify that the TDM program is part of the Project and update the trip numbers to identify the actual numbers that would result from the approval of the Project. In so doing, decision makers and the public will have a more accurate information from which to make a decision.

2. Land Use Impact 4-2 should be clarified to be less-than-significant in relation to the baseline condition and the legal threshold for significance.

Since 1910, Castilleja has operated at its current location. School use is a conditionally permitted use in the R-1 Residential Zone and Castilleja has obtained multiple Conditional Use Permits between 1960 and 2000 to operate its school program. As noted on page 4-10 of the draft EIR, the Project would continue existing operations on the existing campus site where the school has been located for over 100 years. Furthermore, the draft EIR concludes on page 4-11 that the Project would be substantially consistent with applicable goals and policies of the Comprehensive Plan, the City’s long-term vision for development. The Project proposes to continue the same land use in the same location, consistent with the City’s vision for the property.

An EIR must describe existing conditions, which serve as the “baseline” for measuring changes to the environment.⁴ Assessment of a project’s potential environmental effects are measured by the change from existing physical conditions expected to result from the

⁴ 14 Cal. Code Regs. Section 15125

project.⁵ As described above, the baseline condition is an existing school that is conditionally permitted and consistent with the City's Comprehensive Plan. While the Project proposes to increase the number of students, modernize outdated and inefficient buildings and add more definition around school events, the land use remains constant. The draft EIR on page 4-24 acknowledges there is no change in land use: "nor would the project introduce a new land use into the project area." Therefore, comparing the Project to the baseline shows that there is a less than significant change to the environment because there is no change in the existing land use that is both compliant with the zoning and consistent with the Comprehensive Plan. The final EIR should change Impact 4-2 and make all text changes necessary to the draft EIR to explain that the Project does not cause a land use incompatibility and therefore the impact is less-than-significant.

The Project also does not divide an established community. The residential neighborhood in which the school is located grew up around the school after the school was founded, over a century ago. As noted on page 4-24 of the draft EIR, there are no physical barriers created by the Project: "The proposed project does not include features (e.g., highways, etc.) that would physically divide an established community." In fact, the Project includes design features such as open space, described on page 3-7, that are accessible to the neighbors and that eliminate physical barriers between the neighborhood and school. Thus, pursuant to the legal standard, there is no evidence to support a finding that the Project divides an established community. The draft EIR should be modified to clarify that the Project does not divide an established community and therefore Impact 4-2 is less-than- significant.

Finally, although on page 4-9 and 4-24 the draft EIR poses the question of whether the Project would create land use incompatibility or physically divide an established community, the only legally appropriate threshold question is whether a project divides an established community through the creation of a physical barrier. Appendix G of the CEQA Guidelines only poses the question: "Would the project physically divide an established community?" Case law has interpreted this standard as limited to physical barriers. In *Cathay Mortuary, Inc. v. San Francisco Planning Com.* (1989) 207 Cal.App.3d 275, 280, the court held that "this guideline was intended to apply to projects, such as highway construction, that would constitute physical barriers dividing a community." In that case, the court found that changing the character of the community through development of a park did not constitute a physical barrier dividing the community. In another case, *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1419, the court concluded that an increase in traffic (including widening the road), a change in design to a more urban form than the surrounding area, and an increase in density would not disrupt the physical arrangement of the community or divide an established community. Similarly, here, the Project does not include a physical barrier, such as a highway, to

⁵ 14 Cal. Code Regs. Section 15126.2(a)

divide the community, nor does it propose to widen a road. In addition, any increase in the density of students or traffic is not substantial evidence by which to support finding a significant and unavoidable land use impact. Therefore, the final EIR should remove the discussion from the draft EIR that erroneously relies on a transportation impact to conclude that there is a land use impact and make any additional text changes necessary to clarify that the Project does not divide an established community and there is a less than significant impact.

3. Cumulative Impact 7-1 at the Alma Street/Kingsley Avenue intersection should be less-than-significant.

CEQA is clear that a project will have a significant effect on the environment if “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”⁶ However, the standard for significance of a project impact is more stringent than the significance threshold for cumulative impacts. Specifically, the CEQA regulations require that an EIR’s discussion of cumulative impact be guided by standards of practicality and reasonableness.⁷ Although a project’s cumulative environmental impact cannot be deemed insignificant solely because its individual contribution to an existing environmental problem is relatively small, “the ‘one [additional] molecule rule’ is not the law. Rather, to conduct a proper assessment of cumulative impact, an EIR must consider not just whether that cumulative impact is significant but also whether the proposed project’s incremental effects are cumulatively considerable.” *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal. App. 4th 202, 223.

For Castilleja, the Project results in a less than significant impact at the intersection of Alma Street and Kingsley Avenue. Specifically, on page 7-18, the draft EIR reports that “in the PM peak hour, the project would reduce the number of through trips on Alma Street by 27 vehicles but increase the number of trips turning onto Kingsley Avenue from Alma Street by 34 vehicles. The project would not alter the traffic volumes on Kingsley Avenue but the change in volumes and turning movements on Alma Street would increase delay for the vehicles waiting to turn onto Alma Street from Kingsley Avenue.” Because the Project would not result in a change in the level of service (LOS) during any of the three peak hours and the volume of traffic using this intersection would not meet the signal warrants, the draft EIR on page 7-18 concludes this is a less -than-significant project impact.

In the cumulative condition without the Project, as reported on page 7-38, the intersection of Alma and Kingsley operates unacceptably at LOS F for the westbound approach. The only difference in the cumulative scenario which includes the Project is that overall, not

⁶ 14 Cal. Code Regs. Section 15065(a)(3)

⁷ 14 Cal. Code Regs. Section 15130(b)

just the westbound approach, the intersection operates at LOS F. The conclusion of a significant impact is based on 8.5 seconds of additional delay in the AM peak hour and 1.8 seconds of additional delay in the PM peak hour. As such, the finding of a significant impact is based only on a few additional seconds of delay to an intersection that is already operating unacceptably in the cumulative condition without the Project. This conclusion mistakenly uses the 'one additional molecule rule' which is not the law. Instead, the analysis should employ a standard of practicality and reasonableness. Given that the impact already exists in the cumulative scenario without the Project in the westbound approach (i.e. the intersection is already operating unacceptably), the addition of the Project does not meaningfully change the condition. Therefore, a more appropriate conclusion would be that the cumulative impact of the Project is less than significant because the Project does not cause a meaningful change in the level of service.

In addition, it is unclear if the cumulative analysis considers the TDM program which is proposed as part of the Project, as discussed in Section 1 of this comment letter. If the expanded TDM program was overlooked, it must be considered in the cumulative analysis. The final EIR should examine whether this overall intersection delay of a few additional seconds, would disappear if the Project were accurately analyzed.

4. A mitigation measure could be included to reduce the impact at the Alma Street /Kingsley Avenue intersection to a less-than-significant impact.

If, after appropriate and adequate analysis, the final EIR finds the cumulative transportation impact conclusion at the intersection of Alma Street and Kingsley Avenue remains significant, a mitigation measure could be applied to mitigate the impact through the addition of a signal. As noted on page 7-38, the "volume of traffic using the intersection would meet the peak hour volume signal warrant." Mitigation measures may be incorporated into plans that provide a framework for later projects.⁸ Based on the signal warrant, the City has both the discretion and the authority to signalize this intersection. A mitigation measure could require inclusion of the signal in a future Capital Improvement Program ("CIP") or other planned transportation improvements list as well as a fair share payment from Castilleja, which would reduce the Project's cumulative impact to less than significant with mitigation.

As a general rule, the City may assess a project its fair share of mitigation costs, based on the amount the project contributes to the environmental impact. The mitigation required must be roughly proportional to its impacts. The City may not insist that developers of a single project shoulder the bulk of the expense for mitigating a significant cumulative impact. *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 364. As discussed above, the "Project contributes a very small

⁸ 14 Cal. Code Regs. Section 15126.4(a)(2)

amount to the overall cumulative impact at this intersection (i.e. only a few seconds) and even that may be reduced with a more accurate analysis. But in the event an impact remains, a mitigation measure could require that Castilleja contribute a fair share amount that is roughly proportional to the few additional seconds of delay caused by the Project. The final EIR can add this mitigation and clarify Castilleja's responsibility to mitigate. This would reduce the impact to less than significant.

In the alternative, should the City refuse to exercise its discretion to signalize an intersection that warrants a signal and charge the legally appropriate fair share to Castilleja for the cost of the signal, Castilleja – as a public benefit -- would offer to bond or pay for the full cost of a signal in this location to reduce the impact to less than significant.

5. The final EIR should consider a more robust Modified Circulation Alternative to reduce the TIRE impact to less-than-significant.

A key purpose of the process for review and comment on a draft EIR is to identify ways a project's significant effects might be reduced or avoided. As a result, the CEQA Guidelines explicitly recognize that comments on an EIR are particularly helpful if they suggest "additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects."⁹ As such, a suggested project alternative should be evaluated in the response to comments to determine if such proposal can substantially reduce significant impacts. A proposed alternative put forward in comments to a draft EIR may be evaluated and responded to in the final EIR without triggering recirculation, where such evaluation shows the modification will mitigate anticipated impacts.¹⁰

In an effort to provide a proposal that would better mitigate or avoid significant environmental effects, Castilleja has identified a feasible solution that would achieve all of the Project objectives and reduce the transportation impacts to less-than-significant. The TIRE impact identified in the draft EIR on page 7-28 (Impact 7-1) is the result of redistributing trips from existing circulation routes to run through and exit out of the parking garage, by turning right onto Emerson Street. To alleviate the significance of Impact 7-1, Castilleja proposes that the Modified Circulation Route Alternative (Alternative 5) that appears on page 13-9 of the draft EIR be studied in a more robust manner. Specifically, in addition to trips running through the parking garage, Castilleja would restore the student drop-offs and pickups to the existing locations on Bryant Street and Kellogg Avenue and also allow vehicles exiting the parking garage to make all turning movements. This would distribute the trips onto more roadways and reduce the volume of existing trips reassigned to Emerson Street. With this more fully considered alternative, we anticipate the TIRE

⁹ 14 Cal. Code Regs. Section 15088

¹⁰ 14 Cal. Code Regs. Section 15088

impact would be reduced to a less-than-significant impact. Because Castilleja is proposing a feasible alternative which would yield less impact, CEQA requires that it be studied and responded to in the final EIR, to ensure the final EIR is legally defensible.

