



Planning & Transportation Commission

Staff Report (ID # 11747)

Report Type: Action Items **Meeting Date:** 11/4/2020

Summary Title: Castilleja Recommendation CUP & GFA Variance

Title: PUBLIC HEARING/QUASI-JUDICIAL: Castilleja School Project, 1310 Bryant Street [16PLN-00238]: Request by Castilleja School Foundation for Planning and Transportation Commission Recommendation to City Council on Applications for a Conditional Use Permit (CUP) Amendment to Increase the Student Enrollment cap to 540 Students With Phased Enrollment and Campus Redevelopment, and a Variance to Replace Campus Gross Floor Area. The Project (but not the Project Alternative) Requires Recommendation on a Variance for Subterranean Encroachment Into the Embarcadero Road Special Setback and a Tentative map With Exception to Merge Three Parcels Where the Resulting Parcel Would Further Exceed the Maximum lot Size in the R-1(10,000) Zone District. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 29 and 30, 2020; Draft EIR Published July 15, 2019. For More Information Contact Amy French, Chief Planning Official, at amy.french@cityofpaloalto.org

From: Jonathan Lait

Recommendation

Staff recommends the Planning and Transportation Commission (PTC) take the following action(s):

1. Review the Draft Approval Findings for the Conditional Use Permit (CUP) and gross floor area (GFA) replacement Variance (Attachment A);
2. Review Draft CUP Conditions of Approval (Attachment B) for Project Alternative #4;
3. Receive public testimony on the draft Findings and Conditions, and on any other documents, and

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4. Provide recommendations on the CUP and Variance applications.

Note: CUP and Variance Findings and Conditions will be ultimately be incorporated into a Record of Land Use Action (RLUA) along with Architectural Review Findings and Conditions. The RLUA and the Mitigation Monitoring and Reporting Program (MMRP, Attachment C) will be forwarded to City Council. Council will review these documents, the EIR and all application recommendations from the Architectural Review Board, Historic Resources Board and PTC.

Report Summary

This report supports the PTC's third public meeting to discuss the Castilleja School project following publication of the final environmental impact report (EIR) in late July. On September 9, 2020, the PTC made a recommendation to the City Council to affirm the adequacy of the final EIR to the City Council (4-1 Summa against) and directed staff to return with draft approval findings and conditions. Two commissioners did not attend the September 9th meeting, but had the opportunity to provide comments on the Final EIR's adequacy for certification.

The draft findings and conditions are intended to serve as a starting place for the Commission's continued deliberation. When preparing the attached conditions, staff reviewed Castilleja's existing entitlements and conditions imposed on other private schools in the Bay Area. Additionally, staff reviewed recent City CUP approvals and correspondence from the applicant and residential neighbors most impacted by current school operations.

The attached draft findings and conditions generally reflect the applicant's request or modify the request to address neighborhood concerns or minimize anticipated impacts. The PTC is encouraged to review the findings and conditions and direct changes as needed. Many standard conditions and special conditions for the architectural review application are not included; these would be incorporated into a final record of land use action. For instance, conditions typically imposed to address public works, utility conditions and conditions related to public art and tree replacement and preservation. Staff will be prepared to talk generally with the PTC about the conditions anticipated to be reviewed by the Architectural Review Board (ARB) in November.

Background

The following is a summary of the requested entitlements, recent background discussion and reviews by City boards and PTC.

Variance Request

The applicant requests a Variance to replace non-complying gross floor area (GFA) which exceeds the Floor Area Ratio (FAR) and has provided several letters¹ on this topic. There has

¹ Applicant's recent letter regarding the requested Variance <https://www.cityofpaloalto.org/civicax/filebank/documents/78401> and Applicant's Variance request letter <https://www.cityofpaloalto.org/civicax/filebank/documents/64423>

also been significant public comment² on this issue. Staff believe findings can be made to support the applicant's request, and presents draft findings in Attachment A. However, the PTC and City Council retain broad discretion over whether the findings can be made and conditions that may be required to make the findings. The applicant's submittals for ARB hearings in October and November reduced the requested amount of requested replacement GFA by 2,228 square feet (sf). This would reduce the campus Floor Area Ratio (FAR) from the existing 0.44:1 to 0.42:1.

The GFA replacement area will be embodied in the proposed new buildings. Review of the new building designs falls within the ARB's purview to recommend an action to the City Council on the Architectural Review (AR) application. Conditions of approval related to the physical manifestation of floor area approved by Variance will be processed with the AR application.

CUP Request

The applicant's CUP amendment request is to increase the enrollment cap from 415 students to 540 students; this is tied to redevelopment of the campus in phases, with no more than 27 students added annually. The CUP also includes placement of a temporary campus of two-story modular classrooms on Spieker Field, to enable the school to operate during construction of the new Academic Building. Castilleja's enrollment, currently 426 students, has been reduced incrementally toward 415 students, in accordance with a 2013 City code enforcement case letter as modified in 2017.³

CUP conditions can regulate the size and rate of enrollment increases and special events (number, frequency, monitoring, enforcement); the TDM program (mandatory measures, monitoring, reporting, and enforcement); temporary on-site campus (relationship to enrollment increases, timely removal); and other operational considerations.

Architectural Review

On October 1, 2020, the ARB reviewed the project. The ARB staff report⁴ included a table capturing the ARB's earlier comments and Applicant's responses. In addition to responding to the ARB's August 20th design-related comments, the October 1st report provided information on other topics. The topics included traffic and TDM enforcement, use of the temporary campus, special events and circulation focused on the potential for conflicts between bicyclists and car drivers, and floor area clarification. The October 1st staff presentation,⁵ video,⁶ and excerpt

² Public comments on the project provided to staff in 2020 are viewable on this webpage:

https://www.cityofpaloalto.org/gov/topics/castilleja_school/public_comments.asp

³ City's 2013 attendance reduction and TDM letter as part of enforcement cast is viewable here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/53932> and the 2017 enrollment reduction letters are viewable here: <https://www.cityofpaloalto.org/civicax/filebank/documents/61437>

⁴ ARB October 1st staff report <https://www.cityofpaloalto.org/civicax/filebank/documents/78570>

⁵ ARB October 1st presentation <https://www.cityofpaloalto.org/civicax/filebank/documents/78667>

⁶ ARB October 1st video <https://midpenmedia.org/architectural-review-board-74-1012020/>

minutes⁷ are available online. The ARB continued the item to a date uncertain and directed the applicant to further develop specific architectural and landscape items for a third ARB hearing.

On October 22nd, the Applicant submitted responses to the ARB feedback with revised drawings in a complete package. The conformed plans are available for viewing City's homepage for the Castilleja project; two links are provided due to the size of the plan set:

- <https://www.cityofpaloalto.org/civicax/filebank/documents/78908>
- <https://www.cityofpaloalto.org/civicax/filebank/documents/78909>

The August 20th ARB staff report,⁸ excerpt meeting minutes,⁹ video,¹⁰ and presentation¹¹ are viewable online. Staff provided the excerpt ARB minutes from August 20th in the September 9th PTC staff report¹²; the minutes captured the ARB's support of the Reduced Garage/Disbursed Circulations Alternative over the original project.

PTC Reviews, Public Comments and Applicant Submittals

On August 26th, the PTC received the initial staff report and presentations from staff and the applicant; however, given time constraints, the PTC was only able to take public testimony and ask one round of questions. Rather than taking staff's answers that evening, the PTC requested staff return with answers on September 9th to enable the PTC to continue its discussion on that date. Links to the August 26th PTC meeting report, excerpt minutes and presentations were provided in the PTC September 9th report. The September 9th PTC presentation,¹³ video,¹⁴ and excerpt PTC meeting minutes¹⁵ are available online.

On September 9th, the PTC discussed staff's answers to the initial round of PTC member questions. Prior to the meeting, the PTC had received:

- On September 4th responses to Commissioners' questions prepared by the neighborhood group, PNQL,
- On September 8th and 9th, responses to Commissioners' questions prepared by the applicant.

The PTC voted 4-1-2 (Summa opposed, Roohparvar and Riggs absent) on the adequacy of the Final EIR for transmittal and recommendation to the City Council. The PTC then voted (same attribution 4-1-2) to continue the public hearing to the PTC meeting date of October 14th. The continuance came with a request for staff to return with draft findings and conditions for project approval of the applications within the PTC's purview to help structure its discussion.

⁷ ARB October 1st excerpt minutes <https://www.cityofpaloalto.org/civicax/filebank/documents/78774>

⁸ ARB August 20th staff report <https://www.cityofpaloalto.org/civicax/filebank/documents/78021>

⁹ ARB August 20th excerpt meeting minutes <https://www.cityofpaloalto.org/civicax/filebank/documents/78325>

¹⁰ ARB August 20th meeting video <https://midpenmedia.org/architectural-review-board-74-8202020/>

¹¹ ARB August 20th presentation <https://www.cityofpaloalto.org/civicax/filebank/documents/78197>

¹² PTC September 9th staff report <https://www.cityofpaloalto.org/civicax/filebank/documents/78346>

¹³ PTC September 9th presentation <https://www.cityofpaloalto.org/civicax/filebank/documents/78373>

¹⁴ PTC September 9th video <https://midpenmedia.org/planning-transportation-commission-63-992020/>

¹⁵ PTC September 9th excerpt minutes https://www.cityofpaloalto.org/gov/topics/castilleja_school/default.asp

The effort to prepare and review wording for the draft findings and conditions required additional time, and the meeting date was postponed to October 28th.

Public comments received by the PTC members prior to the two PTC hearings are viewable on the PTC webpages and on the Castilleja Project webpages, here: https://www.cityofpaloalto.org/gov/topics/castilleja_school/public_comments.asp. The Applicant's submittals of September 8th and 9th, responsive to PTC questions (and posted the same days on the 'Project Documents' webpage as items 10 through 17) are viewable here: [https://www.cityofpaloalto.org/gov/topics/castilleja_school/project_documents .asp](https://www.cityofpaloalto.org/gov/topics/castilleja_school/project_documents.asp). Also viewable on the same 'Project Documents' webpage link, are Applicant submittals (items #13-28) submitted in response to the ARB's August 20th comments.

Regarding issues to address in draft approval conditions, PTC members noted or requested:

- A condition of approval to recover staff time required to enforce and monitor the CUP since traffic mitigation measures will require staff resources over the years to track and monitor.
- A condition of approval for the removal of the portable campus buildings related to construction.
- A condition to enforce mitigation measure 7a to address:
 - how the School will be evaluated in terms of increases in enrollment and enforcement of the CUP;
 - how the information will be communicated;
 - how the school will be held accountable to ensure there will be no increased impacts, and
 - what happens if the School fails to meet the standards.
- Conditions regarding construction, events, and pool noise.

All these topics are addressed in the draft conditions and elaborated upon later in this report.

Historic Resources Board (HRB) September 24, 2020

The HRB reviewed options for the Gunn Building egress stair and wall treatment on September 24th and formed a subcommittee to review final details for the stair railing. The HRB confirmed the Final EIR's adequacy on cultural resource matters. The HRB's September 24th discussion and feedback on Draft ARB Finding 2b related to historic preservation led to the HRB's approval of the wording to forward to the ARB on October 1, 2020. Links to the HRB staff report¹⁶, draft excerpt minutes,¹⁷ video,¹⁸ and presentation¹⁹ are available online.

CEQA Mitigation Measures/ Conditions Addressing Community Concerns

A concerned community has been actively engaged with several elements of the project, including enrollment and enforcement, traffic and Transportation Demand Management (TDM)

¹⁶ HRB 9-24-20 staff report <https://www.cityofpaloalto.org/civicax/filebank/documents/78489>

¹⁷ HRB 9-24-20 excerpt minutes <https://www.cityofpaloalto.org/civicax/filebank/documents/78708>

¹⁸ HRB 9-24-20 video <https://midpenmedia.org/historic-resources-board-46-9242020/>

¹⁹ HRB 9-24-20 presentation <https://www.cityofpaloalto.org/civicax/filebank/documents/78550>

programs, floor area replacement and floor area ratio, tree preservation, and noise. The EIR covered these topics in depth and the City's webpages for the Castilleja School Project provide more information. EIR mitigation measures are designed to address CEQA impacts. Conditions for Council consideration can provide additional specificity or clarifications, beyond addressing CEQA impacts. Conditions for CUP and AR approval can be designed to address community concerns unrelated to CEQA impacts. Conditions of approval associated with the AR application will be presented in the next ARB staff report and the AR-related conditions will be folded into a draft Record of Land Use Action for Council consideration.

Physical Changes on Campus – ARB Purview

The consideration of how the campus will be updated physically is primarily within the purview of ARB and City Council. However, the CUP is required to expand the campus facilities, associated with enrollment increases and including the temporary campus. The ARB's purview includes review of circulation, parking facilities, buildings, landscaping, lighting and historic preservation, with a broad scope for approval findings. Staff provided draft AR approval findings tailored to the Project Alternative in the October 1st ARB staff report. The AR findings are subject to adjustment at the next ARB hearing.

Underground Parking Facility - Interpretation

Staff has not required the applicant to include the below grade square footage of the underground parking facility in the Variance request, as explained in prior PTC reports and staff presentations. In short, although "carports" and "garages" are included in GFA for the R-1 zone, these terms are defined to mean parking facilities associated with residential uses only. The R-1 regulations for GFA do not directly address the treatment of parking facilities for non-residential uses; they do however, exempt non-habitable "basement" space from GFA. The code defines "basement" broadly enough to encompass the proposed underground garage, and staff believe this reading represents the best fit for a non-residential use in the R-1 zone. The PTC requested a discussion of any precedent for this interpretation.

The most relevant and recent precedent, Kol Emeth, was approved in 2016. It included 109 parking spaces in a below grade parking facility (and 12 spaces on the surface lot). Kol Emeth's below grade facility extended significantly beyond the building footprint and did not count toward gross floor area. Staff also found an R-1 zoned church approved to extend basement area beyond the first floor and also to exceed the floor area ratio by CUP approval. It is not uncommon for non-residential uses in other zones to have a basement parking facility that is either not located under a finished first floor, or that extends significantly beyond the finished floor. Examples include Stanford Research Park subterranean parking facilities, Stanford Medical Center's subterranean parking facility at 300 Pasteur, and the more recent Marriott parking facility at 744 San Antonio Road.

Should the PTC disagree with staff's interpretation of this issue, it could direct the applicant to revise its Variance application to include the underground parking floor area or alternatively recommend that the findings for the Variance cannot be made. Recent letters related to the

floor area calculations and interpretations are available on the City's Castilleja School Project webpages:

- Neighborhood group (PNQL) attorney's letters²⁰ regarding Applicant's variance request,
- Applicant's rebuttal²¹ to PQNL's letter, and letter²² responsive to Commission request.

Academic Building Changes: Gross Floor Area Reductions

The applicant revised the Academic Building plans in September to respond to ARB's August comments. The ARB expressed support for the Bryant side changes and on October 1, 2020 requested additional changes on the Kellogg side. The October 22nd plan set²³ is the Alternative #4 conformed set that reflects a total gross floor area reduction of 2,228 square feet.

Bryant Side

The Bryant side lobby entrance (2,136 sf GFA) is flanked by two deeply recessed, covered porches, with second-floor deck and 'green roof'. These porches would provide substantially shaded, bench seating, contributing to the comfort of students waiting to be picked up. The porches together comprise 1,377 sf of GFA, since R-1 zone porches recessed more than ten feet count toward GFA. The habitable basement underneath the lobby and porches, which formerly counted toward GFA (since it was not under GFA), now does not count toward GFA.

Habitable basement areas underneath GFA that is calculated at the first-floor level do not count against GFA in the R-1 zone. The Academic Building components were previously only connected below grade by habitable basement area. Because that basement area was not beneath GFA, it counted toward GFA. Habitable basement area in the Academic Building that is covered by a first floor does not count toward GFA. This dichotomy in how GFA is counted caused no small amount community confusion. The applicant's 'area summary'²⁴ showed the ARB the removal of 586 sf at the second-floor level along the Kellogg side of the Academic Building. The October 22 set shows the additional second floor removal area.

Kellogg Side

The October 22nd plans show an additional break in the massing and roofline seen from Kellogg Avenue. The proposed Academic Building now has two breaks in the massing, as well as eave and batten patterns to provide more variety and visual interest. This second break resulted in a further reduction in second floor gross floor area for a total of 2228 square feet. The original had 84,124 SF of gross floor area replacement; the April Alternative #4 submittal had 84,170 SF of gross floor area. The Conformed Set dated October 22nd reflects 81,942 SF gross floor area replacement.

Temporary Campus

²⁰ Moncharsh recent letters re Variance URL

²¹ Romanowsky rebuttal letter URL

²² Romanowsky letter response to PTC URL

²³ Conformed, revised plans October 22nd https://www.cityofpaloalto.org/gov/topics/castilleja_school/default.asp

²⁴ October 1 'area summary' of Bryant side <https://www.cityofpaloalto.org/civicax/filebank/documents/78509>

Staff previously shared with the PTC the applicant's temporary campus layout²⁵ tailored to the Alternative #4 proposal – the modular buildings would all be accommodated on Spieker Field. Before/after images of the two-story modulars²⁶ were provided as well as the campus layout image and presented to the PTC and ARB. Conditions of approval require removal of the modular buildings, following construction of the Academic Building. As drafted in the conditions, the school is also precluded from expanding enrollment toward full enrollment until the modular buildings are removed.

Tree Protection and Landscape Design Modifications

The Applicant's recent submittals, displayed on the Project Documents webpage, were provided in response to ARB questions and the City's Urban Forester's requirements. Finalization of the Urban Forestry Conditions of Approval is underway and will be provided in the next ARB staff report. The recent submittals include:

- an updated tree protection plan,
- updated tree lists for the original Project and Project Alternative,
- tree disposition plan,
- memorandum regarding the Redwoods next to the garage along with a 'soil nail section' showing the technique for supporting these Redwoods, and
- letter discussing the landscape design for the proposed temporary campus.

The EIR Mitigation Measure 4b addresses trees; as previously noted, implementation of the mitigation measures will reduce impacts to 'less than significant'. The MMRP provides notes on timing and is designed to facilitate tracking of compliance with this measure. Architectural Review draft conditions include standard measures such as protective fencing at the limits of the tree protection zones and mulching. Note that the Project Alternative recent submittals show reduced tree removals and relocations and include additional protection recommendations for 11 trees: (a) Redwoods #115-120 in place (with a 12-foot excavation setback and other measures), (b) Coast Live Oaks #89, #113 and #126 (with ten-foot excavation setbacks and other measures), and (c) Deodor Cedars #123 and #124 (with excavation setbacks of nine feet).

Analysis²⁷

In response to the PTC's direction, staff has prepared CUP and Variance findings and draft conditions of approval.

²⁵ Temporary campus layout <https://www.cityofpaloalto.org/civicax/filebank/documents/78343>

²⁶ Images of two story modular <https://www.cityofpaloalto.org/civicax/filebank/documents/78344>

²⁷ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. Planning and Transportation Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommended action.