CEQA requires the EIR to identify an environmentally superior project alternative which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.¹¹ The draft EIR identifies the “no project” alternative as environmentally superior, but failed to comply with the CEQA requirement to identify an environmentally superior project from the other alternatives. Castilleja anticipates that an in-depth analysis of the Modified Circulation Route (Alternative 5), as summarized above and as suggested by Fehr and Peers in their comment letter to the draft EIR, submitted to the City September 16, 2019, would be the environmentally superior alternative to the Project because it would distribute trips onto more roadways and thereby eliminate the significant TIRE impact of the Project on Emerson Street between Melville Avenue and Embarcadero Road.

6. Further analysis will clarify the draft EIR and demonstrate that significant impacts can be avoided or alleviated with mitigations Castilleja is willing to implement; Recirculation is not legally required.

Recirculation of a draft EIR is only required by CEQA when significant new information is added to the EIR after public notice is given of the availability of the draft EIR.¹² New information is only “significant” when the EIR is changed in a way that deprives the public of an opportunity to comment upon a substantial (new) environmental impact or a feasible way to mitigate or avoid such an impact (including a feasible project alternative) that the project's proponents have declined to implement. Given CEQA’s requirements to circulate the draft EIR, take public comments, and respond to such comments, it is common that final EIR’s contain information not included in the draft EIR. Recirculation is intended to be an exception, rather than the general rule. *S. Cty. Citizens for Smart Growth v. Cty. of Nevada* (2019) 221 Cal. App. 4th 316, 328.

The final EIR can modify the draft EIR without the need for recirculation, provided the final EIR does not include significant new information. Here, as outlined in this comment letter, the new information to be studied and included in the EIR, is not anticipated to result in new substantial adverse environmental effects, but instead will serve to provide additional mitigations and/or alternatives that the applicant is willing to implement to further reduce impacts. All of this together will strengthen the legal defensibility of the EIR.

¹¹ 14 Cal. Code Regs. Section 15126.6

¹² 14 Cal. Code Regs. Section 15088.5

Amy French, Chief Planning Official

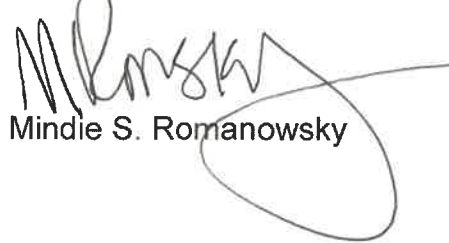
September 16, 2019

Planning and Transportation Commission Public Comment 9-25-19

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If you have any questions or wish to discuss this matter further, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M Romanowsky", with a large, sweeping flourish that loops back under the name.

Mindie S. Romanowsky

cc: Palo Alto City Council
Palo Alto Planning Commission
Ed Shikada, Palo Alto City Manager
Nanci Kauffman, Head of Castilleja School
Kathy Layendecker, Associate Head of Castilleja School, Finance and Operations
Mary Speiser, Board Chair, Castilleja Board of Trustees

Planning and Transportation Commission Public Comment 9-25-19

From: [Mary Sylvester](#)
To: [Planning Commission](#)
Cc: [Castilleja Expansion](#); [Council, City](#)
Subject: Personal Comments on DEIR for Castilleja Expansion Project
Date: Monday, September 16, 2019 3:59:56 PM
Attachments: [DEIR Letter 2.docx](#)
[DEIR Response MES.docx](#)

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

Dear Sir or Madam.

Please see attached my two DEIR Comment Letters about the Castilleja DEIR, which are addressed to the Planning Commission and the City Council.

Respectfully yours,

Mary Sylvester

TO: Palo Alto Planning Commission
FROM: Mary Sylvester
DATE: 9/16/19
RE: Castilleja DEIR—2019

My name is Mary Sylvester and I live on Melville Avenue in Palo Alto, and have been a 42 year neighbor of Castilleja School. I live 100 ft from Castilleja School.

I am writing to express my grave concern about the oversights of the Dudek DEIR as to Castilleja's request for a 30% student enrollment increase. Before it is assumed that an underground parking garage is needed and "significant and unavoidable" traffic impacts must be endured by the community, let's first look at: (1) whether the Palo Alto community supports such an increase when only 25% of the students come from Palo Alto, and (2) what other approaches and mitigations have other Peninsula private schools utilized?

1. Do the Benefits of a 30% Student Increase and all the attendant impacts justify the Costs to the Palo Alto Community?

In requesting a 30% student enrollment increase, Castilleja's first Project Objective is to "Maintain a single integrated campus for the middle and upper school in the current location..." (#13-3). While that is what Castilleja ideally would like to have with its enrollment increase the purpose of a DEIR is *not* to satisfy an applicant but rather to provide an impartial, unbiased analysis of a project's impacts so that the public and decisionmakers are fully informed about the current and potential significant effects of a proposed activity (CEQA Guidelines, Section 15002 (a)).

Castilleja is already one of the densest private schools as to students per acre on the San Francisco Peninsula, located on 6.5 acres of land in a R-1 neighborhood largely made up of single family homes. Its enrollment increase will only intensify the school's density and impacts on the neighborhood and the greater Palo Alto community, from a school that is only serving 25% of Palo Alto students. Do the benefits of such density and traffic impacts justify the significant and permanent changes to a neighborhood and community?

2. What other approaches and mitigations have other Peninsula private schools seeking to increase their enrollment while limiting their negative community impacts (e.g. traffic, parking GHG, noise)?

Castilleja is an outlier for private schools as to both requesting a 30% increase in enrollment while at the same time insisting that the middle and high school remain together.

Below is a breakout of those schools Peninsula schools that maintain a middle and high school together. The significant difference from Castilleja is that they have...LAND! Five to ten times

the amount of land Castilleja possesses.

<u>School</u>	<u>City</u>	<u>Enrollment</u>	<u>Acres</u>
Sacred Heart	Atherton	820 students	64 acres
Woodside Priory	Woodside	400 students	51 acres
Menlo School	Atherton	800 students	40 acres

Below is a listing of the private schools that have chosen to expand their enrollment but realize that they could no longer keep the middle and high schools contiguous so they separated out their middle school from their high schools and now operate them at 2 separate facilities. These schools are:

<u>School</u>	<u>Location</u>
Crystal Springs	Hillsborough & Belmont
Nueva School	San Mateo & Hillsborough
Keyes School	2 Palo Alto sites: El Camino Real & Midtown
Pinewood	3 sites: 2 in Los Altos & 1 in P.A.
St Francis	2 sites in Mountain View
Harker School	4 sites in San Jose

Interesting mitigations to consider:

Notre Dame High School in San Jose *requires* all staff, students and parents to utilize their two rental off-site lots within walking distance of the school. On-site parking is *not* provided for students and staff. If parents drive their students to school, drop off and pick up occurs at the off-site lots.

Harker School in San Jose encourages staff, parents and students to utilize alternate forms of transportation to school, as part of their environmental commitment the school maintains an integrated bus system serving all its sites as well as between sites.

St Francis staff are incentivized to park off-site at school maintained parking sites and walk to work while receive a monthly stipend for choosing that option.

Conclusion

Under its Conditional Use Permit 2000 (CUP), Castilleja is allowed to have 415 students. Since 2001 Castilleja has been overenrolled, most of those years without City permission or

knowledge. It begs the question then where in the DEIR is there any analysis of a public accountability system and enforcement mechanism to prohibit such action by Castilleja again in the future?

Before assuming that Castilleja merits its request for a 30% increase in its enrollment and its request to have an integrated middle and high school campus enrollment, the DEIR must study other school configurations to inform decisionmakers and the public under CEQA whether less impactful options exist in the vicinity.

Respectfully submitted,

Mary E. Sylvester
Attorney
Melville Avenue
Palo Alto

TO: Palo Alto Planning Commission
FROM: Mary Sylvester
DATE: 9/16/19
RE: Castilleja DEIR-2019

I am writing as a 42-year neighbor of Castilleja School and reside on Melville Avenue, which is located in a R-1 neighborhood made up largely of single family homes, tree lined streets and narrow, two lane roads. I work in Palo Alto and have raised my two children at this home. I am writing today to represent only myself in my comments.

As I shall explain in detail below, the DEIR for Castilleja School's Expansion Project (Project) fails to comply with the requirements of the California Environmental Quality Act (CEQA) by inadequately stating the significant environmental impacts on the immediate neighbors of the school as well as the larger Palo Alto community.

The Castilleja DEIR raises a number of serious legal and public policy issues.

My comments will focus specifically on the inadequacy and inaccuracies of the DEIR as to:

1. The Project description, which fails to evaluate the profound environmental impacts of the Project construction period, and
2. The outdated and narrowly drawn Transportation study and findings

The ramifications of these inadequacies and inaccuracies will have a serious negative impact on the immediate neighborhood as well as the greater Palo Alto community!

1. The DEIR's Flawed Project Description Does Not Permit Meaningful Public Review of the Project.

By artificially narrowing the definition of the Project and failing to study the proposed 3+ years of construction Castilleja envisions, the true environmental consequences of the Project (e.g. noise, traffic and parking impacts, air pollution and greenhouse gas generation, safety, aesthetic and biologic concerns) are overlooked. This is a fundamental flaw in the Dudek DEIR and impairs its core function to inform the public and decision makers about the scope and magnitude of the Project (See Cal. Code, title 14, CEQA Guidelines, Section 15003).

An EIR is to also serve as an "*environmental 'alarm bell'*" whose purpose is to alert the public and responsible officials to environmental changes *before* they have reached ecological points of no return" (*County of Inyo v. Yorty*, 32 Cal. App.3d 795, 810; Italics added). Once trees are chopped down and others moved as well as 2 livable homes are destroyed, there is no going back. As David Bower, Chair of Palo Alto's Historic Resource Board, stated at a hearing on

9/12/19 about the destruction of the historic Lockey House, “*There is no mitigation for demolition.*”

The Dudek DEIR fails to analyze what are known consequences of a construction project of the size and scope of Castilleja’s proposed expansion project. A Project under CEQA is the “*whole of an action,*” which has the potential for causing either “a direct physical change” or a “reasonably foreseeable indirect change” to the environment. (CEQA Guidelines, Section 15378 (a), see *Laurel Heights Improvement Association v. Regents of University of California.*, 47 Cal. 3d 376, 395-98 (1988)) not what the applicant or responsible agency solely deem as worthy of study.

“CEQA’s conception of a project is broad and the term is broadly construed and applied in order to maximize protection of the environment” (*Nelson v. County of Kern*, 190 Cal App. 4th 252, 271 (2010) citing *Friends of the Sierra Railroad v. Toulomne Park and Recreation Dist.*, 147 Cal. App. 4th 643, 653 (2007)). Consequently, the DEIR at issue raises troubling questions as to why Dudek so narrowly interpreted the scope of the DEIR to not include the construction period?

CEQA’s *full disclosure* directive also prohibits deferring the analysis of specific impacts until a later point (CEQA Guidelines, Section 15378). CEQA requires an analysis of a project’s impacts at the “*earliest possible stage*” (*McQueen v. Board of Directors*, 202 Cal. App. 3d 1136, 1147 (1988)).

The Dudek DEIR fails to evaluate the environmental effects of the multiyear construction period of the Project, which will be environmentally destructive, particularly when CEQA prohibits public agencies from “subdivid(ing) a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.” (*Orinda Association v. Board of Supervisors*, 182 Cal. App. 3d 1145 (1986)).

California case law clearly prevents municipalities from “chopping up proposed projects into bite-size pieces” (*Lincoln Place Tenants Association v. City of Los Angeles*, 130 Cal. App. 4th 1491 (2005); creating “artificial division(s)” (*Nelson v. County of Kern*, 190 Cal. App. 4th 272 (2010); and, attempting to avoid full environmental analysis for parts of a project on the basis that portions of a project are considered “exempt” (*Association for a Cleaner Environment v. Yosemite Community College District*, 116 Cal. App. 4th 629 (2004) or “ministerial” (*McQueen v. Board of Supervisors*, 202 Cal. App. 3d 1136, 1146 (1988)).

Consequently, I am requesting that the City of Palo Alto conduct a full environmental analysis of the Project’s proposed construction period that would study all associated environmental impacts of:

1. Worker transit and parking,
2. Sanitation and food facilities for construction staff
3. Staging of equipment and supplies
4. Pollution and greenhouse gas emissions
5. Hazards created by the use and storage of dangerous materials

6. Noise from demolition and construction
7. Circulation studies of truck, equipment and worker transit and parking as well as the implications for neighborhood residents, pedestrians, cyclists and motorists utilizing neighborhood streets and the City's main arterials affected by this Project
8. Project work done on the Bryant St Bike Boulevard and the implications for children who utilize this Safe Route to School boulevard
9. Emergency vehicle access to the neighborhood during construction
10. Aesthetic and quality of life considerations for residents and the citizenry of Palo Alto.

Once the environmental impacts of three plus years of construction are analyzed, comprehensive mitigations will need to be proposed that lessen the impacts to the neighborhood as well as the greater Palo Alto community. Anything less than this clearly defeats the intent of CEQA to provide comprehensive and meaningful analysis to the public and decision makers about the Project and its consequences, which enables informed and effective decision making and lessens the risk of costly and time-consuming litigation for the City!

2.The DEIR's Analysis of Project-Related Traffic and Circulation Impacts is Inadequate and Suffers from Several Significant Flaws as to

- Methodology Utilized
- Conflicts with the Palo Alto Comprehensive Plan 2030 and The Pedestrian and Bicycle Plan 2012
- The Circulation Analysis
- The Cumulative Impacts Analysis
- Safety Issues
- Project Alternatives and Mitigations

The DEIR's analysis of transportation impacts fails to achieve CEQA's most basic purpose: informing governmental decision-makers and the public about the current and potential significant effects of a proposed activity (CEQA Guidelines, Section 15002(a)). CEQA requires "adequacy, completeness, and a good-faith effort at full disclosure" in an EIR (CEQA Guidelines Section 15003(i)). The DEIR's analysis of the Project's traffic impacts fails to meet these standards.

Methodology

The Project's Traffic Analysis is outdated. It was conducted in 2017, on only 3 randomly selected days, midweek and updates were done by Castilleja School.

The Traffic Analysis failed to study the highly impacted corner of Embarcadero and Waverley. Further, the analysis did not examine the traffic impacts of the light at Town and Country Shopping Center, which to the left is the highly utilized turn lane to Palo Alto High School

and to the right the heavily used right turn lane into the shopping area. Additionally, the analysis did not examine the peak periods when both Palo Alto High School and Castilleja were beginning the school day and the afternoon dismissal period. Additionally, the study did not study traffic impacts on Embarcadero Road and neighborhood streets when Castilleja was not in session as well as when Palo Alto High School was not in session, both of which would provide a more complete picture of trip generation by cars caused by these two educational institutions.

For a complete traffic analysis that would *fully* inform the public and decisionmakers under CEQA (CEQA Guidelines, Section 15002(a)), an analysis of pedestrian and cyclist use of the routes the Project Traffic Analysis studied needs to be conducted to help the public and City better understand if the Analysis complies with the goals and spirit of The Palo Alto Pedestrian and Bicycle Plan 2012 as well as The Palo Alto Comprehensive Plan 2030.

The *metric* utilized by the Project DEIR was the now largely outdated Level of Service (LOS) measure. Most other major municipalities in California are using the Vehicle Miles Traveled (VMT) metric. SB 743, which is requiring the use of VMT by all California communities as of January 1, 2020, is a measure designed to reduce vehicle congestion and the generation of greenhouse gases. Palo Alto's Comprehensive Plan 2030 refers to communities evolving away from the use of LOS and toward the use of VMT "both for infrastructure planning and for new development projects" (Palo Alto Comprehensive Plan 2030, 71 (2018)).

Palo Alto Comprehensive Plan 2030 and Palo Alto Bicycle Plan 2012

Palo Alto's Comprehensive Plan calls for "reducing traffic congestion and auto emissions by facilitating an increase in pedestrian, bicycle and transit use" (p.3). It is therefore irreconcilable that Castilleja will continue to allow students, parents and staff to drive to the campus site when the City is simultaneously encouraging the use of non-car use. It further defies belief that the school is requesting approval for an underground garage, which will only encourage the use of cars by staff, students and parents.

Palo Alto's Bicycle and Pedestrian Plan 2012 calls for "Less Reliance on Single Occupancy Vehicles" (Goal T-1) while also seeking a "High Level of Safety for Motorists, Pedestrians and Bicyclists on Palo Alto Streets" (Goal T-6).

How does Castilleja School and the Project DEIR rationalize adding "significant but unavoidable" new vehicle trips to a community that is actively working to reduce congestion and greenhouse gas emissions?

For a school like Castilleja where 75% of its 430-students are coming from communities outside Palo Alto along with an undesignated number of staff residing outside Palo Alto, transit by car is still a major modality of travel. Castilleja could forbid students, parents and staff to drive to the school as well as park on-site as Notre Dame High School in San Jose requires of its students and staff. Notre Dame encourages students and staff to utilize alternate forms of transportation and provides 2 off-site parking sites for those utilizing a vehicle.

Despite its woefully inadequate traffic study, Dudek/WTrans projects that with Castilleja's proposed 30% enrollment increase, *car trips will increase by 279 a day*, at a time the City and residents are working to reduce trips. This Project is expected to generate on Emerson St, between Melville and Embarcadero alone, an increase of *679 daily trips over and above the existing 842 daily trips to this segment*.

Circulation Analysis

The DEIR Circulation Plan is inadequate and does not meet the basic requirements of CEQA to inform the public and government decision makers about the significant impacts of a proposed activity (CEQA Guidelines, Section 15002(a)). CEQA further requires "adequacy, completeness, and a good faith effort at full disclosure in an EIR" (CEQA Guidelines, Section 15003(i)). The DEIR's analysis of circulation impacts does not meet these standards.

More questions are raised by the failures of this study than answers provided:

- (1) What will be the truck and construction worker route and parking during construction?
- (2) What is the circulation and parking plan for Castilleja School's staff, students and parent drop off and pick up during construction on 2-lane neighborhood streets that are already at capacity with traffic? With worker parking and staging of equipment, how will narrow residential streets have capacity for staff, students and parents?
- (3) Given the high volume of pedestrians and cyclists that utilize neighborhood streets, particularly the Bryant St Bike Route, how will Castilleja School guarantee the safe use of these streets without incident?
- (4) Once the construction period has culminated and the new underground garage is operational, what will be the circulation plan into the garage from Embarcadero Rd, and navigating and exiting the subterranean structure (may cars only go right or may they exit to the left and straight down Melville)?
- (5) What is the contingency plan for traffic backups and collisions related to the garage?
- (6) What is the plan for cars exiting the garage and making left turns onto the blind corner at Embarcadero Rd. that is heavily utilized by pedestrians, cyclists and motorists, often traveling at high speeds and reluctant to allow merging left turn drivers into the lane?
- (7) A traffic analysis with greater depth and specificity is needed to further study traffic volume and circulation at Alma and Kingsley. Is that data currently available and accessible to residents?
- (8) If sufficient traffic and circulation data is provided to justify a light at Alma and Kingsley, what entity will pay the proposed cost of such a light? Possibly a \$1,000,000 price tag?