The PTC offered some initial comments that helped refine the initial direction of the draft conditions. Staff included conditions from the school's previous entitlements and suggested several others to further minimize potential impacts.

The draft conditions represent a starting place for the Commission's ongoing deliberation. The public has not had an opportunity to review the conditions. Staff recommends the PTC reopen the public hearing to receive public input, including from the applicant, who similarly has not previously seen the draft conditions prior to the printing of this report.

Based on the public testimony, staff recommends the PTC consider the draft findings and conditions and provide direction to staff as appropriate. It is important to note that the draft conditions do not represent all the conditions that would ultimately be imposed on the project. Notably, conditions related to architectural review are not included. Some of the community's interests may be addressed in the architectural review board conditions and staff can respond as appropriate when questions may arise. Moreover, staff anticipates refinements to the draft conditions, based on the Commission's feedback. Staff will prepare a final set of conditions that includes all the requested entitlements in one Record of Land Use Action for the City Council.

Highlighted below are several topic areas that the draft conditions of approval address. Staff requests specific PTC direction on some key issues below and welcomes feedback on the totality of the findings and conditions. The draft conditions are intended to serve as a framework to help facilitate the Commission's deliberation.

Lastly, when reviewing the conditions of approval, it is important to also consider the accompanying mitigation monitoring and reporting program (MMRP). The conditions and the MMRP work in tandem and carry the same weight and enforcement. To minimize the chance for error and reduce redundancy, the conditions in some instances refer to the MMRP for more prescriptive criteria.

Enrollment

Castilleja has requested a final enrollment of 540 students, with phased enrollment increases that are tied to completion of construction milestones. Specifically, the school has proposed that enrollment be maintained at existing levels (426-430 students) upon approval of the CUP amendment; increasing at a rate of 25-27 students per year upon completion of the underground garage, up to a maximum of 490 students; and increasing at a range of 25-27 students per year upon completion of the academic building, up to the 540-student cap.

The draft conditions reflect the applicant's request and impose other restrictions that require ongoing compliance with the conditions of approval and mitigation measures. The conditions also include a process that would suspend enrollment increases if documented violations are not cured with a certain period of time.

The PTC has wide discretion over its recommendation concerning enrollment. Some community members would prefer Castilleja reduce enrollment to its previously approved 415 students or

at least continue reducing student enrollment until 415 is reached in accordance with an agreement with the City and applicant. Some argue that enrollment should not be allowed to increase until the project has been completed.

Increasing enrollment results in more trips to the site and need for more parking. At present, with its current student enrollment of 426 students, Castilleja is meeting its AM Peak TDM program target. The applicant's request would not increase enrollment until the subterranean garage is completed addressing the need for increased parking demand. Moreover, the new TDM program imposes significantly greater criteria to help reduce net new vehicle trips associated with the school's expansion.

The PTC is encouraged to consider applicant and public comment regarding enrollment and direct changes as appropriate. The PTC may provide guidance on what the enrollment ceiling should be, when can it be achieved, whether phased increases should be allowed, and when would this begin.

Condition numbers 4, 5, 16 and 29 relate to enrollment, including a requirement for the school's independent auditor to attest to the number of enrolled students and to share that information publicly.

Special Events

Castilleja School proposes 90 special events²⁸ annually, associated with the CUP request. Five of these are major events include enrolled students and their parents/guardians and some may exceed 500 guests. Approximately 50 other events range in size from 100 to 500 guests and the balance are less the 100, but more than 50. Events less than 50 guests are not regulated.

Area residents have expressed concern regarding the size and frequency of events and the school has taken some measures to minimize impacts, but it remains an area of contention. The City and Castilleja also disagree as to how many events the current CUP allow. Castilleja asserts the current CUP allows an unlimited number of events with more than 100 attendees, not including defined major events. City staff's perspective is that the Council intended to limit the size and number of events at the school. A letter from the City to the applicant regarding this issue is attached to this report. The subject CUP is expected to clearly establish regulations for events that allow the school to achieve its academic interests while minimizing impacts to area residents.

The following is a summary of the proposed size and number of events:

- **Five 'Major' events** that have taken place annually for many years: Back to School Night, Gator Gathering, Founder's Day, Opening Day, Graduation. Three of these events are evening events (5 pm to 10 pm) of which one is on a Saturday; the remaining two take

²⁸ Special Events (Tab D of CUP application materials)
<https://www.cityofpaloalto.org/civicax/filebank/documents/53960>

place on a weekday, 8 am to 5 pm. Major events are “defined as events that bring almost all students and parents to the Castilleja campus”.

- **35 events have up to 100 guests**, 11 of which are on Saturdays and two on Saturday nights (dance/social/alumni reception), 15 of which are weekday evenings; the remainder are daytime events. These range from admissions events, parent meetings and receptions, dances and plays, dance rehearsal, student movie night, alumni and art gallery and athletics receptions.
- **31 events have up to 200 guests**, 15 of which are weekday evenings, 4 on Saturdays and 1 on a Saturday night. These range from the Junior-Senior banquet, faculty staff party, student/parent forum, parent meetings, festival of learning, alumni reception, 8th grade promotion, summer camp opening days, upper school play, 8th grade Arts Showcase, global celebration, community and information meetings, dances and socials, winter concert, vision and voice performance, admissions testing, and admissions information session.
- **11 events have up to 300 guests**, 6 of which are weekday evenings, remainder are weekdays. These include swim meet, grandparents and special friends day, open houses, spring music concert, Middle School Expo, sports celebration, dances and socials, and new parent reception.
- **Six events have up to 400 guests**, two of which are weekday evenings (art show/dance), one Saturday night (art show performance), and the remainder are on weekdays. These include family day, C-STEam, class day, dances and socials, and arts show performances.

For many years now Castilleja has relied upon a certain number of events on campus. Prior to filing the CUP application, the school held more than 100+ events a year. This has been reduced over the years, but a drastic change to the number and frequency would likely be disruptive to school’s interests. On the other hand, the requested 90 events over roughly 185 school year days is considerable, and this does not include a small number of academic competitions.

Some area residents would like to see a significant reduction in events, as low as ten special events per academic year. The proposed garage and improvements to site circulation will help mitigate some of the impacts associated with the events, but it does not reduce the number of trips being generated to the neighborhood.

The environmental impact report considered the impact of events to the neighborhood and includes a mitigation measure that requires a parking plan depending on when the event occurs and its size. These provisions are included in Mitigation Measure 4a.

Through conversations with the applicant, staff was able to determine that a 20%+ reduction, or 70 special events each academic year, could be achieved. While acknowledging this reduction, school representatives note that 74 events per academic year is more in line with their minimum programing needs and caution that further reductions will begin to impact the school’s academic and social interests.

Condition number 6 relates to special events. The draft conditions impose time of day restrictions with half of the events ending prior to 6pm and many more ending by 8pm. The major events, student performances and school dances are the only events that may extend to 10pm with the proposed condition. Fewer events would take place on Saturdays than in the past and no events will occur on Sunday. As conditioned, half of the events (35) will have fewer than 100 guests. Athletic competitions (4) are also now included in the event total.

Moreover, all special events will be subject to the school's updated transportation demand management plan, including provisions for shuttle service, to further mitigate potential impacts.

As drafted, the condition restricts the number of events to 70. Given the applicant's concern about 70 events and other time of day restrictions recommended by staff, the PTC may consider whether to allow 74 special events per academic year, or some other allowance.

Operational-Related Conditions

Included in the draft conditions are several restrictions that pertain to the overall operation of a school in a residential neighborhood. Some of these address noise, lighting and hours of operation, summer school activity and use of the fields. Some conditions are carry-overs from prior approvals.

Community Engagement

There are several conditions that set up the expectation for how the school will engage its neighbors and respond to complaints. There are requirements for posting monitoring reports and other information, establishing a dedicated contact phone number and continuing a prior condition for regular community meetings.

Monitoring and Enforcement

Ongoing monitoring, reporting and enforcement have been a consistent refrain from the community. Many community members remain frustrated that the school has exceeded its permitted enrollment and see lax City enforcement as problematic and are skeptical of the school's self-reporting.

There are several conditions that address these concerns. Draft conditions of approval #31 and #33 would recover staff time required to enforce and monitor the CUP. This covers the review of the School's performance related to traffic mitigation measure 7a, and events mitigation measure 4a. This oversight will include Castilleja communications to the neighborhood regarding events, ensuring that enrollment increases do not exceed stated annual increments or overall maximum, monitoring of traffic standards, and enforcement of consequences if the School fails to comply. Importantly, failure to meet ADT and AM peak performance standards require more efficient or additional trip reduction measures. Student enrollment reductions begin when there are three consecutive reporting periods where the target has been missed. student enrollment.

Temporary Campus

The PTC requested staff provide a condition of approval for the removal of the portable campus buildings related to construction. Draft Condition #11 addresses removal of the temporary campus. The School would not be able to increase enrollment until the temporary campus is removed. The PTC can suggest wording changes or additional conditions related to the dismantling and uses of the temporary campus, since it is one of the requested components of the CUP application.

TDM Program

Building off the current TDM program and the required mitigation measures in the environmental impact report (EIR), the new TDM program establishes performance metrics that result in fewer trips per student per day and fewer trips per student in the AM peak hour. Both the average daily trip (ADT) targets and the average AM peak hour targets will be calculated from typical, non-special event, school days.

To monitor the effectiveness of the TDM program, the school will be required to install permanent vehicle counter devices at the entrance and exit driveways. The counters will provide daily trip totals and peak period trip monitoring. In addition, for one week during each of the (initially) three reporting periods, the City will monitor traffic on the streets adjacent to the school that have driveways (Bryant, Kellogg, Emerson).

The new TDM Program uses EIR data to set an initial ADT target of 1198 trips estimated for the current number of 426 students. According to the EIR Mitigation Measure 7a, at maximum enrollment, the school may not exceed 1,296 average daily trips. The TDM program prorates the trip target as the number of students approaches full enrollment. The full enrollment 1,296 daily trip target reflects a trip rate of 2.4 trips per student which is lower than the existing EIR-reported rate of 2.74 trips per student. To achieve this performance metric, the applicant will need to achieve better performance from its existing TDM measures or employ additional trip reduction measures as it increases enrollment over time.

A more aggressive performance metric would place the starting ADT at 1,137, which is the prorated target for 415 students and reflects the school's previously allowed enrollment cap. As noted, the school currently has 426 students. The lower ADT has some appeal because it reflects possible baseline conditions at the previously allowed enrollment limit. It also requires more aggressive trip reduction strategies to mitigate the additional trips generated by exceeding the cap. While staff supports an initial ADT of 1,198 there is insufficient empirical data to conclude that the lower ADT target is achievable and, therefore, was not recommended.

Alternatively, the PTC could also consider a less aggressive performance metric for the initial reporting years and apply a static ADT threshold of 1,296. This would provide an overall ceiling

to measure against year over year as enrollment increases but would not likely require significantly greater trip reduction strategies until the school reached maximum enrollment.

In addition to ADT, the EIR identifies a maximum AM peak hour trip target of 440 trips. Using the school's TDM monitoring data for 2017 through 2019, staff calculated an initial average AM peak hour target of 383 trips. As the number of students increases on campus, the AM peak hour target will rise proportionally to 440 trips. The initial 383 AM peak trip target reflects the current .9 AM peak hour trip rate per student, while the 440 AM peak hour target reflects a lower trip rate of .81 AM peak hour trips per student.

As with ADT, AM peak performance metrics will be assessed with the driveway counters on private property. While a condition of approval has been proposed requiring students, faculty and staff to use campus pickup/drop off locations and parking lots, some individuals will also park on street immediately adjacent to school and some may do neither. In this regard, vehicle counters on private property cannot capture 100% of the trips arriving to the school. However, it is anticipated that the combination of the TDM plan with its performance metrics, the draft conditions and EIR mitigation measures, will serve to minimize the impacts associated with increased student enrollment.

School compliance with the TDM program will occur via City review of TDM monitoring reports. The monitoring reports will use multiple metrics to understand transportation trends at the school. For both the ADT and AM peak hour metrics, two methods for calculating each metric will be required. One method will reflect a sample weekly average metric (based on the three highest typical days in one week) and the other method will average all the typical weekdays in the four (4) or six (6) month reporting period. If the data shows the trips exceeds either metric, a violation of the trip targets would be deemed to have occurred.

In this instance, each reporting period may reveal up to four potential violations when assessing compliance with ADT and AM Peak performance metrics. While this recommended approach is consistent with traffic engineering practices, it also has the potential to dilute non-excluded data sets. Days with a high ADT may not trigger a violation if averaged over a long reporting period with several other data sets. Moreover, some in the community may consider the financial penalty established in the fee schedule as an insufficient deterrent to remedy violations.²⁹

An alternative approach the PTC may want to consider is to average ADT and AM peak numbers over a shorter period, such as every two weeks or one month. The data collection would occur at the same interval, two or three times a year, but this approach may result in greater accountability for high ADT or AM peak counts, if they occur, that might otherwise have been averaged out in a larger data set.

²⁹ The conditions of approval provide other mechanisms, in addition to fees, that are anticipated to serve as a sufficient deterrent for violating the conditional use permit, including suspension of enrollment and modification of the conditional use permit, among other options.

The construction phase of the project presents some challenges to accurately monitor school related trips associated with its academic functions. Staff recommends that during the construction phase (three years) of the project that the City stay enforcement of the ADT and AM peak trip performance metrics but would continue to collect data and have this information included in the monitoring reports. Castilleja School, with 415 students was previously (currently) restricted to an AM peak count of 511 trips. Over time, through implementation of an aggressive TDM program, they have reduced AM peak trips to below 400 trips even with the unauthorized increase in student enrollment. The composition of the proposed TDM plan as required in the draft conditions of approval is among the most comprehensive programs the City has previously considered. It includes a rigorous reporting schedule and requirements, meaningful penalties for non-compliance, and conditions that require funding to support ongoing enforcement and compliance reviews. Data collection and monitoring reports will also be posted online and available to the public. Based on the foregoing, it is not anticipated there would be significant benefit to enforcing these two criteria during construction. However, if the PTC concludes that construction trips should be included, the EIR anticipates a range up to 166 daily trips associated with construction. At a minimum these additional trips should be added to the ADT threshold and direction given to staff to determine an appropriate AM peak increase. Another consideration is to stay enforcement for only three years, which is the applicant's reported construction phasing schedule and what was evaluated in the EIR. After three years from issuance of a building permit, the school would resume being subject to the ADT and AM peak trip thresholds.

Construction

There are many construction-related mitigation measures (MM) easily viewable in the MMRP:

- MM 8b and 9a address construction noise and emissions;
- MM 12a requires compliance with and implementation of the geotechnical recommendations;
- MM HAZ-1 addresses demolition of hazardous materials,
- MM BIO-1 and 2 address construction with respect to bird nesting and bat roosts;
- MM 4b addresses tree protection related to demolition and construction;
- MM6a and MM6b address historic resource protection during construction and crew training on cultural resources at each construction phase;

The MMRP suggests timing and performance evaluation criteria for these measures. The draft conditions related to the AR application include requirements for and processing of a construction logistics plan, demolition, many Public Works Engineering conditions and conditions regarding tree protection during construction.

Pool Noise

Mitigation measures 8a and 8b address noise, and the MMRP includes notes on timing and compliance. Condition of approval #12 also addresses noise, including related to emergencies

and clarifying a requirement for the School to obtain a noise exception permit for amplified sound equipment use.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of the PTC public hearing was published in the *Daily Post* on October 16, 2020 which is 12 days in advance of the meeting. Notice cards were sent on October 13, 2020 which is 15 days in advance of the meeting.

Public Comments

Public comments to the ARB, PTC and HRB on this project are captured on this webpage: https://www.cityofpaloalto.org/gov/topics/castilleja_school/public_comments.asp

Environmental Review

As noted, the PTC recommended the Final EIR on September 9, 2020. The Final EIR contained updated mitigation measures that addressed the Project Alternative #4. In the process of preparing the Mitigation Monitoring and Reporting Program (Attachment C) along with ensuring conditions of approval relate to the TDM program, staff requested the City's CEQA consultant fine tune the wording of the Mitigation Measure 7a for clarity.

Alternative Actions

In addition to the recommended action, the Planning and Transportation Commission may:

1. Approve the GFA Replacement Variance with modified findings or conditions;
2. Approve the Conditional Use Permit (CUP) with modified findings or conditions;
3. Continue the project review to a date certain to enable continued discussion; or
4. Recommend denial of the GFA Replacement Variance or CUP based on revised findings.

Report Author & Contact Information

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PTC³⁰ Liaison & Contact Information

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Attachments:

- Attachment A: Castilleja School Findings for CUP and Variance (DOCX)
- Attachment B: CUP Conditions for Project Alternative #4 (DOCX)
- Attachment C: PTC 9.9.2020 Excerpt minutes (DOC)
- Attachment D: Casti MMRP (002) (PDF)
- Attachment E: Special Events (PDF)

³⁰ Emails may be sent directly to the PTC using the following address: planning.commission@cityofpaloalto.org

- Attachment F: Casti MM7a 2020-10-06 (DOCX)
- Attachment G: Castilleja Events Letter 2.28.18 (PDF)

ATTACHMENT A
DRAFT CUP AND VARIANCE FINDINGS FOR APPROVAL
TO BE INCLUDED IN COUNCIL RECORD OF LAND USE ACTION
 Castilleja School Project – Project Alternative #4
16PLN-00238 (CUP and Variance for Replaced Floor Area)

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

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

CUP FINDINGS

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

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

- D. Project Alternative #4:
- a. Does not change the campus parcel size,
 - b. Does not increase the degree of nonconformity with respect to maximum lot size within the R-1(10,000) zone;
 - c. Proposes a replacement academic building to meet the R-1 Zone height limit of 30 feet, whereas the existing 34'8" tall building to be demolished in this location does not meet the R-1 Zone height limit;
 - d. Expands usable (habitable) basement area within the Academic Building, and replaces and slightly reduces existing above ground Gross Floor Area (GFA);
 - e. Demolishes non-historic buildings and proposes site improvements and buildings that would be more compatible than the existing buildings with the residential character of the area, given materials and landscaping relevant to the residential context; i.e., materials, colors, and details would be compatible with the remaining, existing structures on the site such that the overall campus would have a unified and coherent design.
 - f. Further improves the visual character of the site and its compatibility with the surrounding residential neighborhood compared to the existing conditions by:
 - i. reducing the amount of at-grade parking, both on-street and off-street,
 - ii. relocating bus loading and unloading to the Circle.
 - g. Includes pedestrian scale fencing and gates to provide several paths of ingress and egress for students, staff and visitors, including convenient bicycle parking.
 - h. Incorporates elements that meet the City's sustainability goals, such as rooftop photovoltaics, energy efficiency, and water-use efficiency, in addition to meeting current building and seismic codes;
 - i. Improves compliance with the City's parking requirements, whereas the existing campus' on-site automobile parking facilities do not meet the code requirements for on-site parking for private school facilities. The proposed parking facilities will meet the required number of spaces: 104 non-tandem spaces - located in two surface lots (at 13 spaces each) and in one underground parking facility (78 spaces, non-tandem);
 - j. Improves bicycle parking spaces (an increase from 102 spaces to 140 spaces);
 - k. Does not increase the number of peak hour trips with implementation of the Enhanced TDM program and mitigation measures. Traffic to the proposed school will be conducted in an orderly and safe manner, with consequences for noncompliance (including enrollment reductions and CUP revocation);
 - l. toads only 114 net new daily trips (after implementation of Mitigation Measure 7a), which does not represent a significant, adverse environmental impact.
- E. The conditions of approval, mitigation measures and monitoring and reporting program are designed so that:
- Development and approval of a preservation protection plan is ensured for each phase of construction so as not to adversely affect nearby eligible cultural resources;
 - Tree removals/relocations will be limited as per arborist recommendations in 2016 and 2020 reports, and protection measures to ensure survival of trees to remain in place, replacement trees, and relocated trees;
 - The project will meet sustainability requirements and goals (including EV charging stations spaces provided and LEED standard green building);
 - The enhanced TDM program will be monitored and enforcement measures will ensure less than significant impacts to traffic, vehicle circulation, queuing due to student drop offs, school activities and events, and parking requirements met on site with the Project

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

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

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

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

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

VARIANCE FINDINGS FOR REPLACEMENT OF GROSS FLOOR AREA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVAL:

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

ENROLLMENT:

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

by the School's independent auditor.