Cumulative Impacts

The Project DEIR neglects to mention, much less analyze, how the Castilleja expansion project when combined with other past, present and probable future projects will impact the neighborhood and the Palo Alto community at large (CEQA Guidelines, Section 15130(b)(1))?

What will be Castilleja's traffic impact when combined with that of the new Stanford Hospital

as well as that of the Stanford General Use Permit (GUP)? If grade separation and road closure at Churchill and Alma is approved, what will then be the cumulative impacts of Castilleja's Project? Projects currently under environmental review qualify as reasonably probable future projects to be considered in a cumulative impacts analysis (*San Franciscans for Reasonable Growth v. City and County of San Francisco*, 151 Cal. App.3d 61, 74 n.13 (1984) as well as projects that are reasonably foreseeable (*Bozung v. Local Agency Formation Commo'n*, 13 Cal. 3d, 263, 284 (1975)).

Safety

The DEIR fails to analyze the potential safety impacts posed by this expansion plan to Castilleja students, staff, neighborhood residents and the greater Palo Alto community both during the period of construction as well as during the operation phases of this Project.

Safety Impacts of this Project, which are not studied and needed to be analyzed for a complete CEQA analysis, include:

- How will safety be maintained during the construction period for students, staff, parents, neighbors, cyclists, pedestrians, and motorists?
- The significant increase in use of a blind corner (Emerson and Embarcadero) in the a.m. and p.m., times of the day when people are rushing and traveling at high speeds and there is heavy use of the merger at Kingsley onto Embarcadero Rd.
- Further, what are the safety implications for the increased usage of the left turn lane onto Bryant street in the a.m. hours when school is beginning at both Palo Alto High School and Castilleja and workers and students are also traveling to Stanford and shoppers are going to Town and County, how will the City and Castilleja ensure the safety of its students, staff and the general public using these streets? How will traffic backups onto Embarcadero Rd be handled?

Alternatives

All EIRs must provide a range of options for a proposed project that will reasonably meet a project's basic objectives while avoiding or substantially lessening the project's significant impacts (CEQA Guidelines 15126(d)). The Dudek DEIR discussion of Project alternatives fails to live up to this standard.

The DEIR's failure to adequately analyze Project impacts results in an inadequate range of alternatives.

Project Alternative 1 requires no analysis and leaves enrollment, parking, traffic impacts as they currently are. However, Project Alternatives 2 (moderate growth w/ garage) and Alternative 3 (moderate growth with a smaller garage) require a thorough traffic study to understand their

construction, traffic, aesthetic, biologic and land use impacts. It is impossible to review these alternatives without further information.

I believe it is unfortunate that Dudek failed to propose and analyze Alternative 1a, which could allow for a modest increase in students without the proposed garage, a renovation of the Castilleja facility, and an enhanced TDM, which would utilize more electric powered vans and have more off-site parking facilities for those students and staff that *must* drive to school. Most other private schools on the Peninsula have split their middle and high schools up to increase their enrollment. And none of these schools have underground parking garages, they tend to have robust TDMS, utilize their own school-operated bus system or rent off-site parking lots for students and staff to utilize.

While Castilleja insists that co-location of their middle and high schools is essential to maintain their educational model, the school at the same time is requesting a 30% increase in their enrollment and significant changes to their facility, For a school though that only serves 25% of Palo Alto students, do the “significant and unavoidable traffic and land use impacts outweigh any benefits that the school provides to the community?

Respectfully submitted,

Mary E. Sylvester
Attorney
Melville Avenue
Palo Alto, CA.

From: [Elena](#)
To: [Planning Commission](#); [Council, City](#); [French, Amy](#)
Subject: Castilleja expansion
Date: Tuesday, September 17, 2019 12:25:03 AM

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

Dear sirs/madams,

My family live two blocks from Castilleja(Casti) on [REDACTED] Bryant St. I would like to tell my experience of living right next to a big construction site. My neighbor [REDACTED] Bryant St started building their mansion with a massive basement since April 2018. They are building a maximum 25 feet high basement for a half size basketball court. This project will last four years. They are using the commercial grade equipments for this project. My house shakes sometimes. The fences between our two houses are falling apart because of the soil movements. They used a 75 feet tall machine to drill the hole for months. During these months, we were lucky that there was no earthquake. I could not imagine the outcome if the 75 feet tall machine fell! Also, the foundation of our house is in danger. Our daily routine changes because of this big construction project: we cannot let our cats to go outside, my daughter cannot invite friends to hangout in our house after school and on Sat because of the construction noises, we need to leave the house to work early because the construction starts at 8am on weekdays, the poor air quality due to the dust, all the traffic and parking problems. I definitely do not want to see a big construction happened in our neighborhood and impact so many neighbors' lives. Please kindly consider this is a residential neighborhood that big constructions should be avoided. It is not downtown Palo Alto. Thank you

Sincerely,
Elena Chiu
[REDACTED] Bryant St, Palo Alto

Planning and Transportation Commission Public Comment 9-25-19

From: [Jeanne Fleming](#)
To: [French, Amy](#)
Cc: [Council, City](#); [Clerk, City](#); [Shikada, Ed](#); [Lait, Jonathan](#); [Architectural Review Board](#); [Planning Commission](#); [UAC](#); [board@pausd.org](#)
Subject: RE: Please provide update on Wireless
Date: Monday, September 16, 2019 4:40:03 PM
Attachments: [image001.png](#)

Dear Ms. French,

Thank you for your prompt response.

I would appreciate it if you would explain the following sentence in your email: “The city anticipated a tolling agreement filing this week to extend the City’s decision(s).”

Specifically, to which “decision(s)” on which cell tower applications are you referring?

As always, thank you for your help.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD
JFleming@Metricus.net
650-325-5151

From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Friday, September 13, 2019 5:49 PM
To: Jeanne Fleming <jfleming@metricus.net>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Subject: RE: Please provide update on Wireless

This is the extent of my knowledge about recent events:

- I sent you an email September 12 alerting you updates were made to the Wireless page.
- At least one neighbor in midtown received a proposed wireless installation in midtown, citing work to begin September 17. I saw the letter on Sunday. Such notice is required is per the City’s Master License Agreement (MLA) requiring that applicants send a 10-day in advance notification of construction work.
- No decision has been made yet on the Crown Castle Cluster 3 (17PLN-00450) Downtown North application.
- The city anticipated a tolling agreement filing this week to extend the City’s decision(s). I believe the City did receive the agreement but I have not seen the agreement. You can check back next week on that.

Planning and Transportation Commission Public Comment 9-25-19

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!

From: Jeanne Fleming [<mailto:jfleming@metricus.net>]

Sent: Friday, September 13, 2019 4:11 PM

To: French, Amy

Cc: Council, City; Clerk, City; Shikada, Ed; Lait, Jonathan; Architectural Review Board; Planning Commission; UAC; board@pausd.org

Subject: Please provide update on Wireless

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

Dear Ms. French,

On behalf of United Neighbors, I am writing to ask you what, if anything, has occurred with respect to small cell node wireless installations in Palo Alto since I contacted you on September 6, 2019. Please consider this a formal request.

To be clear, I am asking specifically for information about cell tower application submissions, resubmissions, reviews, approvals, permits, installations, compliance reports and the like. The City Manager's Wireless Hot Topics webpage update yesterday did not include this information.

I am assuming that, since you have not contacted me with new application information since I wrote to you last Friday, nothing has occurred related to cell tower applications between July 17th, 2019, when Rebecca Atkinson provided an update at my request, and September 6, 2019.

If my assumption is not correct, please let me know. And, of course, please let me know if you have any questions.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD

JFleming@Metricus.net

650-325-5151

Planning and Transportation Commission Public Comment 9-25-19

From: [Chi Wong](#)
To: [Planning Commission](#); [Castilleja Expansion](#)
Cc: prettilan@yahoo.com
Subject: Castellija Expansion
Date: Monday, September 16, 2019 2:05:03 PM

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

Hello Commissioners & city planning officials:

My wife and I, along with our two school age children live directly across the street from Castilleja's planned delivery/garbage truck/motor coach ramp. Also, the new swimming pool is slated to be very close by and I have noise concerns during swimming/water polo events. There is some likelihood the whistle noise will be worse than it currently is. And, amplification of events will make the situation even worse. But, back to the below grade delivery ramp- my request is that you recommend study be completed on how goods will be delivered to the school. For example, will large trucks try to navigate the turn into the ramp, from Emerson, or will they off-load goods into smaller "bob-tail" style trucks? Also, will large motor coaches make the turn into the delivery ramp as well? When they attempt that maneuver now a monitor and cones are employed to block Emerson for several minutes. Can you request that Dudek study the possibility of motor coaches not coming onto the campus but shuttling the girls to a more favorable loading site?

This is of particular concern because we have already experience in the past 2 years that our car has been side swiped be other vehicles (likely trucks due to the height of the damage) and we feel the narrow passage is of concern to us. BTW: An insurance/police report was filed for this incident if there is a need to pull that back up.

Thank you for considering additional study on these matters. Feel free to reach out if you would like to have further dialog.

Regards,
Chi Wong
[REDACTED] Emerson St.

From: [JIM POPPY](#)
To: [Castilleja Expansion](#); [Planning Commission](#)
Subject: Castilleja DEIR - Bicycle Safety
Date: Monday, September 16, 2019 12:59:47 PM

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

Comments to be addressed by the DEIR for the Castilleja project:

1. The DEIR does not include any description of traffic flow into the garage on Bryant. If cars are allowed to approach the garage from both directions, this would severely decrease safety for cyclists. Not just during the morning and afternoon commute/school hours, but also for school events, of which there were 110+ last year. This must be made explicit in the DEIR.

2. The DEIR should consider as an alternative that they keep the Kellogg Avenue drop-off to maintain the current 1-way dropoffs on Byrant and Kellogg. With the obvious (but not studied) dangers of a single entrance on Bryant, the Kellogg dropoff should remain in consideration as a mitigation for the traffic flow that is currently described in the DEIR as having several unmitigable impacts. The DEIR should state the current number of drop-offs and how Bryant and Embarcadero would be impacted.

3. The DEIR states that the volume of traffic on Bryant is below the threshold for unsafe conditions, based on total cars on the road per day. The dangers of a single garage entrance on Bryant would negate this statement because of its overriding consideration for safety over numbers. The DEIR should study and measure bicycle traffic on Bryant, from Hamilton Ave to Oregon Expressway in order to understand the current behaviors and details about students and commuters, such as how cyclists heading to Paly High in the morning creates dangerous scenarios as they turn onto Churchill from Bryant. The section of Bryant on the north side of Embarcadero needs to be included in order to give City planners (who are responsible for bicycle safety) a broader sense of the importance of Bryant as a central route that needs to be preserved as more alternative modes of transportation will require more efficient and safer throughways for bicycles, e-scooters, e-bikes, e-skateboards, etc. A garage entrance on Bryant (at Embarcadero) would be a devastating blow to bike safety. The DEIR must include statistics about Palo Alto cycling routes with projections as to how future non-auto traffic would change, in volume and in projected numbers for electric 2-wheel vehicles.

Thank you,

Jim Poppy

Melville Avenue

From: [Andie Reed](#)
To: [Castilleja Expansion](#); [Planning Commission](#)
Subject: Castilleja DEIR
Date: Monday, September 16, 2019 12:00:04 PM

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

Comment Letter to the Planning Department:

According to CEQA section 15121.(a), the "Environmental Impact Report is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project". In providing this informational report about such a controversial issue as the underground garage, it is imperative that the preparer Dudek include information for the decision-makers to understand specifically what the parking facility provides and what it doesn't so that they can make good decisions. There are many comments here describing the devastating loss of trees and homes that would degrade the residential character if this proposal goes forward, and there is much discussion about whether the parents would actually queue up to use the garage facility to drop off and pick up their children, because of traffic backups.

Here are the facts, as provided by Dudek, as to what the garage would provide. The most recent set of plans, dated 8/22/19, page G.001, states that current above grade parking spaces are 86 and that the proposed above grade parking spaces are 26. That's a net loss of 60 above grade parking spaces. The garage as it is described on page AA2-02 shows 116 spaces. If you add 116 to 26, the total number of parking spaces proposed is 142. There are currently 86, so that is a net gain of 56 spaces. The plans also show that 17 of these spaces are tandem, which means cars park one behind another, which requires much planning and logistics to actually use these spaces unless you have a valet on hand. **That leaves a net gain of 39 easily useable parking spaces.** Who is studying the cost/benefit analysis of this project? How are the huge impacts to this community and years of wrangling as the residents try to retain their residential block balanced against a net gain of merely 39 easily useable parking spaces?

Please provide further study of this issue and an Alternative that includes no garage but allows for modernization and upgrades to the school.

Thank you,
Andie Reed

--

Andie Reed CPA
[REDACTED] Melville Ave
Palo Alto, CA 94301
[REDACTED]

Planning and Transportation Commission Public Comment 9-25-19

From: gogo.heinrich
To: [Planning Commission; Castilleja Expansion](#)
Subject: Castilleja Draft EIR and ARB Resubmission #2 Comments
Date: Thursday, September 12, 2019 5:14:43 PM
Attachments: [Castilleja DEIR Comments 11Sep2019.pdf](#)

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

Hi All,

Attached are new comments regarding the DEIR and ARB Resubmission #2 dated August 22. Looking forward to hearing back from you.

Best,

Gogo Heinrich, Architect

██████ Waverley Street

Palo Alto, CA 94301

████████████████████

artandgogo@sbcglobal.net

Planning and Transportation Commission Public Comment 9-25-19

From: [Kathy Croce](#)
To: [Castilleja Expansion](#); [Planning Commission](#)
Subject: Castilleja Expansion
Date: Saturday, September 14, 2019 10:40:00 AM

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

Hello Commissioners & City planning officials :

My husband and I, along with our two high school age daughters (Paly students) live directly across the street from Castilleja's planned pool relocation. I noticed, in the DEIR, that noise levels are very likely to exceed 59 decibels during swimming/water polo events. The old pool's location was already an issue with a couple of the Emerson Street residents and if it is moved closer to the street it is very possible that the whistle, crowd, and speaker noise will be worse. While the speaker noise is controllable, the crowd and whistle noise is not manageable. At the twice yearly Castilleja public meeting, held in Oct. 2018, the architects were asked if they had studied the noise from a similar below grade pool. The answer was "no". My request is that a retractable pool cover be studied as a means to reduce the noise. Surely it would be less costly than all the excavation required to lower the pool 15' below grade. Also, the project's construction timetable would be shortened as well.

My second concern is with the proposed underground garage facility and the associated air quality during and after construction. My oldest daughter has a significant heart defect and lung disease that goes beyond simple asthma and is severely impacted with a decrease in air quality. With thousands of dump truck runs being forecast for this project and my daughters' rooms within a few feet of where the trucks will operate, I am concerned about the impact to her already compromised lung function. I have to question the necessity and benefit of this idea. About 100 girls who are Palo Alto residents attend Castilleja and I see many of them getting to the school by walking or biking. It doesn't seem to benefit these kids or the neighbors. So, why not push the school to up its commitment to shuttling? The electric vans will have no impact on air quality or my daughter's health. I urge the school to purchase several more and shuttle in more students and workers. If the garage facility is permitted to go forward it means a long period of time where my daughter's health will be significantly and potentially permanently impacted by the increase in dust and diesel fumes.

Thirdly, I have a concern for walker and biker safety with the increase in automobile traffic due to the increase in attendance and the underground parking garage. My daughters as well as many other students walk to and from Palo Alto High school during the week and cross one street directly across from the proposed exit of the parking garage, as well as a cross walk at Kingsley Ave to Embarcadero that is a main artery to Castilleja. The morning of the opening day ceremony on August 22nd, there was a significant increase in automobile traffic and while walking to school my daughters' were almost hit by a car while in the crosswalk. I believe the increase in car traffic with the increased enrollment and underground parking garage will cause a danger to pedestrians as well as bikers. I ask that rigorous safety studies involving the immediate area around Castilleja including intersections and Bryant street as well as Emerson street be conducted. I would ask that the safety study be measured throughout the entire school day.

Thank you for your consideration.

Kathy Croce
[REDACTED] Emerson St.

Citations:
Chapter 8 Noise (pages 13,14 15 of DEIR)
Castilleja plans (CA.100)

Planning and Transportation Commission Public Comment 9-25-19

From: [Kimberley Wong](#)
To: [Planning Commission: Castilleja Expansion](#)
Cc: [Council City](#)
Subject: Comments on Castilleja DEIR re: Noise Impacts
Date: Monday, September 16, 2019 12:33:00 PM
Attachments: [Screen Shot 2019-09-15 at 9.58.48 PM.png](#)
[Screen Shot 2019-09-15 at 9.58.48 PM.png](#)

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

To the Planning and Transportation Board,

Castilleja's current swimming pool has a setback of about 110 ft from Emerson Street with three sides surrounded by a one to two story buildings. Castilleja is proposing to move their swimming pool to a location with a setback of only about 24 ft from Emerson and 178 ft toward Melville in the site of the current Melville/Emerson parking lot. Although the proposed pool will be below grade, by shifting the pool 90 ft closer to Emerson and without buildings blocking the noise, it will have more adverse noise impact to the surrounding neighbors on Emerson than what is shown in current DEIR.



Due to the close proximity of our home at 1260 Emerson Street to the existing parking lot on Emerson and Melville, we are able to hear from our backyard students/visitors talking loudly while congregating at the parking lot on a daily basis. The noise is less impactful later in the morning to later in the afternoon. However, you can hear the noise distinctly during the early morning hours of around 7am to 8am or starting in the evening around 6pm. Please note these noises of a few students/visitors is way less than those generated by dozens of spectators for swimming events. Therefore, I am requesting the DEIR to provide more detailed in-depth study on the true noise impact from swimming related events to surrounding homes on Emerson and suggest noise mitigation for the proposed pool.

The Chapter 8 of DEIR on Noise is based on the letter from Charles M. Salter Associates Inc dated March 14th 2017 to Ms. Kathy Layendecker of Castilleja School. <http://cityofpaloalto.org/civicax/filebank/documents/72467> The following paragraph is from page 3 on Pool Events,

On Wednesday, 5 October 2016, we measured noise levels during a varsity water polo game at Castilleja. Measurements were performed approximately 70 feet from the center of the pool. Average noise level approximately 69 dB during the game. The loudest individual events include team cheers, referee whistles, coaches shouting and buzzer signifying the end of a quarter. Typical maximum noise levels were 81 dB from the loudest events at the noise monitor.

This study was based on only a single water polo event on October 5 2016 without specifying the time of the event nor the number of attendees. In order to verify the accuracy of the published numbers, there should be multiple studies at different times showing the date/time and number of attendees.

In addition, the noise measurement was only taken at about 70 ft from the center of the pool. The current impact of the noise level for each property in Table 2 on page 4 is only extrapolated by calculation, not an actual measurement of the noise at each property. Therefore, the accuracy is highly questionable since the current pool is surrounded by buildings on three sides.

Planning and Transportation Commission Public Comment 9-25-19

Castilleja's proposal is to move the pool by about 178 ft toward Melville and 86 ft toward Emerson to the location of the current Melville/Emerson parking lot. This brings the center of the pool about 200 ft closer to my home and instead of being surrounded by 1 to 2 story buildings, it will be just below grade with no buildings to shield the sound. Therefore, I do not agree with the data that is shown in the letter's Table 3 on page 5 that the proposed pool will only increase noise by 4dB to 6dB at my home. In order to measure the expected noise impact from the proposed pool, the study should be measuring the noise at each property from the existing parking lot using a noise of equal decibels and simulate how sound will travel from the below grade pool. I am concerned that noise will continue to travel from below grade pool to the ground level unobstructed by surrounding buildings. To consider possible mitigation, please also study the decibels of sound impact when the pool is encased in a cover similar to what the Burgess pool in Menlo Park has during the winter months and also study keeping the proposed pool at the 110 ft setback from Emerson as the current pool is now.