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

EVENTS:

6. The School may schedule up to a maximum of 70 special events each academic year. A special event is defined as one that includes more than 50 attendees as defined in Mitigation Measure 4a included in the Mitigation Monitoring Reporting Program (MMRP). A special event includes, but is not limited to student performances, showcase or social events; parent group meetings; admission, orientation, alumni and donor events; athletic competitions; celebrations, or other activity that brings parents of enrolled students or non-enrolled students to the campus. A special event does not include individual parent meetings or activity associated with the School's daily educational programming. Special events are subject to the following additional restrictions:
 - a. Thirty-seven (37) of the maximum allowed special events may exceed 100 attendees, including five (5) major special events that may exceed 500 attendees.
 - b. Inclusive of all special events, the maximum number of weekday evening special events, after 6pm, shall not exceed 32 events.
 - c. Inclusive of all special events, the maximum number of Saturday special events, after 6pm, shall not exceed 5 events.
 - d. No special events are permitted on Sunday.
 - e. No special event during the weekday shall begin prior to 8am, or 9am on Saturday.
 - f. No more than half of the maximum allowed special events may extend past 6pm. Those special events that extend past 6pm must end by 8pm, except for student performances, dances and major events, which shall end no later than 10pm.
 - g. The School shall minimize the number of special events occurring on consecutive days and, for larger events, occurring on consecutive weekends.
 - h. All special events are subject to the requirements of Mitigation Measure 4a included in the MMRP.
 - i. A list of all special events for the upcoming academic year shall be provided to the Director of Planning and Development Services before school begins and posted on the School's website for the duration of the academic year. The number of event attendees and applicable parking plan required in Mitigation Measure 4a shall be similarly posted. The purpose of this condition is to provide a reasonable expectation when such events are anticipated and ensure the maximum number of events is not exceeded or occur during restricted hours. Occasional adjustments to the event schedule or minor exceedances to the ending time of an event during the academic year shall not constitute a violation of this condition of approval provided other applicable restrictions are met.
 - j. All special events shall comply with the approved transportation demand management.

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

OPERATIONS-RELATED:

8. Standard School hours are Mondays through Fridays 7am to 6pm. Co-curricular programming involving fewer than 50 students and confined to indoor spaces may occur outside of these hours.
9. Summer school programs shall be subject to all conditions and restrictions that apply to school year programs, except that summer use of the playing fields or the pool shall not occur before 9:00am. The School shall provide a minimum one-week student break between the school year and the summer program(s). The School is prohibited from renting or loaning the campus to another summer school program, organization or group provider.
10. Following construction of the Academic Building, all deliveries and bus pickups and drop offs shall be accomplished within the below grade parking garage or designated pickup/drop off areas on campus accessed from the driveway from Kellogg Avenue.
11. Removal of the temporary campus on Spieker Field shall commence within six months of the City's issuance of a final occupancy permit for the Academic Building.
12. At all times the School shall comply with the City's Noise Ordinance. Except for swimming pool-related activity, which is subject to Mitigation Measure 8b, and emergencies, including drills, no outdoor amplified sound equipment shall be used on the campus without approval of a noise exception permit from the City. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns, loudspeakers, or similar noise-generating equipment. Amplified outdoor sound associated with the swimming pool shall be prohibited between 8pm and 7am. The School shall take reasonable efforts to mitigate School-related noise complaints from nearby residents. If noise complaints are not satisfactorily resolved, the Director of Planning and Development Services may require the placement of noise monitors to collect data and determine compliance with this condition. Any consultant costs, installation, monitoring or remedial action required to address noise-related complaints shall be paid for by the School.

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

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

COMMUNITY ENGAGEMENT:

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

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

17. Prior to the 2021-2022 academic year, the School shall establish and maintain a dedicated phone number to be answered by someone affiliated with the School who will immediately respond to complaints regarding noise, special events, academic competitions, traffic and parking or other neighborhood disturbances. Prior to the start of each academic year, the School shall send notice to all property owners and tenants within 600 feet of the School's property boundaries informing occupants of this dedicated phone number and a link to find these conditions of approval on the School's website.
18. The School shall host regular neighborhood meetings to report on school operations, receive feedback, and attempt to problem solve any identified issues. A minimum of two meetings shall be scheduled each academic year, one in the fall semester and another in the spring semester. The School shall provide a summary of the topics discussed and any follow up action to Director of Planning and Development Services staff within 30 days of the meeting.
19. The School shall communicate with the parents of enrolled students the rules and expectations of the School and these conditions of approval. The School distribute a transportation and parking handbook that institutionalizes and encourages good neighbor parking and driving behavior detailed in Condition 25.

TRANSPORTATION DEMAND MANAGEMENT:

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

schedule a hearing before the Planning and Transportation Commission for a recommended resolution to the City Council. The TDM plan shall apply to the 2021-2022 academic school year and every year thereafter.

21. The TDM plan shall incorporate all transportation-related provisions from the following source documents:
- a. All components of the School's current transportation demand management plan (on file with the City of Palo Alto), including but not limited to: implementation of an incentive program for faculty, staff and students for carpooling and using alternative means of transportation; annually posting and reporting on special events; and, bi-annual communications with parents reminding them of the importance/purpose of the School's TDM strategies.
 - b. All applicable Mitigation Measures from the Certified Final EIR and particularly Mitigation Measures 4a and 7a (on file with the City of Palo Alto and attached to this document).
 - c. All applicable conditions included in this Record of Land Use Action.
 - d. Reference to applicable sections of the Palo Alto Municipal Code regarding TDM programs, monitoring, reporting and penalties.
 - e. The TDM supplement submitted by the applicant and prepared by the transportation firm Nelson Nygaard, dated June 17, 2019, which includes updated monitoring report requirements and introduces new TDM strategies (on file with the City of Palo Alto and temporarily available online: [LINK](#)).
22. The following additional performance measures and requirements shall be incorporated into the TDM Plan:
- a. Average Daily Trips (ADT) Standard: During the 2021-22 academic year, the School's Average Daily Trips (ADT) shall not exceed 1198 trips (a rate of 2.74 trips per student, based on 2017 calculations). At the maximum enrollment of 540 students, the School's ADT shall not exceed 1296 trips (a rate of 2.4 trips per student, based on the EIR calculations). Following construction of the subterranean parking facility, as student enrollment begins to increase annually, the ADT target shall be calculated beginning with the starting trip level (1198 trips in 2021-22 academic year) and adding 0.96 times the number of new students added annually over the starting enrollment level (426 students).
 - b. Data from permanent driveway counters placed at all entrance and exit driveways will be used to calculate ADT. Refer to condition 24 regarding the monitoring report for the ways ADT shall be calculated.
 - c. A violation of the ADT target occurs when one of the ADT measures using driveway counts exceeds the trip target.
 - d. AM Peak Trips Standard: During the 2021-22 academic year, the School's AM Peak trips shall not exceed 383 trips. At the maximum enrollment of 540 students, the

School's AM Peak trips shall not exceed 440 trips. Following construction of the subterranean parking facility, as student enrollment begins to increase annually, the AM Peak target shall be calculated beginning with the starting AM trip level (383 trips in 2021-22 academic year) and adding 0.5 times the number of new students added annually over the starting enrollment level (426 students).

- e. Data from permanent driveway counters placed at all entrance and exit driveways will be used to calculate AM Peak Trips. Refer to condition 24 regarding the monitoring report for the ways ADT shall be calculated.
- f. A violation of the AM Peak Trips target occurs when one of the AM Peak Trips measures using driveway counts exceeds the trip target.
- g. The School shall install permanent vehicle counter devices at the entrance/exit of all drop off locations on campus, surface parking lots, and the subterranean garage to count the number of vehicle trips arriving to the campus and exiting each day. The data collected by these devices shall be provided to the City at the end of each month showing the unmodified counts for every 15-minute interval from each location. The School will preserve count data electronically for a period not less than three years. The vehicle counting devices shall be kept in working order. Malfunctioning devices shall be promptly fixed. A device that is out of order or provides inaccurate data for more than 10 consecutive days shall be considered a violation of this condition. It is the intent of this condition to also record vehicle trips during the construction phase of the project.
- h. The School, in consultation with the Director of Planning and Development Services, shall install temporary vehicle counter devices in the public right of way at locations determined by the Director for each TDM monitoring report required by these conditions of approval. Data shall be collected for no less than seven (7) consecutive days for each reporting period. The data collected by the counters shall be included in the TDM monitoring reports and used for ongoing monitoring and not to determine a violation of this conditional use permit. However, the data collected may inform future action regarding possible adjustments to the TDM plan to further minimize neighborhood traffic impacts.
- i. The School shall provide roundtrip shuttle service to appropriate Caltrain stations that coincide with the School's arrival and dismissal schedule and available to students, faculty and staff. The School shall determine the appropriate frequency of roundtrip shuttle service to maximize this incentive, but no less than two roundtrips for each schedule shall be provided.
- j. The School's TDM plan shall apply to special events. In addition, the School shall provide roundtrip shuttle service for all special events to encourage participants to use transit or a park and ride service. The shuttle pickup/drop off location(s) and schedule shall be included with other event information shared with potential attendees and shall also include a parking plan for each special event.
- k. The School shall routinely monitor and reassess drop-off/pick-up assignments to

balance traffic flows in accordance with the expectations set forth in the Mitigation Monitoring and Reporting Plan. The actual and target distribution percentages shall be included in TDM monitoring reports.

23. Notwithstanding Palo Alto Municipal Code Section 18.52.050 (d) (1), TDM monitoring reports shall be prepared by the School and submitted to the Director of Planning and Development Services three times per academic year until the school has reached, or approximately reached, maximum enrollment for two consecutive years and has consistently met the peak hour and daily trip rate standards required by these conditions. At that time, only two monitoring reports per year shall be required. Monitoring reports shall be provided to the City in accordance with the following schedule:

a. Reporting Three Times / Year

- i. Report due by January 15 and covers the academic period from August through November.
- ii. Report due by May 15 and covers the academic period from December through March.
- iii. Report due by September 15 and covers the academic period from April through July.

b. Reporting Twice / Year

- iv. Report due by February 15 and covers the period from July through December.
- v. Report due by August 1 and covers the academic period from January through June.

24. Required TDM monitoring reports shall include the following components:

- a. Describe in full the requirements of the recurring Monitoring Report, including TDM Plan goals and performance measure targets and data collected.
- b. Include the following data and metrics:
 - i. driveway volume counts by 15-minute increments (raw counter data);
 - ii. the total average weekday AM peak trips and average weekday daily trips for the monitoring period, excluding special event dates;
 - iii. the total average daily weekday trips and AM weekday peak trips during the weeks the campus frontage street segments are evaluated by the City;
 - iv. the average daily weekday traffic volumes on the campus frontage City street segments (except Embarcadero) per these conditions – raw data to provided by the City according to the reporting schedule;
 - v. the dates and number of times the average weekday daily trips and/or AM weekday peak trips exceeded AM weekday peak and/or ADT exceedance threshold, including any special, limited circumstances such as trips during construction;
 - vi. rates of use of alternative transportation (% of mode split between bicycle, pedestrian, shuttles, etc.);
 - vii. parking conditions (number of spaces within the garage used, number of

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

policy shall be communicated to parents to remind them of the importance of the Parking and Traffic policy. Regular newsletters to parents will include a TDM section with any relevant updates:

- i. Parents shall be instructed not to double-park on street nor drop-off or pick-up students in undesignated areas.
- ii. Traffic monitors will direct cars to maintain a constant flow of traffic to avoid queueing on public streets.
- iii. Parents shall be instructed not to make left turns in or out of driveways at peak times. Signs shall be posted to indicate these turning rules.
- iv. Castilleja School shall continue to provide traffic monitors during peak drop-off, pick-up and for special events. The traffic monitors shall educate students and parents and enforce the circulation related conditions of approval to keep surrounding streets clear of congestion. Traffic monitors will be identified by wearing a highly visible safety vest.
- v. Once per day, School personnel shall monitor parking onsite and on surrounding public streets. The School shall notify any violators that they must move their car(s).
- vi. Castilleja students, faculty, staff, and parents shall be instructed to park exclusively either on campus, at designated off-site lots made available for School use, or on the School side of adjacent streets where parking is permitted. Daily monitoring of parking shall be conducted, and offenders shall be instructed where to park.
- vii. The School shall develop clear disciplinary consequences for students and parents who do not cooperate with the parking requirements.
- viii. Oversight for the Transportation Demand Management Plan shall be the responsibility of the Head of School. Other staff may be assigned responsibilities regarding the daily operation and enforcement of the plan. As the designated person or persons could change each year as job responsibilities are redefined, at the beginning of each year Castilleja shall provide neighbors and the City of Palo Alto with a list of individual contacts with emails and phone numbers. Head of School shall ensure all personnel fully understand and are trained to complete their responsibilities: A log shall be kept of all communication (i.e. email, telephone calls) and the expressed concerns which are received. School staff shall review the log for trends and respond to remedy any problems. If any neighbor feels their concern was not properly responded to, they should contact the number the School publishes for complaints (condition #19).
- ix. At the beginning of every school year Castilleja shall set aside scheduled time for all faculty and staff to register their cars, receive an I.D. tag and review the traffic and parking policies.
- x. At the beginning of each semester Castilleja shall register all student cars, distribute I.D. tags, and review the traffic and parking policies with student drivers.
- xi. For special events, Castilleja School shall utilize the area on Spieker Field

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

communicated to all committee members. At the beginning of meetings, a reminder of parking policies shall be announced to all attendees. Anyone not following the policy shall be requested to move their car. When meeting notices are sent to committee members, a parking reminder and shuttle schedule shall be included.

- xix. Castilleja shall give all summer camp families Castilleja written instructions for a drop-off/pick-up procedure at the beginning of each camp session. Drop-off and pick-up shall be conducted on-site. Castilleja personnel shall facilitate getting campers into vehicles and ensure all policies are followed. It shall be the responsibility of the Director of Summer Camp to enforce the policies with parents.
- xx. Parents shall be instructed to move out of the driveway if their daughter is not at the pick-up location and others are waiting.
- xxi. Castilleja School shall develop a comprehensive incentive program for faculty, staff, and students for carpooling and using alternative means of transportation

26. After implementation of the TDM Plan, the Director of Planning and Development Services may, based on empirical data or other information that would reasonably impact the effective of the TDM plan, determine that one or more of the above TDM strategies has become infeasible or ineffective. Upon such determination, the School shall propose an alternative measure(s) in consultation with the Director to achieve the intended performance of the replaced strategy or strategies.

27. From time to time, the City may require supplemental traffic counts or studies to be funded by the School to assess and possibly redistribute student drop-off/pickup to further limit impacts on surrounding streets.

ENFORCEMENT, COMPLIANCE AND REPORTING

28. These Conditions of Approval (COAs) incorporate the Mitigation Monitoring and Reporting Program (MMRP), attached hereto, based on the 2019-2020 Environmental Impact Report (EIR) analysis prepared for the Castilleja School project. These COAs and the MMRP are in compliance with Section 15097 of the California Environmental Quality Act (CEQA) Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” These COAs and the MMRP list mitigation measures recommended in the project Final EIR dated July 30, 2020 and identify mitigation monitoring requirements. In addition, the City’s Standard Conditions of Approval were identified in the Draft EIR as measures that would minimize potential adverse effects that could result from implementation of the project. This Record of Land Use Action ensures the approval conditions are clear to enable City staff oversight, monitoring and enforcement. All mitigation measures and Conditions of Approval identified in the 2020 CEQA Analysis are included herein. To the extent that there is any inconsistency between the COA and Mitigation Measures, the more

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

29. Upon written notice from the City of Palo Alto, increases to student enrollment may be suspended when the School is found to be in violation of any conditions of approval, including but not limited to the approved transportation demand management plan, anticipated student drop off distribution, or environmental mitigation measures, subject to the following criteria:
 - a. Following initial notice of a violation, the School shall be given 45 days to take corrective action and demonstrate compliance to avoid a suspension in enrollment.
 - b. Any determination to reduce or suspend increases in enrollment from the Director of Planning and Development Services shall be made within 60 days of the initial notice. This determination may be appealed in writing within 14 days, in accordance with PAMC Chapter 18.78 and subject to applicable fees.
 - c. A final determination to suspend increases to enrollment made after the start of the academic year and prior to March 1 shall apply to the next academic year. Final determinations made on or after March 1 but before the start of the next academic year shall apply to the following academic year regardless of whether the School has remedied any violation(s) that were the cause of the suspended enrollment. The term final determination used in this context includes the time to process an appeal, if filed.

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

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

deposit amount shall be replenished within 30 days after receiving notice from the City that deposit balance is \$5,000 or less.

32. Before the start of each academic year, the School shall fund the City's installation of temporary vehicle traffic counter devices, for each TDM plan monitoring report required by these conditions for the corresponding academic year. The counting devices shall be placed on street segments identified in MM7a (Emerson, Bryant, and Kellogg).
33. Prior to issuance of a building permit, the School shall deposit funds with the City of Palo Alto in the amount provided on the City's municipal fee schedule to cover the full costs of independent technical review, monitoring and inspection to ensure compliance with the Mitigation Monitoring and Reporting Program.
34. Prior to issuance of a building permit, the School shall provide a fair share contribution to the Citywide Transportation Impact Fee, in the amount of \$_____ to address cumulative year local impact (non-CEQA impact) at the intersection of Kingsley Avenue and Alma Street.
35. In addition to the enforcement measures contained in Mitigation Measure 7a and conditions #28-30, the School shall be subject to the following for violation of conditions #21-24:
 - a. During the construction period, violation of the AM Peak or ADT thresholds provided in Condition #22 shall be subject to the following schedule:
 - i. For each of the first two consecutive reporting periods where the AM Peak or ADT thresholds are exceeded, additional TDM measures shall be required;
 - ii. If there are three consecutive reporting periods (and for each consecutive violation thereafter) during which AM Peak or ADT thresholds are exceeded, the Director shall scale back the student enrollment level until the TDM program is operating in compliance with the targets; in the event the Director reduces the enrollment level, the enrollment level cannot be increased until the School is successful in meeting the targets for two consecutive reporting periods.
 - iii. Construction trips shall be excluded from the trip counts for AM Peak and ADT.
 - b. Violation of TDM program requirements or transportation conditions other than AM Peak and ADT thresholds may result in penalties as provided in Conditions #28-30.

INDEMNIFICATION/SEVERABILITY:

36. To the extent permitted by law, the School shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified

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

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



Planning & Transportation Commission

Draft Excerpt Minutes: September 9, 2020

Teleconference
6:00 PM

Call to Order / Roll Call

Present: Templeton, Alcheck, Hechtman, Lauing, Summa

3. PUBLIC HEARING/QUASI-JUDICIAL: Castilleja School Project, 1310 Bryant Street, 1235 and 1263 Emerson Street [16PLN00238]: Request by Castilleja School Foundation for Planning and Transportation Commission Recommendation to City Council on Applications for a Conditional Use Permit (CUP) Amendment to Increase the Student Enrollment Cap to 540 Students with Phased Enrollment and Campus Redevelopment, and a Variance to Replace Campus Gross Floor Area. The Project (but not the Project Alternative) Requires Recommendation on a Variance for Subterranean Encroachment Into the Embarcadero Road Special Setback and a Tentative Map with Exception to Merge Three Parcels Where the Resulting Parcel Would Further Exceed the Maximum Lot Size in the R-1(10,000) Zone District. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 29, 2020; Draft EIR Published July 15, 2019. For More Information Contact Amy French, Chief Planning Official, at amy.french@cityofpaloalto.org

Chair Templeton: I think we should start with counsel telling us... reminding us about the public comment rules. Especially, given the concern about the new information from Staff that just came out. Are you able to comment on that Mr. Yang?

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

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

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

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

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

2

3 Chair Templeton: Thank you.

4

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

10

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

12

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

15

16 Commissioner Alcheck: I just had... can I jump in real quick? I want to update the disclosure for
17 the... this quasi-judicial item. I did reach out to Castilleja among a number of other schools but
18 because they're the applicant I just wanted to disclose that I reached out to their
19 representatives to inquire about the conditions that are applicable. And they pointed me to the
20 letter that they prepared... that their attorney-prepared and its footnotes on Page 6 which is
21 public information now. So, but I did want to disclose that I did reach out to them for the
22 purposes of better understanding the specifics of the conditions that they are already operating
23 under or preserve to be interested in operating under this application. I also reached out to
24 some other schools too, but they're not (interrupted)

25

26 Chair Templeton: Thank you for sharing that Commissioner Alcheck. Any other changes to
27 disclosures? Commissioner Summa.

28

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

32

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

36

37 Commissioner Summa: Ok, yeah, I don't need to be first. I just wanted to know what time but I
38 do have a disclosure and that's what... that I was at a regular neighborhood association meeting
39 to update people about the NVCAP process as I had asked to do. And they actually had... they
40 were going to discuss the Castilleja process. So, I'd left the meeting so there wouldn't be an

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

1 appearance; but I just want to be super careful in case somebody knew I was at that meeting
2 that I did excuse myself because I didn't feel it was right to stay.

3
4 Chair Templeton: Alright, thank you. Any other changes to disclosures since our last meeting?
5 Alright, over to you Ms. French.

6
7 Ms. French: Ok, thank you. Let me try that again. Is everyone seeing the presentation? It's a
8 short one I promise.

9
10 Ms. Tanner: We can see it, Amy. Thank you.

11
12 Ms. French: Thank you. We are back. Last we met was August 26th where we had a Staff
13 presentation, applicant presentation, a presentation on the EIR Environmental Impact Report,
14 and public comment; extensive public comments. The topic was focused on Alternative Number
15 Four which is the Disbursed Circulation and Reduced Garage Alternative. There was not enough
16 time for the Planning and Transportation Commissioners to take up discussion, in-depth
17 discussion on this project.

18
19 So, there was a round of questions that the Planning and Transportation Commission was able
20 to ask of Staff to return with answers, which we have done in the At Place Memo. It is a long
21 memo, there were a lot of questions. There were some correspondence and other comments in
22 response to the Planning and Transportation Commission's questions. PNQL, the neighborhood
23 group, was one of those (a group that provided comments) and those were transmitted to the
24 Planning and Transportation Commission last week. The applicant provided clarification letters
25 and those were received in the last two days, yesterday and today. The applicant had noted
26 during the Planning and Transportation Commission that there was going to be a letter
27 forthcoming and it did come to Staff yesterday and was turned around to send to the Planning
28 and Transportation Commission and post on the web page. We have a very transparent web
29 page. We post many items on those pages for the project. The applicant's temporary campus
30 layout was also received. We have previously received the Original Project temporary campus
31 layout and more recently we've received this modified drawing showing how that temporary
32 campus would lay out with the Emerson homes in place and those trees. And then of course we
33 were able to create excerpt minutes from the Planning and Transportation Commission
34 minutes. They're in a draft state. Those are also on the project webpage.

35
36 So tonight, this is the purpose. This is a continued hearing. The Planning and Transportation
37 Commission had closed the public testimony to enable the Planning and Transportation
38 Commission to begin its discussion on the project. On areas related to the Environmental
39 Impact Report and the Discretionary Applications that are on file for the Conditional Use Permit
40 and the Variance for replacement of Gross Floor Area. The Planning and Transportation

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

1 Commission is welcome to provide direction at the conclusion of its discussion based on the
 2 information that has been provided. The direction would include continuing the hearing either
 3 for further deliberation or to provide initial guidance to Staff to prepare draft Findings and
 4 conditions that would be forwarded to the Planning and Transportation Commission.

5
 6 I said it would be short. These are the next hearing dates. The Historic Resources Board hearing
 7 has been advertised. It is set for this September 24th and then on October 1st is a tentative date
 8 for Architectural Review Board discussion of revised approaches that we are receiving now
 9 from the applicant in response to ARB comments back on August 20th. And you have here
 10 potential dates for continued Planning and Transportation Commission hearings. That
 11 concludes the brief portion of my presentation. I'm going to switch off and send it back to the
 12 Planning and Transportation Commission. Let me see if I (interrupted)

13
 14 Chair Templeton: Thank you, Ms. French. Just to clarify if people want... if the public would like
 15 to give comments on this project, even though the public comment period of this item is
 16 closed. They can email into us and they can also come to those other two Commissions that you
 17 mentioned, the ARB and the HRB. When would be the next time that they would be able to give
 18 verbal comments in front of this body? Is that if it's re-agendize or how does that work?

19
 20 Ms. French: At the pleasure of the Chair and Commission, this is in your court to continue to a
 21 date that you choose for further discussion or deliberation.

22
 23 Chair Templeton: Alright, thank you for clarifying that. Commissioner Summa.

24
 25 Commissioner Summa: Thank you so much. So, I have two areas of discomfort with this
 26 evening. We had a lot of... a very lengthy discussion at our last meeting about whether we
 27 should even have... that we could... should... that it was desirable to meet on this date since we
 28 knew that we had one... Vice Chair Roohparvar had a planned absence and there was some
 29 discussion about whether Commissioner Riggs would be here. And I had thought he would and
 30 now he's not here, so we now have two people absent on a very important issue. And I believe
 31 Vice Chair Roohparvar also said that she would send in her written comments for the benefit of
 32 her colleagues which I didn't see anywhere. I hope I didn't miss them. So, I'm feeling a loss of
 33 two of my colleagues for this very important discussion.

34
 35 And then my second area of discomfort is with the two... well, I guess there's really three. The
 36 other is we could take more public comment tonight. We have a lot of new information that
 37 came in very, very late and that is at the... as Ms. French said that's at the... our discretion. And
 38 as Mr. Yang said it's not necessary to have it tonight, but I would think it would be appropriate.
 39

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1 I would also be more than happy to just continue the meeting tonight. I don't know how many
 2 people had time to look at the two late submissions. One from the applicant team which was
 3 only emailed to us at 8 o'clock last night and I have to admit I saw it at 6:30 this morning as I
 4 was reading my emails and doing crossword puzzles on my phone. So, I certainly did not have
 5 enough time to absorb that and the 30 Page memo from Staff before this meeting. So, I would
 6 be... and of course, the public has not had a chance. I don't think even Staff has had a chance to
 7 look at the applicant's additional submission that came in last night. So, I feel we're kind of
 8 working in the dark here and there's a lot of benefit to me for everyone involved to delaying
 9 the meeting a little bit; which we were maybe not even going to be able to meet tonight
 10 anyway. There's very... a lot of benefits and very little downside but there is, to me, a lot of
 11 downside to proceed with members of the public or Staff not having... and the Commission not
 12 having had to time to review the documents carefully. I mean it was actually just too much to
 13 read, much less go through and look up the code and understand anything. There were also a
 14 tremendous number of late letters from the public and I would also like to note that the... that
 15 Ms. French put in the process slide that we did get comments... written comments from the
 16 neighborhood group PNQL, but of course they hadn't commented on the late submissions. So
 17 (interrupted)

18

19 Chair Templeton: Do you want to make a motion?

20

21 Commissioner Summa: I don't know if anybody else has had... has similar concern. So, I'd like to
 22 hear from my colleagues and Staff.

23

24 Chair Templeton: Do you want to make a motion and then... and speak to it or do you just want
 25 to go around and have other rounds of comments? If you make a motion you can constrict the
 26 conversation to whether to continue or not.

27

28 Commissioner Summa: No, I'd rather hear my colleague's comments before I make a motion.

29

30 Chair Templeton: Ok. Comments may... one of the things process-wise I wanted to throw out to
 31 our Commission is do we want to suggest time bounds for our first round of comments? I know
 32 many of you have a significant number of questions. So, before we do this round of comments,
 33 do we want to discuss that? So, I see several hands raised so, could you... I'm going to write
 34 down the order and then you can lower your hand if you want to... don't want to speak to that.
 35 Alcheck, Lauing, and Hechtman. Ok. Commissioner Alcheck.

36

37 Commissioner Alcheck: Ok, thank you, Chair Templeton. I'll... I mean I'd like to get started
 38 tonight. I'll respond I guess briefly I think to Commissioner Summa's sentiment. I'm not... I
 39 mean to be perfectly honest, I'd... this... tonight's process seems entirely as we envisioned it
 40 would be at the conclusion at our last meeting. So, I'm going to suggest how I remember the

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1 evening going. We went extremely late after listening to I think over 100 residents speak and
 2 maybe four plus hours of testimony. And I think the conclusion we came to, was that we
 3 couldn't have a robust discussion and that we ought to postpone that till we had more energy.
 4 It's 7:30 and we made a motion to continue it to today knowing I think full well that Vice Chair
 5 Roohparvar wasn't going to be there and Commissioner Riggs was likely not going to attend.

6
 7 I want to remind everyone on this Commission and I've been on this Commission almost 9-
 8 years now. And the requirement that quorum exist... the quorum requirement is... its... the idea
 9 here is that the business of the City, the applicants and the citizens of our community deserve
 10 for the business of the City to move forward. And the quorum requirement is there so that we
 11 operate anytime we satisfy that requirement. And so, it would be a mistake for us to for
 12 example operate only when we have all of our Commissioners present because that would
 13 suggest that the quorum requirement was in fact not four, that it was seven if the issue is of
 14 importance.

15
 16 I think in this particular case Vice Chair Roohparvar's comments would be more appropriate if
 17 they were received after tonight's meeting as a reflection of the thought process that she had.
 18 So, I would anticipate that Commissioner's comments from Riggs and Roohparvar if they were
 19 going to send any, would come between this meeting and the next one.

20
 21 And then I want to also just suggest to you that this is not the meeting at which we are likely to
 22 make a motion on the item agendized. It's the meeting where we indicate to Staff how to
 23 develop the language and the Conditions that would hopefully achieve the support of a
 24 majority of us at a follow-up meeting. And I imagine that there would be an opportunity to
 25 comment at that meeting because there would be essentially a product that individuals could
 26 weigh in on.

27
 28 But I think it would be a little... and then I just want to add that the idea that we had last
 29 meeting was that we would do a short round of questions. And I want to also acknowledge that
 30 the Commissioners who asked questions, largely asked Staff to clarify questions that they had
 31 heard that evening from individuals in the community who had come to provide testimony. So,
 32 I feel like the idea that the Packet has a lot of new information is a little confusing because the
 33 alternative would have been that we spent a lot of time that evening deliberating and Staff
 34 would have been like let me look that up and I'll get back to you. And they would have come
 35 back later in the evening and said ok, well here's what we... here's how we interrupted this
 36 section of the code. And the extent to which one would have been able to incorporate all of
 37 that material at that late hour strikes me as less likely than the day that we had today to spend
 38 with that information.

39

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1 So, I guess my last comment on that topic would be we have more than a quorum here. This
 2 process has gone on for way, way too long and I think we have a duty here to do the business of
 3 the City and... hold on a second. And so, I'd very much like to proceed and I guess before I jump
 4 into some of the thoughts I have I'd get... it might be prudent to just make sure that there's
 5 support for continuing here and having this conversation. And again, we are at the end of this
 6 discussion which I think we can do. We will have given Staff some idea of what to bring back to
 7 us in the form of a... of language and conditions that we can potentially move forward in the
 8 process. So, maybe before I go in for my whole review of this we should just shore up whether
 9 we have the support to continue tonight because I would hate to talk for 5 or 6 or 7 more
 10 minutes about the EIR and about Conditions for Approval if no one is going to digest it.

11
 12 Chair Templeton: I think that's fair. Let's go ahead and do a check-in. Thank you both
 13 Commissioner Summa and Commissioner Alcheck for speaking to this part of our process.
 14 Commissioner Lauing and Commissioner Hechtman, can you weigh in on your thoughts on this
 15 topic. We will definitely do another round if we decide to proceed where you can share your
 16 comments.

17
 18 Commissioner Lauing: Yes, so my understanding, although it wasn't spelled out in the agenda
 19 that came to us, my understanding is that these answers were prepared as kind of a worksheet
 20 for tonight. So, that we're now seeing the answers we asked 2-weeks ago and that the first item
 21 would be to go over these answers with seven of us here and now five. So, that's not going to
 22 take 5-minutes, but I think that's the place to start because that's why we asked the questions
 23 is to get the information. So, it seems to me like that's the first step that we have to go through
 24 tonight under any circumstances to my knowledge... I mean to my preference before we even
 25 considered a continuation.

26
 27 The second thing I would say however is that the two documents filed by the lawyers are really
 28 substantive legal documents representing both sides. And I don't think it's fair to either side of
 29 the issue or to the public not to allow public comment on those substantive documents. Now,
 30 that could happen in the next meeting or it could happen now, but I think it should be allowed
 31 to happen and our counsel last meeting said that that can happen at the Chair's discretion or at
 32 the vote of the PTC. So, what I would be asking for in that regard is to at least allow comments
 33 on those new legal documents at some point for the public. So, procedurally that's how I think
 34 we are proceeding and should proceed. Thanks.

35
 36 Chair Templeton: Thank you so much. Commissioner Hechtman.

37
 38 Commissioner Hechtman: So, I think we're just talking about the process on whether we want
 39 to continue.

40

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1 Chair Templeton: Yeah and we're checking in, in continue or comment.

2

3 Commissioner Hechtman: Ok so I agree with a lot of what Commissioner Alcheck said in terms
 4 of our function here at the PTC and our job to move things forward. And if tonight we were at
 5 that place where we were going to vote on our recommendations to the Council on the
 6 Findings that Staff had already prepared at our direction, then I would say absolutely we need
 7 to go forward and it's just a shame that two of the Commissioners aren't here. But it's really...
 8 we're really kind of in a unique situation tonight I think. And I can go either way on this
 9 continuance item, but what I don't want to do is kind of put one toe in. I mean my thinking is
 10 that we have two Commissioners who are not here tonight. Both of them participated in the
 11 hearings last September when the first... when the Draft EIR was here. Both of them have
 12 insights that would be useful in this process and particularly because our goal tonight would be
 13 to give Staff direction on the Findings, to come back to us for our review, and tweaking and
 14 hopefully making a recommendation. But we're missing two of the Commissioners who would
 15 want to weigh in on that. So, the reality is five of us can give that kind of direction but when we
 16 come back the chances are great that we will not have captured the direction that Vice-Chair
 17 Roothparvar and Commissioner Riggs want. And so then they're going to provide at the next
 18 hearing their direction and Staff's going to have to go away again and I... to me that's a little
 19 inefficient. Again, if the majority of us want to do it, I'll abide by it, but for me, that is the
 20 reason we might want to continue, understanding that there's a risk that one or more of us
 21 may not show up and we could be in the same bind on September 30th or October 14th.

22

23 I don't much know if we are going to continue why we would want to have Staff walk us
 24 through their memo tonight? That... and maybe Commissioner Lauing can explain that better. I
 25 mean it's thorough, it's detailed, it is answering questions we asked before and I do agree that
 26 it's not new information in the sense that it requires additional public weigh-in. It is akin to
 27 them rooting through the material and answering those questions in the wee hours last time
 28 which would not have triggered a round... another round of public comment. So, like I said I
 29 could support a continuance if that's the will of the group or I'm... and I'm also ready to move
 30 forward with substantive comments on the EIR and the land use issues. And incidentally, if we
 31 do that I'm ready to suggest maybe a timing process for doing those things in terms of rounds
 32 of comments.

33

34 Chair Templeton: Alright, we'll get back on that. Are these new hands up? It looks like
 35 Commissioner Summa might be next on deck if Commissioner Lauing and Commissioner
 36 Hechtman have not put their hands down yet. Commissioner Summa.

37

38 Commissioner Summa: Well thank you Chair. We could also hear from you. You could also
 39 weigh in on this before I speak again.

40

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1 Chair Templeton: Yes, of course. I think that it's entirely possible to do a round of feedback and
 2 interaction with the document that Staff provided and still be able to continue to next week. I
 3 think that's entirely possible to do and may make our discussion, or not next week but next
 4 time, more efficient. We... I do recognize we have a lot of interest in this particular project and
 5 there's a potential for a lot of questions. So, we have this opportunity in front of us, it's not that
 6 late, if we wanted to do a round of questions and interaction with the responses that would be
 7 fine with me. And then we can see if we're ready to do something or ready to continue at that
 8 time.

9
 10 MOTION #1

11
 12 Commissioner Summa: Ok. I'm going to go ahead and make a motion. And I don't disagree with
 13 anything that my colleagues have said and my colleague Commissioner Alcheck spoke to getting
 14 the City's business done. I agree with that entirely. That's why I've only missed Planning
 15 Commission once I believe in 3 ½... over 3 1/2 -years but I think we can all... we can do that just
 16 as well on the 30th, and alleviate many of the concerns that I feel the public might have about
 17 the lack of transparency about people who might have been unable to speak at the meeting the
 18 first time. Quite often when meetings are continued the only people that are prevented from
 19 speaking in oral comments are people who had already spoken. So, it can kind of go either way
 20 and there's a lot of flexibility but given the late submissions from the applicant and the Staff
 21 and others. I think it would serve the end product and the process better to continue this at our
 22 next meeting and give everybody a chance to absorb the information. So, that is my motion.