Also please study the best acoustic materials to mitigate noise emanating from the whistles and students/spectators cheering from the swimming pool area. And please also study the impact of noise during the day vs at night. Castilleja is asking to have events on weekday 8am to 8pm and Saturday from 9am until 8pm. Our neighborhood is mostly quiet by after 6pm on weekdays and most of the day during weekends when there is no event in Castilleja.

From what has been studied so far, the 58-60 db that come from the Emerson side of Castilleja is already close to that of a commercial area with heavy traffic already. I believe that noises from swimming events, other campus activity, and noise emissions from the garage and the pool site with absence of buildings and reduced distance to the street, the cumulative noises will be well above acceptable levels in a Single Family Residential Neighborhood.

Thanks,

Kimberley Wong



Planning and Transportation Commission Public Comment 9-25-19

From: [Andie Reed](#)
To: [French, Amy](#); [Castilleja Expansion](#); [Planning Commission](#); [Dave Dockter](#)
Subject: Fwd: David Dockter report regarding trees - Castilleja Proposed Project DEIR
Date: Monday, September 16, 2019 12:41:25 PM
Attachments: [Final Dockter letter, September 14, 2019.pdf](#)

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

Hi Amy,

Apparently the below attachment, which we desire to be posted today, got kicked back. Perhaps the City's system is getting overloaded today? That's all we need, right?

Thanks very much,
Andie

----- Forwarded message -----

From: **Leila H. Moncharsh** <101550@msn.com>
Date: Sun, Sep 15, 2019 at 11:19 AM
Subject: David Dockter report regarding trees - Castilleja Proposed Project DEIR
To: castilleja.expansion@cityofpaloalto.org <castilleja.expansion@cityofpaloalto.org>, planning.commission@cityofpaloalto.org <planning.commission@cityofpaloalto.org>, French, Amy <Amy.French@cityofpaloalto.org>
Cc: davedockter@comcast.net <davedockter@comcast.net>, Andie Reed <andiezreed@gmail.com>

Please see attached. Please confirm receipt.

Thanks, Leila

Planning and Transportation Commission Public Comment 9-25-19

From: slevy@ccsce.com
To: [Council, City; Planning Commission](#)
Subject: Fwd: SPUR Talk: Housing Development by the Numbers – Streetsblog San Francisco
Date: Saturday, September 14, 2019 11:21:46 AM

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

I think this fact that projects must pencil out for investors and lenders (before the developer can even proceed) is the hardest for residents to understand and they pressure elected leaders to do things that effectively kill housing.

The Turner work was very persuasive to CASA members many of whom were seeing these numbers and ideas for the first time.

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

Subject: SPUR Talk: Housing Development by the Numbers – Streetsblog San Francisco

Date: 2019-09-14 10:47

From: steve levy <mongooseslevy@gmail.com>

To: slevy@ccsce.com

SPUR Talk: Housing Development by the Numbers – Streetsblog San Francisco

<https://sf.streetsblog.org/2019/09/04/spur-talk-housing-development-by-the-numbers/>

From: [Kimberley Wong](#)
To: [Planning Commission](#)
Subject: Missing DEIR study on Noise, Air Quality Geology Impact to immediate neighbors
Date: Sunday, September 15, 2019 12:10:39 PM

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

To the PTC Chairman and members of the PTC board,

I live at 1260 Emerson Street that is directly across from 1263 Emerson Street which is one of the two single family homes proposed by Castilleja to be demolished to build a 50,500 sq ft underground garage. Due to my close proximity to the underground garage, I am very concerned with the noise, air quality and geological impact of the underground garage.

The current Castilleja Expansion DEIR is incomplete due to missing impact analysis in Chapter 8 Noise, Chapter 9 Air Quality and Chapter 12 Geology of the underground garage on immediate neighboring properties such as my house at 1260 Emerson Street and the house at 1215 Emerson.

For Castilleja's proposed underground garage, there will be an exhaust vent directing all automobile exhaust from the underground garage to the surface level by Emerson Street. In addition to the air pollution from the vehicle exhaust, there will be constant noise generated by the fan of the exhaust vent and exit alarms.

The DEIR mentions the hazards, instability of the ground and other potentially significant impacts to the soils during construction but do not address geologic impacts that can affect immediate neighboring properties during and after construction. It does not address the damage to the integrity of the homes nearby during ground shaking from construction and compaction "to not less than 90 percent relative maximum density" in order to comply with the mitigation measures of securing the soil.

Please request that the DEIR includes in their studies specific potential impacts of the underground garage to the neighborhood and especially the immediate neighboring homes:

- 1) Geological Impact such as liquefaction to foundation and structures of neighboring properties during and after construction
- 2) Air pollution from underground garage directed to the surface by the exhaust fan
- 3) Constant Noise from the fan of the exhaust vent and exit alarms from an underground garage

Thank you,

Kimberley Wong

Planning and Transportation Commission Public Comment 9-25-19

From: [Jeanne Fleming](#)
To: [French, Amy](#)
Cc: [Council, City](#); [Clerk, City](#); [Shikada, Ed](#); [Lait, Jonathan](#); [Architectural Review Board](#); [Planning Commission](#); [UAC](#); board@pausd.org
Subject: Please provide update on Wireless
Date: Friday, September 13, 2019 4:11:25 PM

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

Dear Ms. French,

On behalf of United Neighbors, I am writing to ask you what, if anything, has occurred with respect to small cell node wireless installations in Palo Alto since I contacted you on September 6, 2019. Please consider this a formal request.

To be clear, I am asking specifically for information about cell tower application submissions, resubmissions, reviews, approvals, permits, installations, compliance reports and the like. The City Manager's Wireless Hot Topics webpage update yesterday did not include this information.

I am assuming that, since you have not contacted me with new application information since I wrote to you last Friday, nothing has occurred related to cell tower applications between July 17th, 2019, when Rebecca Atkinson provided an update at my request, and September 6, 2019.

If my assumption is not correct, please let me know. And, of course, please let me know if you have any questions.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD
JFleming@Metricus.net
650-325-5151

Planning and Transportation Commission Public Comment 9-25-19

From: bill@thepowars.com
To: [Planning Commission](#)
Cc: [Council, City](#)
Subject: RE: Draft Castilleja EIR
Date: Sunday, September 15, 2019 4:57:29 PM

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

I am writing this note as an addendum to the note I wrote in July, before my trip. I failed to mention that there was no mention nor discussion of the impact on noise of the swimming pool. Water polo matches seem to involve virtually continuous whistles by the referees, not to mention the cheering by the fans in attendance. In one of the earlier public meetings about Castilleja's proposal, I spoke about this issue to the City Council.

Any normal day measurement of ambient noises as referred to in the EIR would not have taken this into account. Since the proposal includes moving the pool, there needs to be an analysis of this issue.

Bill Powar
bill@thepowars.com

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

Subject: Draft Castilleja EIR
From: <bill@thepowars.com>
Date: Tue, July 30, 2019 3:24 pm
To: Planning.Commission@CityofPaloAlto.org
Cc: city.council@cityofpaloalto.org

I am writing this note because I will be unable to attend the scheduled August 14 hearing regarding the draft EIR for Castilleja School's application for a new CUP as my wife and I will be traveling at that time.

I have read portions of the draft report and I believe the commission should reject it as being deficient in assessing the impact of the school's proposal to increase enrollment, build an underground garage and totally rebuild the academic buildings. Among the deficiencies I noted are:

1. There is no estimate of the thousands of cubic feet of dirt that will be necessary to be removed and disposed of to build the underground garage; nor is there any discussion of where that dirt will be removed to (and the consequences of that "dumping"). There is no discussion of the number of truck loads that will be necessary to remove said dirt, the impact on the surrounding streets and the location of a staging area for those trucks.
2. There is inadequate discussion of the air quality consequences of the removal of the dirt and the other construction. Although there are requirements to adopt procedures to minimize these impacts, as a resident during the construction of the underground gymnasium, I can attest to the fact that the air quality will deteriorate dramatically and for many days will be unbreathable. All local residences will have significant dirt residue and will require both power washing of the walls and extensive cleaning of windows.
3. There is no discussion of the length of time necessary for the construction of the total project, the number of construction workers and their parking arrangements,

the number of truck deliveries during construction nor the plans for accommodating school sessions while the existing buildings are demolished and the new ones being built. There is no doubt that this multi-year project will lead to significant dislocations as construction equipment and supplies are delivered and removed. Drivers routinely ignore impacts on the neighbors which are likely to be significant given the limited "on campus" space for staging. When the school rebuilt the oval several years ago, I was forced to miss a doctor's appointment because my driveway was blocked for several hours when a large flatbed was picking up a piece of equipment and double parked on Emerson. When I asked the driver to move it so I could get out of my driveway, he refused and responded that I should have moved my car to the street before work hours as I knew there was construction going on. When I called the school, I was told they had no control over the construction workers.

4. In looking at ongoing neighborhood impacts, the report should provide a comparison of student density (number of students per acre or something similar) of the Castilleja proposal against other Bay Area private schools. It does not. There should be a discussion of restrictions imposed on evening and weekend events of these other schools.

5. In the discussion of alternatives, a detailed description of steps taken by other private schools when faced with similar circumstances was missing. The report accepts without question the school's stated objective to have a single 6-12 campus. Other local private school's had similar objectives but eventually agreed to split campuses. The report should include an analysis of the impacts these other schools have experienced of having split campuses. In addition, there should be a comparison of measures of student density (students per acre or something similar) of the existing Castilleja allowed (not actual) and proposed enrollments with other area private schools. This summary should be accompanied by an analysis of these other school's actual neighborhood impacts and ongoing neighborhood complaints.

6. The transportation analysis lacks any analysis of the impact of the proposal on the Embarcadero corridor, other than an analysis of the small spur where westbound Embarcadero traffic can turn right onto Alma. At peak commute times (including morning school hours), traffic tends to back up from the Embarcadero/El Camino and Embarcadero/Town&Country stop lights far beyond Emerson, sometimes to Waverley. school traffic is likely to have some added burden on Embarcadero but there seems to be no discussion of this. Since traffic coming from the proposed garage would exit onto Emerson toward Embarcadero and then turn right onto Embarcadero, there needs to be an analysis of the actual traffics patterns Eastbound on Embarcadero. In addition, although the posted speed limit is 25 mph on Embarcadero, actual traffic flows are usually significantly faster than that. Since the visibility at the intersection is less than ideal, given the angle at which Embarcadero comes up the hill from the Alma/rail underpass, backups onto Emerson will be more significant than as discussed in the report.

7. Also, the transportation section refers to the Emerson Embarcadero intersection as not being a pedestrian cross area. It is my understanding that California law defines any intersection as a pedestrian crosswalk, even those without markings, unless there is a no crossing posting. There is no such posting at this intersection.

8. There is no discussion of the fact that people routinely turn left from Emerson onto Embarcadero Westbound and from Embarcadero Westbound onto Emerson in spite of the signage prohibiting those turns. Police patrols are unlikely to be in the area at prime school commute hours likely resulting in an increase in this illegal and dangerous driving behavior.

9. I found the minimal discussion of the school's failure to abide by the existing CUP in the land use section of the report to be particularly troublesome. Throughout the report, the writers describe mitigation efforts that would minimize negative impacts. Since without these mitigation efforts, there would have been many more negative impacts highlighted. A single sentence in section 4.2 of the draft EIR - "During the 2011-2012 academic school year, the student population exceeded the 2000 CUP enrollment limitation of 415 students." - dramatically understates the school's behavior. I believe the school first surpassed their allowed enrollment limit before the 2000 CUP was in effect (they anticipated it for the 1999-2000 school year, even though it was not effective until January 2000) and their failure to abide by it began before the 2010 school year mentioned in the report. The report fails to mention that the school had applied for 425 in the late 90s, but was limited to 415 by the city and was explicitly told at that time "no more". There needs to be a thorough discussion of the factors that have changed since then for the city to allow what was rejected then. Given that many of the mitigation efforts described in the draft EIR require ongoing actions by the school that are not dissimilar to the non-enrollment conditions of the 2000 CUP, a more thorough discussion of the school's failure to follow them after they were imposed in 2000 needs to be added. I also understand that the recently retired city manager referred to these conditions as unenforceable. A reasonable person should demand more analysis of if these were ignored and unenforceable for the past 19 years, how they will be followed and enforced going forward.

10. It is my understanding that the school would require a modification of the existing underground easement associated with the city's abandonment of the surface easement when the Melville cul-de-sac was turned into a playing field by the school, and possibly the relocation of sewer lines. I may have missed it, but I did not see any discussion of this and the possible impacts on sewer flows and storm runoff.

11. When the school built the underground gymnasium, they encountered water and stopped construction until a detailed water abatement plan was developed and approved. The pump system behind the art building on Emerson is an ongoing feature of the plan. Given this history, there needs to be a more detailed analysis and description based on 20+ years of experience related to the underground stream that is part of the area.

12. The plan calls for the removal of 2 single family residences which the report dismisses as inconsequential without any serious discussion. Given the tremendous housing shortage in Palo Alto, this section needs to be enhanced significantly.

I am sure a more thorough reading the hundreds of pages in the report will bring to light many more deficiencies and I call on the commission members to do so and to return the report to the staff as unacceptable. The staff should also be directed to interview impacted neighbors to ascertain their concerns and their individual histories of interactions with the school when the school failed to follow CUP requirements over the past 30 years.

Sincerely,

Bill Powar
██████████ Emerson Street
Palo Alto, CA 94301
bill@thepowars.com

From: [Nelson Ng](#)
To: [Planning Commission](#); [Lait, Jonathan](#)
Cc: [Council, City](#); [Shikada, Ed](#)
Subject: The process for Castilleja Expansion DEIR
Date: Monday, September 16, 2019 12:02:45 PM

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

Planning Director and Planning and Transportation Commission,

While I was reviewing the Castilleja Expansion DEIR, I learned that Chapter 8 of DEIR on Noise is based on a letter from Charles M. Salter Associates Inc dated March 14th 2017 to Ms. Kathy Layendecker of Castilleja School to report the noise study that was conducted on October 5th 2016.

<http://cityofpaloalto.org/civicax/filebank/documents/72467>

The DEIR study should be managed by the City of Palo Alto with funding from the applicant Castilleja. Therefore, I do not understand why Charles M. Salter Associates Inc was reporting the results of the study directly to Ms. Kathy Layendecker of Castilleja School. Did Castilleja hire this consultant directly for this noise study? This raises the question of how impartial and independent the noise study for the DEIR was conducted.

Additionally, I just noticed that a new set of plans dated August 22, 2019 was uploaded to the Castilleja City of Palo Alto website recently.

https://cityofpaloalto.org/gov/topics/castilleja_school/project_documents_.asp

Revised Project Plans Of August 22, 2019 (in Sections due to size):

1. [Section 1](#)
2. [Section 2](#)
3. [Section 3](#)
4. [Section 4](#)

I didn't receive any notification on the availability of the updated plans. So I don't know when these plans were actually uploaded to the website for the general public. Given that the DEIR comment process runs between July 17th to Sept 16, this gives the public little to no time to review the updated plans and include any additional comments on the DEIR.

Please take appropriate actions to address the above concerns to ensure that the Castilleja Expansion DEIR process is transparent to the public and is conducted in an unbiased manner that is in full compliance with the law.

Nelson Ng
[REDACTED] Emerson Street

Planning and Transportation Commission Public Comment 9-25-19

From: neva.yarkin
To: [Planning Commission](#); [Council, City](#); [Castilleja Expansion](#)
Subject: from neva yarkin
Date: Sunday, September 15, 2019 11:23:02 AM

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Sept. 15, 2019

To: Planning.Commission@cityofPaloAlto.org City.council@cityofpaloalto.org
Castilleja.expansion@cityofpaloalto.org

Here are more comments I have regarding Castilleja Expansion that I feel need to be studied for the DEIR.

A New Stanford Hospital will open in November, 2019, with a regional trauma center. The main thoroughfare will be Embarcadero Road. Please study added traffic on Embarcadero by Castilleja and how this will affect this new Hospital Trauma Center that will be used by everyone??

I see nowhere in the DEIR Community Benefits from Castilleja to the city of Palo Alto or neighborhood. The only benefits that accrue to anyone in Palo Alto are to those 25% of girls at Castilleja who are Palo Alto residents (and their parents). The DEIR states that the school is providing a park and a bicycle station. The neighbors want the current residences and their surrounding trees to stay, and believe tearing the houses down is intended to increase the acreage of the school by ½ acre being the main reason they want to do so.

The city of Palo Alto does not need another park overlooking Embarcadero Road when we already have the magnificent Gamble Gardens 2 blocks away. Bike repair, if the bike boulevard is going to be destroyed by the garage why would anyone need a bike repair station?

Neva Yarkin
Churchill Ave., Palo Alto
nevayarkin@gmail.com

From: [Rob Levitsky](#)
To: [Planning Commission: Castilleja Expansion](#)
Subject: melville Public Utility Easement (PUE)
Date: Saturday, September 14, 2019 8:35:22 PM
Attachments: [image1.png](#)

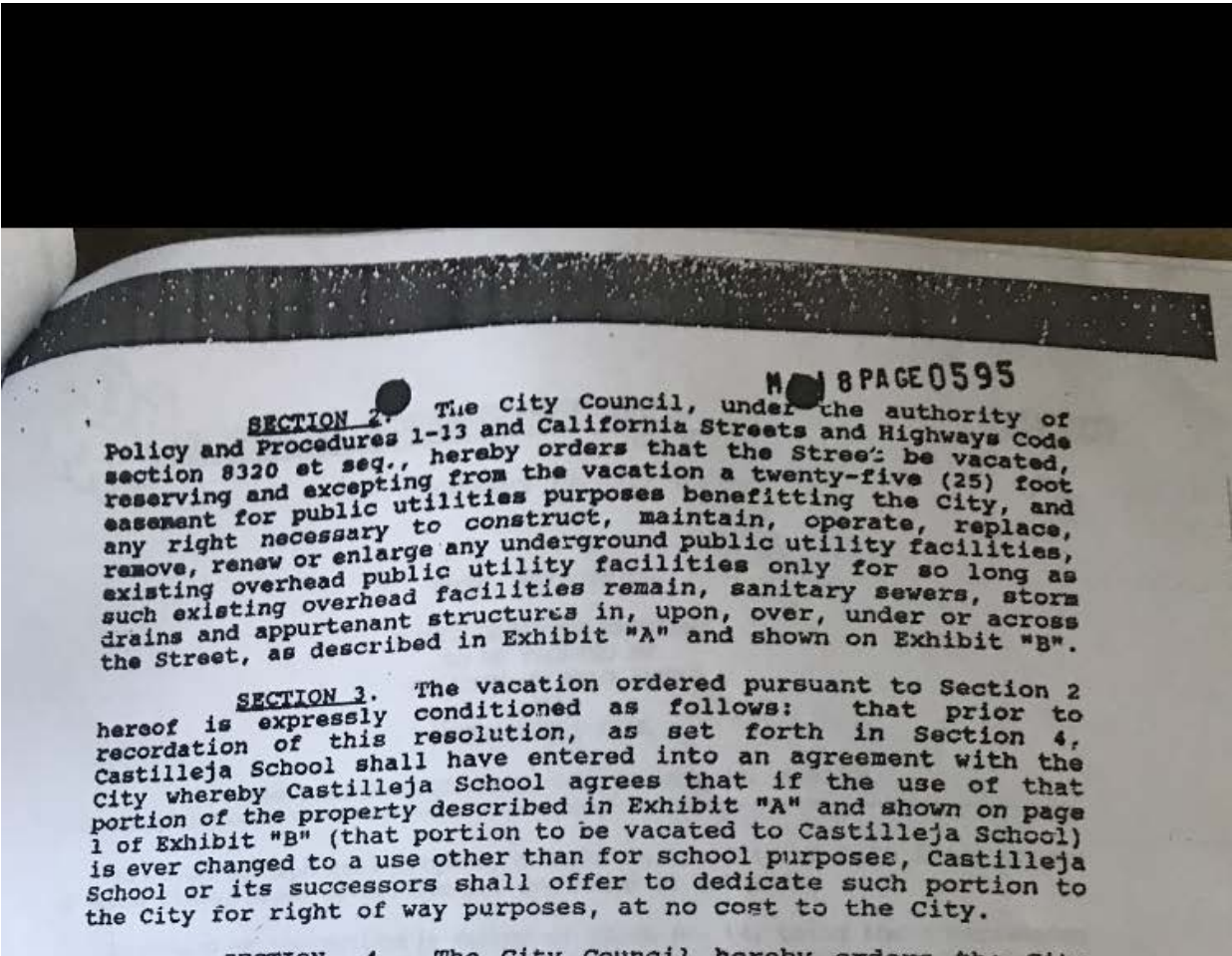
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planning commissioners:

Since the above ground Melville Street easement that was given to Castilleja In 1992 reverts to the city of Palo Alto if the property is no longer used as a school, how can the city of Palo Alto allow any shifting or modifications to the underground 25 foot wide PUE to accomodate an underground parking garage, which would complicate the likely eventual return of Melville street to the City of Palo Alto? (see section 3 of attached city agreement on use of melville street)

This proposed easement shifting needs to be studied by the DEIR, as it detrimentally affects the neighborhood, in that the sewer line access becomes compromised with the Melville PUE shifting, and the eventual return of the 200 block Melville street is complicated by having a parking garage under the street. These impacts need to be studied by the DEIR, as well as the proposed design of a tunnel for students from the underground garage to the school, running less than 2 feet under the Melville Sewer line.

rob levitsky
owner, [REDACTED] Emerson



SECTION 4. The City Council hereby orders the City Clerk, acting through the City Real Property Manager, to cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded in the Office of the County Recorder of Santa Clara upon fulfillment of the condition described in Section 3. From and after the date of such recordation, the Street shall be considered vacated.

INTRODUCED AND PASSED: April 20, 1992

AYES: ANDERSEN, FAZZINO, HUBER, KNISS, MCCOWN, ROSENBAUM, SIMITIAN, WHEELER

NOES:

ABSTENTIONS:

ABSENT: COBB

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:
[Signature]
Senior Asst. City Attorney

APPROVED:
[Signature]
Mayor

[Signature]
City Manager, Asst.

[Signature]
Kenneth R. Schreiber
Director of Planning and
Community Environment

[Signature]
David J. Helan
Director of Public Works

[Signature]
William W. Felton
Real Property Manager

920427 Jan 0020443

From: [Andie Reed](#)
To: [Castilleja Expansion](#); [Planning Commission](#)
Subject: misleading description of impact 4-2; more alternatives
Date: Sunday, September 15, 2019 12:49:04 PM

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Dear City Staff:

The DEIR determines that there is a **significant and unavoidable impact, 4-2**, which is the land use incompatibility resulting from the demolition of two homes and their surrounding stands of trees in order to:

1. make way for an underground garage
2. add 1/2 acre increase to the school property acreage

The school owns the two homes, but they are not part of the school property. They are residential real estate and pay property taxes. They currently make up 2/3 of a short residential block, across the street from 5 homes, 3 of which are over 100 years old and pre-date the Lockey House (one of the two homes slated to be torn down). It will require a variance, called a Tentative Map with Exception, to merge those two R-1 lots into the school.

The **DEIR preparers should be required to report the change in the land use from the perspective of the neighbors**. Although the DEIR states on page 4-24 that the proposed project would result in less than significant impacts to aesthetics and visual resources, and on page 5-16 states that "Views of portions of the parking garage structure and driveway would be filtered by fencing and landscaping could be considered a beneficial visual change", it would be difficult to find any resident who would agree with this analysis. This proposed land use change is not compatible with the residential block, and clearly, replacing residences with a commercial underground garage exit degrades the area. Perhaps the preparer is referring to what the proposed project would look like from the school's perspective, and not from the neighbors' perspective. Conflating this land use impact with the other two "significant and unavoidable" traffic issues is deceptive.

The DEIR continually states that this impact is mostly a traffic issue (see bottom paragraph, page 4-24), avoiding the obvious land use issue. Although the garage facility certainly causes traffic pattern concentrations into the narrow streets, which are the focus of the remaining two "significant and unavoidable" impacts (7-1 and 7-7), it also causes a viewshed that residents find offensive. **CEQA requires (15126.6(b)) that the DEIR "must identify ways to mitigate or avoid the significant effects that a project may have on the environment ... the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects..."** **The DEIR fails to provide an alternative without a garage facility**, that includes other modes of transporting students and staff, and that would **allow the school to upgrade and modernize their facilities** and work out a plan to invite a modest enrollment increase if traffic gets calmed. As one of the Planning Commissioners stated on Aug 14, this "all or nothing" approach is not helpful to anyone.

Thank you,
Andie Reed

--

Andie Reed CPA
[REDACTED] Melville Ave
Palo Alto, CA 94301



Planning and Transportation Commission Public Comment 9-25-19

From: [Rob Levitsky](#)
To: [Planning Commission](#); [Castilleja Expansion](#)
Subject: project alternatives
Date: Saturday, September 14, 2019 8:52:55 PM

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commissioners

the DEIR shamefully only lists 3 alternatives, and really only 2 alternatives, as one alternative is the no-project option

But since there are at least 10 protected oaks and redwoods that are wrongfully listed as OK to remove, the DEIR must be revised to study alternatives to avoid this needless slaughter of protected trees. Hmm, remove the underground garage, and the killing of protected trees goes away, as does the removal of 1235 and 1263 Emerson street.

a DEIR study of the historic nature of the houses in the neighborhood would also point to an alternative to knocking down 1235 and 1263 Emerson, and bringing back 1263 Emerson to its original historic configuration

rob levitsky
owner, [REDACTED] Emerson
(constructed 1917)

Sent from my iPhone

Planning and Transportation Commission Public Comment 9-25-19

From: [Rob Levitsky](#)
To: [Planning Commission](#); [Castilleja Expansion](#)
Subject: proposed private park at castilleja
Date: Saturday, September 14, 2019 7:55:50 PM

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planning commissioners:

just what is this "private park" that castilleja proposes to build on the site of 1235 and 1263 Emerson street??

This concept is not studied at all for its impacts on the existing neighborhood - knocking down 2 of the 3 houses on the east side of the 1200 block of emerson street, as well as cutting down protected oaks and redwoods. the DEIR says "construct emerson park as a privately-owned open space that will be accessible to neighbors of the school"

1. accessible to who, and how is that decision made on who can use the "private park"?
2. how would entry be made?
3. are there locked gates?
4. what are the hours of operation of the "private park"?
5. how is the "private park" policed or supervised?
6. how are sound levels in the "private park" monitored?
7. who do we neighbors call if its too loud?
8. Did any neighbor ask for a "private park"?
9. will this "private park" negatively effect property values in the neighborhood?

the destruction of trees and houses along the 1200 block of Emerson (our neighborhood) to be replaced by some ill defined "private park" needs much more study on the impact to the protected trees that would be cut down, 100+ year old houses that would be demolished or orphaned (1215 Emerson), and rules of operation.

And any such rules would have to be worked out with the City and the neighbors, NOT a DEIR contractor sitting at a computer

rob levitsky
owner [REDACTED] Emerson street

Sent from my iPhone

Planning and Transportation Commission Public Comment 9-25-19

From: [Rob Levitsky](#)
To: [Planning Commission](#); [Castilleja Expansion](#)
Subject: protected oak tree #122
Date: Monday, September 16, 2019 8:56:47 AM

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commissioners

oak tree #122 is shown on page AA2.01
with an arrow pointing to it saying
“(E) Oak Tree to Remain TYP”

then tree #122 is shown on page L.2.0
with a red circle around it, indicating
its a “Relocated Tree”

these two designations describing the treatment of protected oak tree #122 cannot both be right.

furthermore, the obvious reason for trying to move protected oak tree #122
is to allow 4 or 5 more TANDEM parking spots in the underground garage, and TANDEM parking spots cant be
counted in Palo Alto, anyway. So protected oak #122 should be left alone, and not sacrificed for 4 or 5 uncountable
TANDEM parking spots.

rob levitsky
owner, [REDACTED] Emerson street

Sent from my iPhone

Planning and Transportation Commission Public Comment 9-25-19

From: [Rob Levitsky](#)
To: [Castilleja Expansion](#); [Planning Commission](#)
Subject: underground garage traffic mess
Date: Saturday, September 14, 2019 9:15:45 PM

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commissioners

the proposed castilleja underground garage has many problems that need to be studied by the DEIR


the supposed 14 second drop off time in the underground garage is completely unrealistic, as just about any car that is turning into one of the tight parking spaces, or especially backing out of one of the parking spaces, will probably cause a 30 second wait, causing a long queue to form and backup onto the Bryant Street entrance and bike boulevard

another problem occurs at pick up hour, as everyone tries to leave school at once, with 400 cars (parked cars + pickups) coming out of the exit and turning right onto Emerson street, and forming a solid line of cars trying to turn onto the already overcrowded Embarcadero Road.

The Garage, as designed, is awful.

All attempts by the neighbors to discuss the garage design with the garage architects have been shamefully blocked by the Castilleja administrators, resulting in this awful situation.

Garage alternatives, like no garage, need to be studied by the DEIR

rob levitsky,
owner  Emerson

Sent from my iPhone