23
 24 Chair Templeton: Alright, is there a second? Ok, Commissioner Lauing seconds. Does he need to
 25 do that on the recording?

26
 27 Ms. Tanner: If he can say it for the record that would be (interrupted)

28
 29 SECOND

30
 31 Commissioner Lauing: I'll second it and I have some comments.

32
 33 Chair Templeton: Ok, would you like to speak to your second?

34
 35 Commissioner Lauing: Yes. The reason I think that this might be prudent is that... and I'll be
 36 indirectly or directly responding to Commissioner Hechtman's questions. The Packet of
 37 questions here is 30 some questions on 25 Pages. From 3 ½-years of experience, I don't think
 38 that just processing these at home and coming back and being ready is the optimal way to do it
 39 because all of us are going to have questions about the questions. And it would be beneficial for

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1 at least five of us to listen to that, which doesn't mean it has to take hours, but I do think that
2 tonight we should just zip through those and see if it resolves everything.

3

4 Chair Templeton: Is that the motion that Commissioner Summa made though? I believe she's
5 making a motion to continue.

6

7 Commissioner Summa: Yeah, sorry, my intention was to make a motion for the reasons stated.
8 To continue this to our next meeting so that we would have time and the public would have
9 time and Staff would have time to deal with the last-minute submissions; one of which we were
10 emailed. That being the submission by the member of the applicant team, the attorney, last
11 night at 8 o'clock and the second the Staff's memo which we received at 2 o'clock by email
12 today. So, I think everyone would be better served by continuing this meeting to our next
13 meeting with the hope (interrupted)

14

15 FRIENDLY AMENDMENT #1

16

17 Commissioner Lauing: Let me, let me try a friendly amendment to see if this in line with that
18 you're saying. So, I would like to have the amendment be that public comment on those two
19 documents be had and that can be had tonight but I think it would be better and more
20 productive to the next meeting. But I think it would be productive tonight to only go over these
21 answers to the questions and not to go beyond that before we continue the rest of it. That's
22 what I was expecting was in your motion because there's benefit to working through these 40
23 questions tonight to see if people are satisfied and they can move on from there.

24

25 Commissioner Summa: If that makes my motion more palatable to you and it would be
26 unpalatable otherwise, I can accept it.

27

28 Commissioner Lauing: I just think it's more productive so yeah, I'd like to have that in there.

29

30 Commissioner Summa: So, you wouldn't want to give any direct impact... I mean I think if we
31 discuss these questions in the memo with Staff it will end up giving them a lot of feeling about
32 where we're going with making... being able to make Findings. But you wouldn't want to
33 specifically touch on the Findings? Just go over the memo?

34

35 Commissioner Lauing: Yeah. I just want to have the benefit of five people having opinions on
36 the answers and see if we agree on the answers. So, I'm not suggesting that they go anywhere
37 beyond the answers to those questions before we continue it.

38

39 Commissioner Summa: Ok. If that makes it more acceptable to you and it might make it more
40 acceptable to my colleagues. It sounds a little odd because I'll tell you and maybe Albert... Mr.

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1 Yang can weigh in on this. It's not the way the meeting was advertised so I don't even know if
 2 that's actually legal. I would have thought that the meeting would have to... meeting
 3 description, the meeting title, would have to have said that in the 72-hour Brown Act period.
 4 So, we might be exchanging what I consider... what I'm concerned is one violation of the Brown
 5 Act which is not circulating significant materials within 72-hours... I mean before 72-hours. And
 6 we would be trading then a different violation with regards with the expectations the public
 7 may have had about what we were doing here tonight. If that makes it any clearer.

8
 9 Chair Templeton: May I interject and ask Mr. Yang to speak to those comments, those claims.

10
 11 Mr. Yang: Sure. We don't... I'm not concerned about a Brown Act issue here. The agenda item
 12 was advertised as action on these applications and discussion of Staff's answers to the
 13 Commissioner's questions is a subset of what was advertised.

14
 15 Chair Templeton: Thank you.

16
 17 Commissioner Summa: Are you... oh, I'm sorry. I was going to ask our attorney if he's concerned
 18 that the 72-hour notice period was not met by these significant item... additional submissions
 19 and Staff Report not coming out early enough? Because one came out... one was given...
 20 circulated last night and I think only to the public this morning and the other was circulated
 21 even to us only this afternoon. Staff didn't... so that seems like a Brown Act violation to me.

22
 23 Mr. Yang: So, the Brown Act simply requires that items are provided to the public at the same
 24 time that they're provided to member of the legislative body. That's what Staff endeavored to
 25 do. Make these materials available to the public as soon they were available to us and available
 26 to the Commission.

27
 28 Commissioner Summa: So, there's no 72-hour requirement in the Brown Act?

29
 30 Mr. Yang: There is a 72-hour requirement for agendas to be posted but that's a description of
 31 what's going to be discussed on the evening.

32
 33 Commissioner Summa: The materials discussed are not supposed to be posted? I'm really
 34 confused because (interrupted)

35
 36 Mr. Yang: The requirement under the Brown Act is that materials that are available to the
 37 Commission are available to the public at the same time or possible at the same time.

38
 39 Ms. Tanner: I hope Commissioner Summa perhaps thinks of it as Staff having a PowerPoint
 40 presentation that we don't share necessarily always ahead of time and we present that

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1 presentation orally at the meeting. But that's not a violation of the Brown Act to provide that
 2 information at the same time that it's provided to the Commission. It's provided to the public,
 3 but that meeting is properly noticed 72-hours ahead of time in terms of the agenda. And the
 4 agenda item sufficiently covers what is to be discussed in that discussion.

5
 6 Chair Templeton: Ok. Do you have more questions Commissioner Summa before we continue?
 7 It looks like Commissioner Alcheck also has his hand up.

8
 9 Commissioner Summa: I'll stop for now, thank you.

10
 11 Chair Templeton: Thank you. Commissioner Alcheck did you want to speak to this motion?

12
 13 Commissioner Alcheck: Look, I am extremely frustrated with this conversation and I appreciate
 14 that we have a Commissioner that is relatively new, but this is nonsense. If this process... it's
 15 nonsense. It's not a Brown Act violation. The... I think our attorney is being exceptionally clear.
 16 Having comments from attorneys from both sides are essentially like rebuttal comments that
 17 have been submitted just as any other writing... it's not substantial new information. I'm... this
 18 is... the letters from the attorneys are the equivalent of them running out of time during our 3-
 19 minute limitation on them and then adding more color in the weeks that follow. And we closed
 20 that hearing because everyone that showed up got to speak and if you had more to say, which
 21 we said multiple times in the meeting, you can send your comments via email to us. And I just...
 22 to me this is advocacy because... and if this project operated in some sort of unique bubble I
 23 would say, ok you know what, benefit of the doubt. But there seems to be a real reluctance to
 24 do the work that we came here to do. I would be shocked if you didn't already have notes for
 25 the meeting we have 2-weeks. That you came to that meeting prepared to talk about. Maybe
 26 under the assumption that no one would show up to talk. So, if you aren't prepared 2-weeks
 27 ago to have a conversation about everything in this EIR and this whole agendized topic. Then
 28 what I'm supposed to assume then in 2-more weeks we will be and I'm sorry the notion that we
 29 could all be present in 2-weeks. That's not the way that this is supposed to operate. We were
 30 barely capable of finding an alternative date where we could all meet, there's clearly an
 31 indication that one of our Commissioners has an ongoing conflict with Wednesday evenings
 32 which is in and of itself a problem for that Commissioner, and I think that we need to... there's...
 33 I'm virtually positive that each one of us has notes on this item. We've been grappling with this
 34 EIR for more than month. Remember when it was published? We had opportunities to meet
 35 and discuss with representatives in the community. We have comments and it's not... this is
 36 clearly a sensitive issue for the public and I recognize that depending on how this goes there
 37 will be preserved winners and losers. But that's not a reason to just put... we have four
 38 meetings left. We have four meetings left this year.

39

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1 And I'll just respond to one comment Commissioner Hechtman, which is it would be entirely
 2 inappropriate for the two Commissioners who aren't present tonight to simply show up at our
 3 next meeting and provide alternative guidance. It would be far more appropriate for them, if
 4 they were going to provide alternative comments, to listen to this meeting after tonight, and
 5 then provide their comments in writing which would be made immediately available to the
 6 public. So that those comments could be incorporated very shortly after this meeting takes
 7 place into the collective response from Staff.

8
 9 So, again, I think... I am... someone said that everyone would be well served if we delayed. I
 10 completely disagree with that. No one is well served by the continued delay of this project and
 11 the delay of discussion. And the only benefit in my opinion... and maybe I'm being cynical right
 12 now, but this is a political season and maybe there's an instinct to not get too muddled into it
 13 but we have to operate apolitically here. We have to put our zoning cap hat, we have to put our
 14 planning cap on and we have to say what does our Comprehensive Plan say about this? What...
 15 how... what is Staff saying about this? We can't argue about facts. There's this notion that we
 16 have to... we're going to go through this thing and say well, how do we feel about their
 17 comments? Either we accept that Staff has been interpreting basements in R1 this way or you
 18 take the position that it doesn't which would be contradictory to the legal information our... we
 19 owe it to ourselves to have (interrupted)

20
 21 Chair Templeton: Commissioner Alcheck?

22
 23 Commissioner Alcheck: This conversation and I'm very frustrated by this notion that we're
 24 going to put it off or that we need to wait for two more Commissioners who may not even be at
 25 the next one and this idea that there aren't... we don't already have notes. Everyone should
 26 have notes already on this from 2-weeks ago that we've been dying to talk about.

27
 28 Chair Templeton: Thank you for speaking to your position. In the interest of either getting to
 29 our comments or not, I'm wondering if we should take our vote? It looks like Commissioner
 30 Summa has another response. If you could keep it short that would be great, thank you.

31
 32 Commissioner Summa: Yeah, I'm sorry, I just don't think we should make things personal
 33 between us. I'm not acting in a political way or as an advocate for either side of the project. And
 34 I do think Staff's answers to my question confirm that all the materials that we are discussing
 35 tonight should have been made public at the same time.

36
 37 Commissioner Alcheck: They were made public. They were made public as soon as we got
 38 them.

39
 40 Chair Templeton: Alright, can (interrupted)

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1
2 FRIENDLY AMENDMENT #1 DENIED
3 MOTION RESTATED

4
5 Commissioner Summa: That was my intention and I don't think it's appropriate for other
6 Commissioners to speculate about my motives or nonexistence advocacy. So, I stand by saying
7 that I think... I will restate my motion because I do not wish to... I think it's too complicated to
8 accept the seconder's motion. And so, my idea of continuing this to our next meeting with no
9 intention of delaying anything but so that everyone has time to absorb the two late
10 submissions that came last night and tonight.

11
12 Chair Templeton: Alright, thank you. Commissioner Lauing do you still second it with no
13 discussion? Continuance with no discussion is the motion.

14
15 SECOND WITHDRAWN

16
17 Commissioner Lauing: No.

18
19 MOTION #1 DIES DUE TO LACK OF A SECOND

20
21 Chair Templeton: Is there a second? Hearing none the motion fails. I'm sorry Commissioner
22 Summa. I do want to encourage the Commissioners just to reflect what Commissioner Summa
23 said. Let's focus on the subject matter and not on individuals if at all possible. I think that would
24 help us conduct a better conversation. So, Commissioner Lauing did you want to make a
25 different motion, or do you want to go into discussion and then discuss continuance at another
26 time?

27
28 Commissioner Lauing: No, I don't have another motion. I was just saying in my original
29 comments that I thought we were going to do that anyway and I wanted to be productive. So,
30 that's why I thought we should go forward with it.

31
32 Chair Templeton: Yes, and if at the end of our discussion we feel that we need to continue that
33 is always a possibility at that time. So now please raise your hands... oh, we were going to
34 discuss how much time. I assume that everybody does have prepared notes and has things they
35 want to speak too. I would say for the first round would everybody be comfortable with like a
36 goal of 5-minutes or 10-minutes? Do you have opinions on that? Commissioner Hechtman.

37
38 Commissioner Hechtman: I think first-round 10-minutes and then a follow up round.
39

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1 Chair Templeton: Alright, any thoughts on that? Does that sound good? It's going to be self-
 2 control as far as those 10-minutes but the goal here would be to make sure that everybody has
 3 a chance to ask questions. And then of course, for any remaining that weren't addressed in
 4 your first segment, we'll go around again if needed until all of our comments are heard. Does
 5 that sound reasonable? Alright so the (interrupted)

6
 7 Commissioner Lauing: First a procedural (interrupted)

8
 9 Chair Templeton: Oh, yes?

10
 11 Commissioner Lauing: Just procedural question, so does that mean that you've decided that
 12 we're not going to go over the questions? That we're just going to take random comments that
 13 Commissioners have?

14
 15 Chair Templeton: So yes, I was just speaking to this. The intention is that we continued the
 16 previous meeting where we heard all the public comments. And now we would proceed as
 17 though we were asking our questions then but instead of being late, late at night it's only 8
 18 o'clock. So, it's up to you what you want to discuss. I assume that because we all had those
 19 questions, we're very likely to start with those questions. That would be my guess but how you
 20 want to spend your time is your choice. Alright Commissioner Lauing, then Commissioner
 21 Hechtman. Please proceed.

22
 23 Commissioner Lauing: No, sorry, that was on from before. Someone else can go.

24
 25 Chair Templeton: Ok, that sounds good. Commissioner Hechtman?

26
 27 Commissioner Hechtman: I guess I was... we're moving forward which is great, but I was under
 28 the impression after the short presentation that Ms. French made that if we were going
 29 forward there might be a supplemental presentation that was intended by Staff, which I think
 30 would serve at least part of Commissioner Lauing's desire. Did I understand that right from
 31 Staff?

32
 33 Ms. Tanner: Our... yes, Commissioner Hechtman, as you all know there are many questions, I
 34 believe 28, that we were able to... sometimes you can consolidate questions together. And so,
 35 our preference would be if there are specific questions that Commissioners are interested in
 36 discussing that we can go there. We have slides by the number of the question so we can have
 37 some presentation. It would be quite a lengthy presentation if we did go over each question.
 38 And so, some may have been satisfied and so we don't need to go over but if Commissioners do
 39 have questions let's say, I would like to Staff to talk about Question One. We can queue that up
 40 right away and talk about Question One during your time. And then I think as Chair Templeton

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1 said then maybe in the second round you might provide more opinion let's say if you use your
 2 first round for questions or something like that and we have that dialog. The goal was to focus
 3 on the questions Commissioners want to talk about instead of maybe all the questions if oral
 4 dialog is not necessary.

5
 6 Chair Templeton: Commissioners if in response you want to ask for something different, there's
 7 material ready for us so it's up to you. Who was up? Commissioner Hechtman, did you want to
 8 continue or?

9
 10 Commissioner Hechtman: Well I mean I can. I can wade into my comments but my comments
 11 don't involve really following up on those questions. I did have an opportunity this afternoon to
 12 briefly look at them, including the ones that I had asked which members of the public had
 13 asked. So... and it seems that they're addressed there, but unless somebody wants to start with
 14 that I'm... I could just kind of wade into my comments on the EIR.

15
 16 Chair Templeton: Yeah, you're up and other people can go back to the questions if they choose.

17
 18 Commissioner Hechtman: Ok so let me get set up here. Hold on one second. Alright so this is an
 19 extraordinarily complicated matter and so I did have to take the time work through and try to
 20 organize my thoughts so I could present them coherently, and hopefully in 10-minutes.

21
 22 So, we're tasked by Staff with making recommendations regarding the EIR and land-use
 23 decisions that will be presented to City Council. And I think it's important for us in this
 24 deliberation to distinguish between those two. And I'm going to try to in my comments, starting
 25 with the EIR because I feel like there's some misperceptions among the public about its
 26 function and some... really some bleed-over of land use issues into the function of the EIR.

27
 28 So, the EIR is an informational document. Its purpose is to ensure that our decisions about a
 29 project are made with the full understanding of their environmental impacts. It's required to
 30 include a reasonable range of alternatives to the project, including a no project alternative.
 31 Now, these alternatives are not required to be described in the same level of detail as the
 32 project, rather they just have to be described in sufficient detail to allow meaningful
 33 comparison to the project that's being advocated by the project applicant.

34
 35 So, and here's an aspect of CEQA that I think the public frequently misunderstands, CEQA
 36 doesn't require the decision-makers to approve the version of the project with the fewest
 37 environmental impacts. If it did, no substantial development would ever be approved because
 38 the required no project alternative always causes the fewest change to the environment and
 39 that is what an EIR measures. It's changes to the environment and I think that's particularly
 40 important to remember that regarding this CUP application by Castilleja.

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1
 2 Some of the comments that I've heard and read seem to suggest that we need to look at this
 3 project as though it involved a vacant 6-acre parcel where we're deciding between using it as a
 4 school versus using it for homes and that's not what CEQA requires to be studied. CEQA...
 5 Castilleja is an existing school, it has existing traffic, noise, and those existing conditions are the
 6 baseline for the CEQA analysis. And the focus of the EIR is whether the expansion project
 7 significantly increases those environmental impacts and if so, can those increases be reduced
 8 using mitigation measures to the point where the increases are considered insignificant. So
 9 Castilleja has stated they want to pursue Project Alternative Number Four, the reduced
 10 underground garage alternative and the Final EIR concludes that the Alternative Number Four,
 11 with its mitigations, will not result in any new significant environmental effects.

12
 13 I do a lot of work on... with CEQA and with EIRs and based on my experience this Final EIR is
 14 extraordinary in the detail of its analysis about what really boils down to an existing school that
 15 wants to increase its underground footprint and increase enrollment by 30 percent without a
 16 significant increase in traffic. I think this Final EIR satisfies every CEQA requirement and far
 17 exceeds many of them which I take as a testament to our Staff listening to the community and
 18 ensuring that the areas of concerns that they've expressed were discussed and analyzed in the
 19 FEIR.

20
 21 And I believe that the PTC should ultimately recommend to the City Council that it certify the
 22 FEIR as complying with CEQA, which is not to say that there are not significant land use issues
 23 for us to wrestle with tonight and next time. And I'll get to those but first I want to look at some
 24 of the key analyses in the FEIR and explain briefly why I think they satisfy CEQA.

25
 26 First, on traffic, school traffic to start with. Here is required by CEQA the existing school traffic is
 27 the baseline for determining if the project will cause a significant increase. Mitigation Measure
 28 7A requires the school to reduce the daily trip per student rate from 2.7 to 2.4, limit am peak
 29 traffic to an average of 440 trips and prevent any queuing on public streets. There's a four-
 30 phased approach to enforcing these requirements with strong penalties if they're not met,
 31 including a 10 percent reduction in enrollment. As to construction traffic, as noted in the FEIR,
 32 Palo Alto has a standard set of Conditions of Approval addressing construction impacts
 33 including the requirement of a Construction Management Plan. This is the approach taken
 34 throughout the state, including for projects larger than this one. Now that plan requirement
 35 could repetitively be added to as a mitigation measure, but I don't think the EIR is defective
 36 without it.

37
 38 Turning to noise, school noise; the noise coming from the current existing school is the
 39 baseline. The potential noise impacts of the new pool seem to be the primary potential new
 40 noise generator. And those are addressed in part by the design of the pool and in part by

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1 Mitigation Measure 8A regarding the loudspeaker. As to construction noise, this is addressed in
 2 Mitigation Measure 8B involving equipment selection, temporary noise barriers to stay within
 3 stated noise limits which in my experience is the standard way construction noise mitigation
 4 noise is handled under CEQA.

5

6 Aesthetics, we leave that to the ARB.

7

8 In consistency with Land Use Regulations, the point I want to make here is that the school both
 9 is an existing use and an allowed use in this zone with a CUP; which is what they currently have
 10 and what they're applying for. Since there's no significant... since there's no change in use there
 11 cannot be a significant impact regarding consistency with Land Use Regulations. While there
 12 may be significant land use issues to discuss, those issues I believe are not CEQA issues.

13

14 Project alternatives, reduced garage Alternative Number Four. I think that this alternative,
 15 which is the version of the project that Castilleja is now pursuing, is described in adequate
 16 detail, and fully analyzed for all impacts thoroughly in the FEIR. On the no underground garage
 17 alternative, this new analysis is 10 pages long, which is actually longer than the analysis of
 18 Alternative Number Four. I think it's remarkably detailed for a CEQA project alternative and
 19 remember all that's required is to describe it in sufficient detail to allow a meaningful
 20 comparison. I think it does that. Now, I know a couple of my fellow Commissioners voiced
 21 dissatisfaction with this alternative at our last meeting, but CEQA is very clear that an
 22 alternative is not deficient for not considering every permutation of that alternative. If we want
 23 to talk about a vision of Castilleja that has parking at grade without removing the two homes on
 24 Emerson and with more reliance on shuttles, that discussion should be had in the land use
 25 context related to our ability to be making the Findings, and not as a criticism of the FEIR. The
 26 school relocation alternative was rejected as not meeting the project goals. I know a number of
 27 neighbors were disappointed by that, but Castilleja is legally existing at this location. I don't
 28 believe the City has any ability to compel the school to move and I think it's unrealistic to think
 29 that they might voluntarily do that. But for the proponents for this alternative, many of whom
 30 also raised concerns about the construction, I'd say thinking alternatively you really should be
 31 careful what you wish for because if the school did move and leave behind this 6-acre
 32 residential site, given our housing shortage, there's going to be great pressure on the Council to
 33 rezone it to provide more dense housing than the 10,000-square foot lots that predominate in
 34 this area. And even if that resulted in just 6,000-square foot lots which is like my neighborhood
 35 and lots of others in Palo Alto, that means in round numbers, at least 40 homes, 3,000-square
 36 feet each. That's 120,000-square feet of above-ground buildings, same as the school is
 37 proposing, plus ADUs plus basements. So, we really don't avoid any of the construction impacts
 38 but ultimately depending upon the density, which I think could be even denser than I'm
 39 suggesting, The traffic impacts could theoretically be reduced.

40

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1 So, in summary I think the FEIR does meet the requirements of CEQA, and trying to pick at it
 2 doesn't change that, but it does distract us from the land use issues and Findings that I think
 3 should really be our focus.

4
 5 And so, with the remaining time, I want to talk about a few of the land use and Findings issues
 6 that I see. And as an overview, I want to say that I believe that Castilleja is an asset to our City
 7 that needs to be supported and retained. A number of the neighbors asserted that a substantial
 8 percentage of their students come from other cities, but from my perspective, that misses the
 9 point. The benefit of having Castilleja here is that our Palo Alto residents don't have to drive
 10 their daughters to some other City to get a private school education that no one disputes is
 11 world-class.

12
 13 Over the coming decade, Palo Alto is going to grow and become more dense. Office space is
 14 going to be more dense, residential is going to be more dense, commercial is going to be more
 15 dense. Castilleja needs to grow too, and I don't find anything in our code quantitatively
 16 precluding their growth. And I don't see any Finding frankly that can't be made if and this is the
 17 big if, in my view, we adequately address any increase in traffic associated with that growth. I
 18 did want to mention on this point that data has been presented about the average number of
 19 students and that's... I find that statistically interesting, but not really relevant to our Finding
 20 because our code doesn't set a standard for students per acre or require students to have...
 21 schools to have the same density just as it doesn't prevent my neighbor from building a 3,000-
 22 square foot house because the other homes in the neighborhood average 2,000-square feet.
 23 For frame of reference, the law school I attended in San Francisco had 1,500 students in two-
 24 four or 5 story buildings on 2 acres of land. I think that's about 30 times the density Castilleja is
 25 seeking to grow too.

26
 27 Now counterbalancing that need to support and retain Castilleja is their history of violation of
 28 the enrollment cap. They paid a monetary penalty for that but more importantly, they lost the
 29 trust of the neighbors. The trust that they would play by the rules and rightfully so. To my
 30 thinking, this plays out in the City's enforcement of Conditions of Approval for whatever form of
 31 project the City Council approves. Castilleja needs to recognize that it is wholly their
 32 responsibility to adhere strictly to every Condition of Approval, that their neighbors will
 33 scrutinize their compliance, and if they violate a condition they should not expect soft
 34 treatment from the City. Remember the City's legal remedies include revocation of the CUP.

35
 36 On retaining the portables, I know this is a concern to the neighbors, but I don't think it's
 37 realistically a problem. The portables are going to fill the athletic field where important
 38 elements of education occur. I think Castilleja will move those portables out as soon they can
 39 move into the new building, but we could include a condition requiring the portables to be

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1 moved at an appropriate milestone, and I'd like the Staff to investigate and recommend that
2 milestone. I think this dove-tails with some comments I saw in the Staff At Place Memo.

3
4 The Variance for rebuilding... for rebuilt square footage and I'm getting close to being done.
5 This I think is a really interesting issue. At best, it seems to me there are codes that strongly
6 encourage the proposed modernization in all sorts of ways and you shouldn't have to lose
7 functionality or capacity to accomplish those desirable goals. Back in 2018, there was a well-
8 articulated explanation of how the Variance Findings can be made by the project's attorney and
9 a well-articulated explanation of why the Findings can't be made from the neighbor's attorney.
10 Then there was a brief responding letter from Castilleja's counsel that said a more detailed
11 response would be forthcoming, but I couldn't find that more detailed response in the record.
12 And I like to know from Staff if we ever received that follow up letter specifically on the
13 Variance issue.

14
15 Number of events, like the operation of the school itself I don't see any issue regarding the
16 school holding these events in the requested quantity so long as the event-related traffic is
17 handled. And I believe that the detailed Conditions of Approval regulating when they can be
18 held and how the traffic is to be managed for different size events is a reasonable starting place
19 and we can adjust the conditions if they prove ineffective in any way.

20
21 And the last thing I wanted to take up briefly is the potential effects on the Bryant Street Bike
22 Boulevard and I really need a better understanding of this issue which I'm hoping Staff can
23 provide. So, I think a substantial portion of the existing school traffic uses Bryant Street
24 according to the traffic reports for the project and I can't tell if the traffic circulation proposed
25 with Alternative Number Four puts more traffic on Bryant or less or keeps it the same. I do
26 know that the garage is designed to avoid queuing that could extent onto Bryant and I haven't
27 seen any evidence that the design isn't effective and won't accomplish that.

28
29 So that's what I wanted to say in my initial round of comments on where we are. And I was
30 hoping that in round two actually, we could, depending upon how the other Commissioners
31 approach this, we can really dialog the Land Use Findings and see where we're having difficulty
32 and see where we're not. So, thank you for listening.

33
34 Chair Templeton: I appreciate that. Pretty good self-regulation there on the timing.
35 Commissioner Alcheck and if you'd like to after him you can raise your hand. Oh, it looks like
36 Ms. Tanner has a comment first. If you could hold off Commissioner Alcheck.

37
38 Ms. Tanner: I'm just wondering Chair Templeton if you wanted Staff to respond to the question
39 about the Bryant Street Bike Boulevard and go into that (interrupted)

40

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1 Chair Templeton: Yes.

2

3 Ms. Tanner: Response?

4

5 Chair Templeton: Yes, please.

6

7 Ms. Tanner: Ok, great. Amy and we also have transportation Staff available as well. If we want
8 to queue up the question regarding Bryant Street Bike Boulevard we can provide that response.

9

10 Ms. French: Sure. I do have some slides that I can pull up. We have Katherine Waugh from
11 Dudek as well as Kenny Jeong from W-Trans. So, I don't know if they have slides to use for this
12 but I'm certainly able to bring those up. Indeed, the existing traffic on Bryant is of course most
13 of the traffic. The project added... the Original Project added traffic but some of... a lot of that
14 was diverted into the garage as that Original Project put all drop off trips in the garage. The
15 Project Alternative Number Four, Disbursed Alternative, does add traffic to the Bryant Street
16 but it is less than a certain threshold regarding bicycle safety. I think in the Staff Report there
17 was some discussion. I can find what Packet Page if that would help and meanwhile I can look
18 up the slides and bring those up.

19

20 Ms. Katherine Waugh, Consultant: Amy? I'll chime in. Hi Commissioners, this is Katherine
21 Waugh at Dudek, Senior Project Manager, and we're the City's environmental consultant for
22 the project. So, under the Project Alternative and I don't have the numbers in front of me like
23 Amy, there would be slightly... so the disbursed circulation alternative, there would be a slight
24 increase in the amount of traffic on Bryant Street. The average daily total volume of traffic but
25 that traffic volume would remain well below the 2,000 trips per day that are considered the
26 City's standard in terms of where it's appropriate to designate a bike route. And so, the traffic
27 volume would remain well below that amount that is considered safe for designating a bicycle
28 route or a bicycle boulevard.

29

30 Ms. Tanner: If that satisfies the Commissioner's question we can continue or we can bring up
31 the visuals if that more detail is desired.

32

33 Commissioner Hechtman: I think that satisfies the question. Thank you.

34

35 Chair Templeton: Thank you very much. Alright, Commissioner Alcheck.

36

37 Commissioner Alcheck: Before I jump, does Staff want to... is there... I'd be interested to know
38 if Staff wanted to respond to the potential legal... the response that legal counsel for the
39 applicant may have sent in reference to the letters that were exchanged last year that
40 Commissioner Hechtman asked about?

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1
2 Ms. Tanner: Yes, we are... we need to look into that. As Ms. French said we do have a very
3 thorough record online. We pretty much routinely turn around any correspondence to post on
4 the website. So, we'll need to look into that and if this is following the September hearing
5 from... that we had with PTC or it's following a different hearing?

6
7 Commissioner Alcheck: No.

8
9 Commissioner Hechtman: No this was in 2018 I find three letters. First one Castilleja attorney,
10 second one the PNQL attorney, and then a short follow up from the Castilleja attorney
11 promising a later letter. And that was all in 2018 and looking forward in the record after that I
12 couldn't find a follow-up letter from the Castilleja attorney.

13
14 Ms. Tanner: We can certainly look for that in our record if the Chair would like. Ms.
15 Romanowsky could also speak to that, but we may have to look back to find that specific
16 correspondence. We could do that.

17
18 Chair Templeton: I think that would be helpful, thank you.

19
20 Commissioner Alcheck: Chair Templeton, do you want to see if the applicant's counsel wants to
21 comment on that?

22
23 Chair Templeton: It looks like hand... are they here?

24
25 Ms. Tanner: Yes, Mindie Romanowsky is a panelist and representing the applicant.

26
27 Chair Templeton: Oh.

28
29 Commissioner Alcheck: I'd be happy to wait another (interrupted)

30
31 Chair Templeton: Yeah, ok, let's do that. I didn't realize they were here. Thank you.

32
33 Ms. Mindie Romanowsky: Hello, can you hear me?

34
35 Ms. Tanner: Yes, we can.

36
37 Chair Templeton: Yes.

38
39 Ms. Romanowsky: Hi, this is Mindie Romanowsky. We did send a brief letter indicating that we
40 had comments to the PNQL letter sent back in 2018. So, Mr. Hechtman is right in reviewing the

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1 record and wondering if a letter was sent from us. We did send a short letter and then we
 2 determined that at that point we weren't going to send a long-winded letter going through
 3 each of those cases until we got closer to the public hearing process. We wanted the EIR to
 4 come out and a number of other things. So, the letter actually is written in draft form and I can
 5 finalize it and send it along in the next day or two.

6
 7 Really what it is, just to be clear, is a rebuttal to the PNQL letter that came in from their
 8 attorney on clarifying the cases that were in that letter and reiterating the reasons why the
 9 Findings for the Variance we believe are easily made. So, again, we're happy to submit that
 10 letter in the next day or two and certainly would look forward to all members of the public
 11 reading it as well.

12
 13 Ms. French: If I may, I did... I was online in our exhaustive list of documents and I did find one
 14 from October that was from the Castilleja, from Mindie's office to... responding to the PNQL
 15 letter. So, October 9th of 2018. I don't know if that's getting at (interrupted)

16
 17 Ms. Tanner: Yes, I think that... yeah, we have that. I think as Ms. Romanowsky said the follow up
 18 to the follow up is still coming and will possibly be here 2-years later but shortly for the
 19 Commission to review.

20
 21 Ms. French: That letter was number 19 on the list of 2018 submittals.

22
 23 Ms. Tanner: Thanks.

24
 25 Commissioner Hechtman: So that answers my question. I wanted to know if I'd missed it in the
 26 record so thank you.

27
 28 Chair Templeton: Thank you, everybody. Alright, Commissioner Alcheck we're ready for you
 29 now.

30
 31 Commissioner Alcheck: Ok, thank you. So first of all, I'm really glad you went first because that
 32 was an exemplary effort of being incredibly efficient and comprehensive. And I think both this
 33 EIR and your comments just now have set a very high bar by which I think... look I too was very
 34 impressed with the EIR and I share that perspective. This... it's like gold level... it's like gold
 35 standard work product and I imagine for better or worse we are going to compare future EIRs
 36 to this one and I think the community will also expect that.

37
 38 I just want to comment a little bit on the At Places Memo and some of the questions. Look, I
 39 agree with the sentiment. I don't think actually it would be a good use of time to go over each
 40 question. And frankly, a lot of them I think are... I'm glad that we went through the process of

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1 seeking Staff input for these questions because I think they deserved responses but some of
 2 them are a distraction, right? And I think we have to... I think this Commission would be well
 3 served if we treated many of the legal interpretations provided by Staff and City Council as
 4 determinative. I think... for example, I spent particular... I mean I read the At Places Memo
 5 today as well, I spent a lot of time with it and I looked up each of the sections. For example,
 6 when we were talking about the subterranean garage and local zoning. And the code language
 7 is complicated, and you have to follow the thread to its end and then you have to double back
 8 and find the next section and I think Staff... and I did that. I went one by one through some of
 9 those and some of you know that I have a knack for doing that and I found it very sound. I think
 10 it would probably be a disservice for us to sort of go back and forth on some of those issues.
 11 Particularly because they don't... they'd be a distraction from identifying the conclusions we
 12 have about the EIR. In particular, whether we would recommend its certification and then... and
 13 so I want to follow Commissioner Hechtman's example and avoid those. I would be happy
 14 though if another Commissioner wanted to delve into one to provide some input. So, I'll reserve
 15 comments on most of those questions.

16
 17 I'd... so I too think that the FEIR meets the requirements of CEQA and I would also support a
 18 recommendation that City Council certify it. And I think that... I don't... you went through so
 19 many and I don't want to regurgitate. Oh, let me hit some of the high-level ones. There... one of
 20 the things that I think needs more clarity is the... is just how the school... ok, let me clarify.
 21 Enroll... there's an enrollment increase request which I think is acceptable and there is also a
 22 process by which if they fail to meet the specific standard that is set. They don't receive...
 23 they're not permitted to have that enrollment increase. And so, I think what we need to do is
 24 we need to go to that section and I have in my notes Condition 7... what was it... A, in terms of
 25 the process by which we evaluate, and I think my suggestion... my request from Staff would be
 26 to come back with a little bit more clarity. One of the... we need more clarification about how
 27 the Mitigations in 7A... how the conditions apply for the mitigation in 7A. Is that... am I making
 28 sense Ms. French?

29
 30 Ms. French: Yes.

31
 32 Ms. Tanner: Maybe read it and then see if it makes sense? You want to make sure that we
 33 understand how if... how they would be able to increase their enrollment by meeting or if they
 34 failed to meet the conditions? Is that (interrupted)

35
 36 Commissioner Alcheck: Yeah so, I'm sort of piggybacking. I agree that... with Commissioner
 37 Hechtman's sentiment that Castilleja must hold itself up to a high standard. They need to
 38 operate with a tremendous amount of integrity. However, with respect to 7A, there's a little...
 39 it's a little unclear how will they be evaluated in terms of the increases... how will their conduct
 40 be evaluated and how will be enforcement of these conditions and how will the information be

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1 communicated? So, I think if there was more clarity there we could get comfortable with it. I
 2 don't think it would be productive for us to sort of from the dais come up with that. I think you
 3 guys are in a far better position to do that and I think actually they would... I think they actually
 4 touched upon this in their letter also which is... let me... well (interrupted)

5
 6 Ms. Tanner: I think I do understand the question. That was very clear for Staff to come back
 7 with [unintelligible] (interrupted)

8
 9 Commissioner Alcheck: Ok good.

10
 11 Ms. French: One is... I'm sorry if I may? So, you're talking about Mitigation Measure
 12 (interrupted)

13
 14 Commissioner Alcheck: Yes.

15
 16 Ms. French: 7A that's in the EIR (interrupted)

17
 18 Commissioner Alcheck: Yes.

19
 20 Ms. French: Then on top of that going forward with the Conditional Use Permit there are
 21 conditions that (interrupted)

22
 23 Commissioner Alcheck: Yes.

24
 25 Ms. French: That can get to a finer grain. So, if we're talking about getting to a finer grain
 26 beyond mitigations for CEQA purposes, this is what you're bringing up for a nuanced discussion.

27
 28 Commissioner Alcheck: Yeah, I mean I think there is... so we have this remarkable premise here
 29 that there won't be an increased impact as they increase enrollment. And so, the question is, to
 30 the extent that they meet that commitment, how are... how is that going to be evaluated,
 31 monitored, and then ultimately, I guess stamped? And (interrupted)

32
 33 Ms. Tanner: And that will be part... we can definitely come back with that and Commissioners
 34 would expect to see something of that nature as part of Conditions of Approval; that we often
 35 say in Public Work how that would be the teeth, right? So, if... what's the accountability to
 36 those standards? How will we know that they've met them or not met them and if they're not
 37 met then what happens?

38
 39 Commissioner Alcheck: Right.

40

-
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1 Ms. Tanner: And those would be part of those Conditions of Approval.

2

3 Commissioner Alcheck: Yeah and I think largely the clarity that's provided there and I would
4 encourage Staff to connect with Castilleja and make sure they understand the process. Because
5 I imagine they'll also have maybe helpful input for how this can be monitored because they
6 may be just as or even more familiar with how the system will work. That... what opportunities
7 there'll be for which days, which... what would be the schedule for example for the monitoring?
8 I think everybody anticipates that the school will be sort of under a microscope and I
9 understood from Commissioner Hechtman's short experience with this project, right? That he's
10 also already sensitive to the loss of trust, right? And so, what I would suggest is the more clear
11 and more robust those elements of this process are the more comfortable I think all of us will
12 be moving forward. Because like Commissioner Hechtman said, they could ultimately lead in
13 the taking back the Conditional Use Permit and so that's a very serious situation. And my
14 impression from the applicant was that they are prepared to sort of operate under that level of
15 seriousness.

16

17 I want to respond to a comment that I think got a little traction last time and before I do that let
18 me just say Commissioner Summa, I apologize if I said something that sounded like a personal
19 attack. I rarely intend... I know that you're a very passionate advocate for... a passionate
20 contributor and I don't intend ever making anything personal but I... and this isn't directed at
21 you at any way either. But last time there was some traction about this idea of a move or a
22 second location or maybe giving up the location and moving elsewhere. And to me, I want to
23 echo what Commissioner Hechtman said which is that I don't know that I've ever seen CEQA... a
24 CEQA analysis requires that sort of alternative. What would... I think it would be a complete
25 waste of time, but I also think it's not even reasonably legitimate to study what and how many
26 homes could be built on that site. And I am a very strong advocate for housing in the City but
27 being that the current CUP runs with the land, that if this entity decided to move they could...
28 they would likely sell it too... they could likely sell it to another school and that... or to another
29 owner and that they could operate a school. It seems like a poor use of time and resources and
30 that kind of goes back to how comprehensive this EIR already is. That the extent to which they
31 have exhausted so much analysis here suggests to me that we should give a little more
32 difference to that fact that that wasn't included not only because it would meet none of their
33 goals to essentially close their campus and operate in a different location. And so why would
34 they entertain that in any way and why should we evaluate it? Why should we spend any
35 resources evaluating it?

36

37 Ok, I'll move on. The... I agree with... I was uncomfortable when... and I think you remember
38 when it came up last week... 2-weeks ago that concept of the portables because it struck me
39 as... if fell into the category of conditions that you typically see the Building Department provide
40 related to how the site is operated during construction. Everything from the how waste and

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1 debris is trucked in and out to operating hours, Noise Ordinances and essentially to me it sort
 2 of... it straddled this line of can we... potentially creating a scenario where the objective of this
 3 institution, which is to teach, would be hampered if they pursued this project if for some reason
 4 we limited the number of portables they could use. So, I share the view that I think that we
 5 should avoid that. We should... I'm comfortable with the notion that the portables are
 6 temporary. And I imagine that the... if there was a concern we could just articulate to the
 7 Building Department that construction equipment and temporary construction... construction
 8 infrastructure would be removed at the conclusion of the project but I imagine that's largely
 9 their intent.

10
 11 I want to go... I want to talk a little bit... you know what, I made a note to talk about this per
 12 acre density question. I thought that was interesting that when it came up last time too and
 13 one of the interesting things that I learned in the last 2-weeks was that when you look at for
 14 example Palo Alto High School's Campus. I imagine... and they have a much bigger enrollment
 15 and I don't even know what their student per acre density is; but if you are... if you carefully
 16 walk around that campus what you will notice is that there is a ton of open space. They've got
 17 football fields and soccer fields and parking... surface parking lots and they have seven tennis
 18 courts and they have basketball courts. And it strikes me as a little unfair to compare the
 19 student density... the density if you will because if you were to take simply the structures that
 20 are classroom as opposed to the open space. I imagine the numbers would be closer and so it
 21 strikes me as a red herring; a non-issue.

22
 23 And then I want to talk a little bit about the events. I think when we use the terminology events
 24 without definition, that does us a disservice because I share Commissioner Hechtman's view
 25 that this is an institution that should thrive in our community. And the events that we are
 26 talking about are opening night and night two of the fall play; or the spring play; or
 27 parent/teacher conferences; or... I wrote down the notes. Admission's open houses, alumni
 28 events, recitals, choir performances, college counseling meetings. I understand that there are I
 29 guess testing preparation meetings that take place which are actually not just open to Castilleja
 30 students. They serve the community and that's an example of an event that happens at
 31 Castilleja that draws more than 50 individuals. My point here is that when we micromanage our
 32 schools in this fashion... when we create these conditions and we micromanage the number of
 33 events they have. We are harming the children of our community because the school becomes
 34 a place for the children to interact and grow and it seems to me like that would be... that
 35 counters so many of our Comprehensive Plan's broader visions here. And I want to share with
 36 you that there was an effort to reach out to some of the private schools in the surrounding
 37 community. Mainly Menlo School for example and there was a question how many events do
 38 you... can you guys provide the list of how many events you have a year and the response was
 39 no? And the follow up was what do you mean and they were like we don't even keep track.
 40 There's no monitoring, there's no oversight. The community around Menlo High School has no

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1 interest in micromanaging the number of events that our students put together; whether it's a
 2 robotics fair or an art show. So, I want to caution the Commission because the result of the
 3 micromanagement of the First Baptist application, which if you may remember there was a
 4 request to have overlapping drop-offs of 60 students at a time and that one would be for 2-
 5 hours and the other one would be for this 2-hours, and so the drop-offs wouldn't happen at the
 6 same time. They didn't... the City Council ultimately decided they didn't want to do it and so at
 7 no point could the 120 girls practice together at the facility they had been practicing together
 8 for years. And if you don't know that has caused... my understanding is that it has very much
 9 handicapped the I Sing Choir. And the point I'm trying to make is when we micromanage from
 10 the dais the operations of these schools I think we tread into territory that can yield results that
 11 we have absolutely no idea to just how debilitating they can be. So, what I am comfortable with
 12 is the fact that the school has put forward a list. It's on Page 7 of their letter that they
 13 submitted last night. It's... they've committed to no events on Sundays, that the athletic
 14 competitions would occur on week... only on weekdays and would be over by 8 pm and there
 15 would be a maximum of 90 events with more than 50 guests each year. An example of events
 16 they've summarized in Appendix B and they even go on to tell you that they would use... how
 17 many of those events would be weekend and weekday and to what extent there... how many
 18 events would be over 100 people. I just think it's... I think that's remarkable that they are so
 19 organized. That they are capable of doing that considering that some of the other private
 20 schools are not... were not able to do that. And I think if we're going to make a baseline... if
 21 we're going to set a condition with respect to events I think we should start with that and I
 22 think we should be careful not to expand on it.

23
 24 And then I (interrupted)

25
 26 Chair Templeton: A quick time check. You're 18-minutes in, just (interrupted)

27
 28 Commissioner Alcheck: Oh gosh, alright.

29
 30 Chair Templeton: Yeah.

31
 32 Commissioner Alcheck: I'll stop. I want to... the last comment I want to make I guess before the
 33 second round is that the... no, I'll just save it, go ahead.

34
 35 Chair Templeton: Ok, alright, thank you and may I suggest a 5-minute break? We're a few hours
 36 into our meeting, would that be ok? So, it's 8:34, if we could be back at 8:48. I see a few thumbs
 37 up and nods so let's do that. Thank you.

38
 39 [The Commission took a short break]

40

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1 Chair Templeton: It's back on Commissioners. Alright, we've got four of us here. Ms. French, are
2 you back yet?

3
4 Ms. French: Yes.

5
6 Chair Templeton: Ok so we're returning from break and I believe we've got at least four of the
7 Commissioners back. We're waiting on Commissioner Lauing who may be getting his camera
8 turned back on, but would you like to start off by making some responses to comments from
9 Commissioner Alcheck?

10
11 Ms. French: Yes, I want to make sure that Katherine is back from her break. I had texted her a
12 little bit because on the... here she is... the CEQA aspects of Commissioner Alcheck's questions
13 or discussion... line of discussion on the events. So, Katherine are you settled?

14
15 Ms. Waugh: Not quite but yes. Excuse me, Commissioners, I've had a really hectic couple of
16 days with personal family. An injured mother in law so, but Commissioner Alcheck was talking a
17 lot about Mitigation Measure 7A and which relates to the TDM Plan that the school has
18 proposed. And so, the mitigation measure itself includes a lot of language revolving around
19 enforcement and monitoring. So, it includes things like requiring the school to install traffic
20 monitoring devices so that they can have an accurate count of the trips that are coming in and
21 out of each driveway every day and that data can be translated or transmitted to the City. And
22 then a program of reporting and I believe... I don't have the text right in front of me but I
23 believe that it requires reports three times per year until the school has demonstrated
24 achievement of the performance standards that are indicated in the mitigation measure. And
25 then the mitigation measure itself is based on the TDM plan that the school has proposed and
26 so there would be a... those reports that come in three times per year would report on the
27 exact mechanisms or strategies that the school has implemented in that academic year to
28 reduce daily and peak hour trips and to monitor the ques to make sure that ques are not
29 extending out onto public streets and causing safety problems. And so, the intent was that
30 there would an adaptive management program that would be implemented over time as each
31 enrollment year brings a different mix of students from different locations. So that the school
32 can find the specific strategies that work the best for that mix of population every single year
33 and work with the City to maintain the performance standards that are expressed in that
34 mitigation measure.

35
36 And then Amy, I'm... I was really focused on that particular mitigation measure. I don't know if
37 there were other CEQA issues that you wanted me to respond too?

38
39 Ms. French: I'm muted. I think that does it. I would call to your attention the Staff Report that
40 was published today. There is... there are a few questions that were answered about

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1 implementation and enforcement; as well as the TDM... the current program for TDM and the
 2 proposed enhanced TDM. So, trying to look in real-time there is a mitigation measure cited in
 3 there as well and that I guess is on... just had a Packet Page... Page 14 of the memo distributed
 4 today.

5
 6 Chair Templeton: Alright Commissioner Alcheck, did you have any follow-ups to those or?

7
 8 Commissioner Alcheck: You know I'm... I'll go... on my second round I'll put together some
 9 notes.

10
 11 Chair Templeton: Sounds good. Thank you, Ms. Waugh, and Ms. French. Alright, what
 12 Commissioner would like to go next? You can raise your hand. Am I on the right panel to see it?
 13 Commissioner Summa, thank you very much.

14
 15 Commissioner Summa: I'll go since no one else was ready. So, kind of at a high level I agree with
 16 many of the comments already made. And I did not share a concern that some of my colleagues
 17 voiced towards the end of our last meeting about wanting housing there or some of those
 18 ideas. And the reason is, is because I believe they have every legal right in the world to be a
 19 school if they want to be a school. They just... they can be a school there with conditions of use.
 20 So, those kinds of different uses don't really seem to be applicable to the situation at hand
 21 here.

22
 23 I will say that some of the questions in the memo or Staff Report, whatever it is, I think some of
 24 these like construction impacts and portables, trees, and pool noise. I think those can be
 25 addressed and I think it's really important that they are addressed properly but they aren't big
 26 item issues for me. And I think they can... and I think they should be addressed properly.

27
 28 I do have a little concern about the Bryant Street traffic impacts and the bike boulevard. I think
 29 it's very hard to rely on TDMs. I've often said this on the Commission because they are very
 30 hard to enforce. It's hard to get any sort of... it's hard to get good reporting on them if they're
 31 self-reported and it's hard to get any enforcement of it in the past. I don't know why Castilleja
 32 would be more... it would be more successful in Castilleja's case.

33
 34 I have a very strong concern about history of CUP violations and how the City and the school
 35 can work together to mitigate those.

36
 37 I don't have a specific list of Conditions of Approval at this time. That seems a little mature...
 38 premature. I have higher-level concerns.

39

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1 My main problems with the EIR relate to the problem... the very basic problem that it didn't
 2 evaluate the alternative that the applicant now prefers which I understand that Staff has an
 3 opinion about, but it still remains a problem for me. And now there's even some variations on
 4 Alternative Four that were in the attorney letter of last night. I don't think the disbursed drop
 5 off was looked at properly in the EIR for me. I understand that Staff doesn't... because it is
 6 mitigated a TIRE Impact but it has not in fact reduced the number of cars that will be coming
 7 and going towards a school. And the disbursed... while the disbursed model helps the school
 8 and the EIR not have that one impact, it doesn't help the neighborhood concerns in my opinion.

9
 10 And I... most importantly I believe that the wrong FAR was evaluated in the EIR with regards to
 11 the basement and by that I'm referring to not the basement under the academic buildings but
 12 the basement that is not under any buildings. So, it is in fact not a basement, it's a parking
 13 garage, and people, including the applicant, have gone back and forth on that but it's pretty
 14 clear it doesn't meet the definition of basement in our code as they have to be under buildings.
 15 And that those buildings, in fact, cannot extend into setbacks unless they're already there and
 16 then the building... in the setback I mean and then the basement could be, but that law... and
 17 it's... this is a very important issue for me. I don't think our code clearly states that the
 18 conditional uses allowed in R1 can have underground parking lots because they are prohibited
 19 for residential uses quite clearly. But it doesn't also explicitly state it so I think it's an area in the
 20 code that we should do some work on so it isn't a problem but I do believe it's FAR and that
 21 would be a problem. And I think it's on Page 4 of the memo/ Staff Report from tonight at the
 22 bottom where this question is addressed and I'm trying to go there. 18.12.090(b) states and I'd
 23 just like to point out that the B is a mistake. It should be once again little letter a and it clarifies
 24 that basements may not be extended beyond the building footprint. And I assume... and this is
 25 a question I guess, I assume the underlining or the emphasis there of the main residence is
 26 Staff's own emphasis as it's not in the code and that only refers to... that pertains to main
 27 residence and setbacks. And in place here does it indicate that you can have an underground
 28 parking structure that's not associated with a building above it so... and/or that it would not be
 29 FAR. So, for me, the problem is not that it's illegal to have an underground parking structure for
 30 a non-residential use in a low-density residential zone, but that is FAR. And if that FAR... and
 31 that correction is a pretty big one for me and unfortunately although there's so much great
 32 work in the EIR, I would have to see not a brand new EIR but maybe an addendum or an
 33 appropriate way to address that. And to correct the square footage and figure out how to
 34 address that so this project can move forward.

35
 36 At this time because of some of these problems and others, I would not right now be able to
 37 make the Findings for the Variance or for the CUP, but I'm looking forward to being able to do
 38 that in the future as we move along.

39

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1 And I don't know if that's too general but... and to something that Commissioner Hechtman
 2 said the loss of trust with neighbors. I could not agree with him more and I couldn't agree that
 3 one of those aspects of having a successful outcome for the Castilleja School is to really for the
 4 City and the school to figure out how to make something... how to make a CUP, the conditions,
 5 that are everybody takes seriously.

6
 7 Oh, and the other problem I have with the EIR that's kind of a big deal for me is I do not think it
 8 was correct that the EIR evaluated the number of events that Castilleja currently holds which is
 9 vastly beyond what the CUP allows. That seems like kind of as a baseline. Basing a baseline on
 10 an illegal and ignoring an illegal Condition of Approval just seems to be wrong to me. In other
 11 words, the baseline should be for the EIR should be what they're currently legally allowed, not
 12 the... how they... the baseline that is evidence of how they have exceeded their current legal
 13 conditions.

14
 15 So, and for the most important thing for me, the not counting of the FAR in the underground
 16 parking garage which I don't think is addressed in the... on Page 4 and 5 of the document from
 17 today. I'll leave it at that for now.

18
 19 Chair Templeton: Thank you so much, Commissioner Summa. Perfect timing. Staff, did you
 20 want to respond to any of this discussion?

21
 22 Ms. Tanner: Thank you, Chair Templeton. We can certainly respond to some of the items that
 23 Commissioner Summa raised. I know that with the Bryant Street intersections and Bryant Street
 24 Bike Boulevard Commissioner Summa, did you want... having specific questions that you'd like
 25 us to go over and explaining those intersections impacts; or was it more just a comment that to
 26 make that function we would need good reporting on the TDM in order to not have impacts?

27
 28 Commissioner Summa: Yes, and I do think that there was an omission from the EIR that it didn't
 29 specifically study the Bryant/Kellogg intersection and I think that should be amended also. And I
 30 would like to see a better discussion of the disbursed car drop off and pick up impacts because
 31 like I said it's taking it... all the drop-offs out of the parking garage got rid of the TIRE problem
 32 on Emerson in front of basically the last three houses but it sort of redistributed the same
 33 amount of traffic around on the other streets so.

34
 35 Ms. Tanner: Ok, yeah, we can... if you're interested we can respond to... explain a little bit about
 36 Bryant Street and the events and garage but I don't know that it would be different than what
 37 we've presented in the report. And certainly, welcome the difference of opinions but we can
 38 respond to it, or we can except your comments and we've written down notes on what you see
 39 as some of the deficiencies of the application. So, it really is at Commissioner Summa's request,
 40 we could respond if she would like.

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1
2 Commissioner Summa: Thanks.

3
4 Ms. French: Yes? Ok.

5
6 Ms. Tanner: Is that a yes then? Ok, great.

7
8 Ms. French: I think I heard yes. So, let's see I need to do the thing, sorry. Ok is this showing? Are
9 we good?

10
11 Ms. Waugh: Yes.

12
13 Ms. Tanner: Yes.

14
15 Ms. French: Ok. Oops, ok. This shows daily traffic volumes currently on Bryant. It shows 870
16 trips on Bryant currently adjacent to the project site with the existing drop off conditions which
17 is in these locations. Then this is from the Traffic Impact Analysis. This shows the project, the
18 Original Project, and there you see the TIRE Impact here with 679 trips going from adding 679
19 to 842 here. And then here is the Alternative Four traffic volumes that... this is pre-mitigation
20 showing the additional 292 and 220 trips here on Bryant. So, yes it does add daily trips so that's
21 different than the intersection. That's TIRE and so then there was the recommendation that
22 involved... so this shows the reduction over here was the original analysis here for TIRE Index
23 with the project that diverted all those trips. And then this is where those trips are added back
24 in to bypass that garage and redistribute. So, then there's recommendations with the TDM and
25 the percentage distribution and I don't know if I've got another slide for that.

26
27 Ms. Waugh: Amy, do you want (interrupted)

28
29 Ms. French: Sorry?

30
31 Ms. Waugh: Do you want me to jump in for a second?

32
33 Ms. French: Yes, yes, tell me if you want me to use these slides too, please.

34
35 Ms. Waugh: Yeah, that... you can stay there.

36
37 Ms. French: Ok.

38
39 Ms. Waugh: So, the slide... the table on the left shows what the... compared to existing
40 conditions what the change in traffic volumes would be if all the traffic for drop off and pick up

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1 is routed through the garage. So that's the... on the left that says Table 7-7; but the Table 22, on
 2 the right-hand side of the slide, shows what it would have been under the Disbursed Circulation
 3 Alternative but based on the percentages of drop off and pick up locations that... I'm sorry my
 4 cameras... that Castilleja had proposed. So, when W-Trans, our traffic sub-consultant, evaluated
 5 the percentages that Castilleja had proposed, the numbers here that Amy's showing with the
 6 red circle on the right-hand slide of the slide. That's... those are the traffic volumes that had
 7 been indicated. So, but if you see to the column just left of that red circle, the 170 and 140,
 8 that's the number of trips that Bryant Street could tolerate without causing an increase in the
 9 Traffic Index... the TIRE Index, excuse me. So, W-Trans had recommended a different
 10 percentage of drop off and pick up assignments to the three different locations and by altering
 11 that three different drop-offs and pick up locations. The percentage of traffic assigned to each
 12 location there's a way to fall below these values that would cause an increase or a TIRE Index
 13 impact. So, if you... we can keep the new traffic trips on Bryant Street, segments 10 and 11 at
 14 the bottom of that table, if we can keep those increases below 170 and 140 then there's not an
 15 increase in the TIRE Index. The way that the TIRE Index is measured, that increase would be
 16 tolerable. It would not result in a meaningful change in the amount of traffic volume on those
 17 segments. And by... so that is why Mitigation Measure 7A under the Project Alternative would
 18 stipulate certain percentages of students to be dropped off in each of the three different
 19 locations. And by managing those three different locations and the percentage of drop-offs at
 20 the first year of full enrollment and then managing it with adaptive management technology or
 21 techniques over time. Then the City can... and the City and Castilleja can work together to
 22 ensure that we don't have a significant increase in traffic volume on any one roadway segment.
 23 And so that's where the percentage is that are shown in these bullet points on the slide come
 24 into play and those percentages are recommended for the initial year of full enrollment. So that
 25 there's not a significant increase in traffic volume on any one roadway segment. And then over
 26 time the mitigation measure calls for this adaptive management with enforcement and
 27 monitoring and reporting so that the City and Castilleja could work together to make sure that
 28 these conditions that persist over time. That we're not having a significant impact occurring in
 29 year five or in year eight or whichever year. That they... that those conditions are monitored
 30 and evaluated each year to make sure that the impacts remain less than significant.

31

32 Commissioner Summa: Yeah, I'd (interrupted)

33

34 Mr. Yang: I'd like to (interrupted)

35

36 Commissioner Summa: And I understand that but that seems like something that might work
 37 on paper, the percentages, but I don't know how that's really going to work out. And so, I think
 38 it's... it's kind of seems like something that would be hard to enforce and therefore might not
 39 really work to resolve concerns about traffic.

40

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1 Chair Templeton: Mr. (interrupted)

2

3 Mr. Yang: I'd like to jump in on just a couple points, if I may?

4

5 Chair Templeton: Yep, I just saw your hand so please go ahead.

6

7 Mr. Yang: I think Commissioner Summa's comments just now about enforceability and practice
8 are similar to those voiced by Commissioner Alcheck, and that's something that as Ms. French
9 said, we will come back with more detail on exactly how Staff used that playing out in practice.

10

11 But stepping back, I also wanted to respond to one of Commissioner Summa's comments about
12 the... this distribution addressing TIRE Impacts but not actually reducing the number of trips,
13 right? Just sending them into different areas and I guess the reason that the EIR focuses on the
14 TIRE Impact is because that's the one area where the Traffic Study indicated that there might
15 be a significant environmental impact. And to the extent that the Commissioners have some
16 concern about the overall number of trips and how that may impact the neighborhood more
17 generally. I guess I would suggest similar to Commissioner Hechtman's comments earlier that
18 that is not necessarily a deficiency from our point of view from the EIR but it certainly
19 something that is relevant to the Commission's consideration of whether or not the Findings
20 can be made for a CUP for example which requires consideration of the welfare of the City.

21

22 I guess I would like to make a similar comment with respect to some of these questions about
23 interpretation of the code and the location of the subterranean parking facility or whether it
24 should count for FAR. I think that this was expressed in the Staff's written document but the
25 interpretation that was explained in Staff's response is consistent with what Staff has done
26 before and we believe that it's a reasonable interpretation of our code. But these are, we
27 recognize, areas where there is some grey area and again if that's a place where Commissioner
28 or the Commission disagrees with Staff. I think the relevant way of expressing that
29 disagreement is again in the whether or not you can make the Findings for the Variance or for
30 the CUP. Both of which require a Finding that the use is consistent with the Zoning Code and
31 the Comprehensive Plan.

32

33 Chair Templeton: I really appreciate you jumping in on that. Thank you, Mr. Yang.
34 Commissioner Summa.

35

36 Commissioner Summa: I appreciate the reminder that the EIR doesn't cover all the areas of
37 concern for the Planning Commission. I appreciate being reminded of that, but I do think some
38 of these areas of concern will help Staff to understand what might be palatable in the form of
39 Findings. So, I hope that's helpful.

40

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1 Chair Templeton: I see Commissioner Alcheck has put his hand back up. I know we need to go
 2 to Commissioner Lauing for his full comments. Did you have something topical to Commissioner
 3 Summa's comments?
 4

5 Commissioner Alcheck: Yeah well, I guess I would just request that our counsel maybe delve a
 6 little deeper into this FAR garage question, and the reason why is because this came up so
 7 frequently in community comments. And I spent a good deal of time today with it and I don't
 8 profess to be an expert on carports and garages and underground rules, but I think a lot of
 9 times the way that our code is written it's very easy to get lost on... in the code sections when
 10 we're talking about residential use and non-residential use. And particularly within an R1 and so
 11 I agree with you that the statement that the counsel made about this is an interpretation and
 12 that's how Staff feels. But I think maybe it would be worth the extra 5-minutes if you walked us
 13 through the analysis on Page of... I guess it's 4 and 5 and 6 starting with answers 3 and 4 at the
 14 At Place's Memo because if you're not careful it's easy to apply residential rules to this project
 15 that would affect how you tabulate FAR. And so, I think for the sake of the community and
 16 maybe for the sake of bringing us all a little closer because if that's one of the biggest issues for
 17 some of the Commissioners then I think it would really help, actually.
 18

19 Ms. Tanner: We could certainly address that question if that would be desirable.
 20

21 Commissioner Alcheck: And this goes to a bigger question, right? When counsel gives us
 22 guidance, how do we collectively I guess decide to accept it, but I do think in this case it would
 23 help to have a little bit more.
 24

25 Chair Templeton: Ok so to follow, you're following up on Commissioner Summa's FAR to ask if
 26 Staff could (interrupted)
 27

28 Commissioner Alcheck: Yeah, I think if they walked us through their answer.
 29

30 Chair Templeton: Get into more detail.
 31

32 Commissioner Alcheck: Yeah, I think if they walked us through their approach and how they
 33 came to the conclusion that it was... first it was a parking facility and it can be subterranean.
 34 And then why as a subterranean parking facility qualifies as a basement and therefore doesn't
 35 qualify as to be counted as FAR. I think if they walked us through those steps and how other... if
 36 it had been in a residential component it may not which I think is what some people have
 37 picked up.
 38

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1 Chair Templeton: Ok. I'm interested in that too. Is that... Commissioner Lauing, we'll get to you
 2 next. I would love to hear Staff on that. Good question Commissioner Summa and
 3 Commissioner Alcheck.

4
 5 Ms. French: I'm going to (interrupted)

6
 7 Ms. Tanner: I think Albert may join in on the response as well with Amy to tackle this one.

8
 9 Ms. French: Yes, in the slides at the last hearing I quickly popped four slides up on the screen. I
 10 can do that again and take a little more time with Albert on that and consult the memo we
 11 prepared today as we do this. I'm going to share my screen again. Sorry, it takes a while to get
 12 this uploaded properly. So, I don't know... Albert's unmuted as well but these were the slides
 13 that we shared last time to talk about the project and project alternative which both feature an
 14 underground parking lot or parking facility. Our Municipal Code does allow parking facilities
 15 underground for all types of uses. The memo that we prepared today does discuss the fact that
 16 the City does allow underground parking for many types of uses, but not for single-family
 17 homes; single-family residential homes; single homes. So, this gives the code sections that talk
 18 about placement below grade and it's an accessory facility to this Conditionally Permitted Use
 19 that exists. An accessory facility is to provide the parking that's required on-site by the code.

20
 21 So, then the second question is should it be counted as Gross Floor Area and this is where
 22 Commissioner Summa believes it should. And Staff is of a different opinion that it is not a
 23 carport or garage which is counted in the residential zones and that it fits more into the
 24 definition of basement.

25
 26 Commissioner Alcheck: Can you maybe highlight also how you came to the conclusion that it's
 27 a basement even though it's not beneath an existing structure.

28
 29 Ms. French: Yes.

30
 31 Commissioner Alcheck: Because it's again non-residential.

32
 33 Ms. French: Correct.

34
 35 Mr. Yang: So, Amy why don't we go, yeah to this slide. So, the... actually Amy, can you go to the
 36 next slide on this?

37
 38 Ms. French: Yes.

39
 40 Mr. Yang: Ok and then is there another slide after this?

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1

2 Ms. French: Yes.

3

4 Mr. Yang: Excellent. So, this paragraph at the very bottom of this slide is the definition of
 5 basement from the definitions section of our code. That is basement is a portion of a building
 6 between the lowest floor and the ceiling above, which is fully below grade or partly below and
 7 partly above grade, but so located that the vertical distance from grade to the floor below is
 8 more than the vertical distance from grade to ceiling. Basically, this defines basements being
 9 any structure with a floor... at least floor of a structure where more than 50 percent of that
 10 height is below grade. That is... this is a much more permissive definition than the definition of
 11 how we think about whether or not basements are allowed in the R1 or whether or not
 12 basements counts for Gross Floor Area. Basement is anything where it's more than 50 percent
 13 below grade. So, that's how we reached the conclusion that this underground parking facility
 14 could qualify as within the definition of a basement.

15

16 So, then you get to this different question of ok, well even if it is a basement, is it allowed to be
 17 in this location in the R1 Zone? So, Amy can you go back to the second slide? And that is
 18 addressed in the second set of bullet points. There are two sections of the R1 Zoning Code that
 19 deal with the location of underground parking or location of a basement. The first one says that
 20 underground parking is prohibited for single-family uses. In our view, this is very clearly limited
 21 just to single-family uses. If you go to the corresponding section of 18.52 which is our General
 22 Parking Regulations. This exact phrasing is repeated in Table 1 but it is only in relation to
 23 residential uses and single-family uses.

24

25 The second question about can it be in this location? Has to do with 18.12.090(a) which says
 26 that a basement can't extend beyond the building footprint. So, that's not... again that's not
 27 reaching the question of is it a basement or not? It's about can it be in an area where there's no
 28 building footprint in the R1? And this is an area where the code is not entirely clear and so Staff
 29 looks to prior interpretation and the prior interpretation in this area was that this section only
 30 applied to residential uses in the R1 and not to non-residential uses. And so that's the
 31 interpretation that we're following here, but we recognize that this is a potential grey area. So
 32 that's how we answer this question, can the parking... can this parking facility be located
 33 underground in the location that's proposed? Amy, the next slide, please.

34

35 The other question is regardless of where it's located should it be Gross Floor Area? And for
 36 that, we went to the definition of Gross Floor Area which is organized by zoning districts. So, for
 37 low residential... low-density residential zones like the R1. There is a provision that says that
 38 covered parking shall be included in Gross Floor Area and there's a provision that says that
 39 carports and garages shall be included in Gross Floor Area. Here we reproduced the definitions
 40 of carport and garage and you can see that they are both limited to residential uses. And the

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1 term covered parking is also defined in our code. It's... sorry, we don't have it on this slide here
 2 but it... the definition in our code says that covered parking is a carport or a garage. So, we're
 3 basically at the same place.

4
 5 So, we have a section of our code that says carports and garages was included in Gross Floor
 6 Area, but those terms are in turn defined to apply only to residential uses. And that's not what
 7 this is so we're left with the question of what is it? And from our perspective and in terms of
 8 what we've done historically we have said the closest match is the definition of basement
 9 which is what we started on talking about.

10

11 Ms. French: Shall I remain with the slides or stop sharing?

12

13 Commissioner Alcheck: One follow up question would be to what extent does your historical
 14 treatment... how relevant is the fact that you have historically treated it this way to your on-
 15 going determination; and what would be the consequences of not treating it this way for let's
 16 say this project in terms of the suggestion that somehow there's [unintelligible] treatment
 17 being applied?

18

19 Mr. Yang: So, in terms of the significance of our prior interpretation or prior application of these
 20 codes. I guess I'll just say that it is our practice and has been our practice when there's
 21 ambiguity to look to what our prior application has been and use that as our starting point.

22

23 As far as implications of changing our interpretation, I guess I'm... I would need to spend some
 24 more time I think before I provided an answer on that and that may not be something that I
 25 would be able to answer in the public forum. So, I think that gets to the question of is there
 26 some risk to the City... legal risk to the City of changing its approach. I think what I've said
 27 previously on the issue is that if members of this Commission disagreed with Staff's view that
 28 we would be comfortable with that being expressed basically through an inability to make the
 29 Findings.

30

31 Chair Templeton: Alright thank you all. Let's move onto Commissioner Lauing who has been
 32 very patient. Oh, look I see Commissioner Summa. Did you want to respond to that? I'm sorry.

33

34 Commissioner Summa: One tiny quick question and maybe Staff can provide this. I asked it at
 35 the last meeting. A list of properties where this interpretation was used. That would be helpful
 36 for the discussion.

37

38 Ms. Tanner: I believe Staff did provide this example of the Kol Emeth property and that project
 39 as an example. I believe that was the most similar like instance where the garage and the
 40 building were not [unintelligible](interrupted)

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1
2 Commissioner Summa: Sure, but I think the (interrupted)

3
4 Ms. Tanner: The garage and the basement were not in align. I don't know that there are other
5 examples that meet the same parameters but Staff did review that I believe. Ms. French, that's
6 correct?

7
8 Commissioner Summa: It would just be helpful because, to be honest, what I think I heard the...
9 our City attorney say is that there's a legal question of whether you have to go with the practice
10 that you have been using or with the text as interpreted? And I've heard that before and I've
11 heard it go both ways so that's interesting.

12
13 And also, the Kol Emeth meets a condition... the Kol Emeth parking garage meets a condition
14 that this parking garage does not meet and that is that it is under a building. And it a portion of
15 the building because it's mostly under the building and it's a very different use. So, I just
16 wanted to other examples to help clarify the issue.

17
18 Ms. Tanner: Amy, did you want to address that example?

19
20 Ms. French: Yes, the garage... the parking facility that's below grade for Kol Emeth on Manella
21 extends beyond the footprint. In fact, into the street setback and that project also had a
22 Variance for Floor Area Overage so... and that was a new facility.

23
24 I also did provide a list with the Staff Report today of private schools in residential zones. Some
25 of those also had Variances and Use Permits etc. There are not many examples of R1 schools
26 etc. with basements. Basements are kind of a more modern occurrence these days so... and
27 also because in residential zones the Gross Floor Area and FAR was not in place for many of
28 these private facilities, non-single-family uses. So, the codes were not so specific back in the
29 day.

30
31 Commissioner Summa: Sure, yeah, oh you know grandfathered in and whatnot, but specific
32 uses where underground parking facilities don't count as FAR when they're not... when you
33 can't describe them as being under the footprint or a portion of any building would be really
34 helpful.

35
36 Ms. Tanner: [unintelligible] the record and see if we can find any other examples beyond Kol
37 Emeth.

38
39 Chair Templeton: Alright, thank you, everyone. Commissioner Lauing would love to hear your
40 comments.

-
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1
2 Commissioner Lauing: First just a review of the process. I really think that massive documents
3 from attorneys and Staff shouldn't be subject to At Place when we're trying to talk about
4 something this complex. So, I haven't been able to go through this my normal three or four
5 times. That's my disclaimer but the areas of the EIR in general from the start, I didn't have a lot
6 of substantive issues there. Commissioner Summa and Alcheck were a little psychic there
7 because that's where most of my red marks are. And that whole discussion there and the slides
8 I thought was really helpful and I think the ambiguity is the really fair word from our counsel to
9 state that. Obviously, so that people understand that it's not 100 percent cut and dry, but on
10 the EIR I only have two or three other little quick questions.

11
12 One is that I think it's an ARB issue to take a look at the modifications needed at Kellogg so
13 that's not in our bailiwick. And then was not... is the... are the shuttles going to be required to
14 and from lots in order to make the TDM and if so, was that measured in terms of the VMT and
15 Green House Gases and stuff like that?

16
17 Ms. Tanner: Ms. French do you want to answer that or perhaps Ms. Waugh?

18
19 Ms. French: Ok, I'm unmuting myself. Ms. Waugh is available and can address this as she
20 prepared the EIR.

21
22 Ms. Waugh: Yes. So, the... we did not look at any specific amount of shuttles being used. We
23 looked more at the overall program of really reducing the number of day trips; whether that's
24 through shuttles or some other means. And so, then our VMT Analysis was at a broad level and
25 we assumed no increase in the amount of shuttling or other sorts of measures. So, the VMT
26 Analysis that we provided, which I would like to reiterate for the Commission, that we didn't
27 evaluate that against any specific thresholds because of the timing of this EIR relative to the
28 timing of the CEQA guidelines related to looking at VMT. But we did provide a very general
29 picture of what the VMT Analysis or what the VMT generation would be from this project, but...
30 and that analysis assumed no increase in the amount of shuttling or any other TDM measures.
31 So, we looked at simply if we added the new students to the campus at the existing levels of
32 trips... of trips and trip lengths, which is the two metrics that really play into the calculation of
33 the Vehicle Miles Traveled which is what VMT stands for. So, we have that analysis or that...
34 those... that data in the EIR, but it's not used as a threshold of significance because the City
35 hadn't determined a threshold at that point that we were writing the EIR.

36
37 Commissioner Lauing: Right so basically, you're saying in the TDM whether they use a lot of
38 shuttles or no shuttles, the City's indifferent to that. It's just the measurement of the SOB trips
39 or however you want to call that.

40

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1 Ms. Waugh: So... right so we measured the amount of trips and the length of trips that would
 2 occur if we assumed that the requested amount of enrollment was allowed and based on the
 3 current trip patterns. And we did not assign any sort of reduction that's based on the TDM that
 4 is proposed.

5
 6 Commissioner Lauing: Ok.

7
 8 Ms. Waugh: So that TDM would reduce the amount that we disclosed within the EIR, but we
 9 didn't... we also did not draw any significant closures based on TDM or excuse me. Based on
 10 VMT because that's not the thresholds that were in place at the time that the Draft EIR was
 11 released.

12
 13 Commissioner Lauing: Right, ok. That's all I had in addition to what my colleagues have already
 14 asked about.

15
 16 Chair Templeton: You win the prize for the most efficient. Thank you so much Commissioner
 17 Lauing. Alright, I will add some remarks here as well. I appreciated and noted Commissioner
 18 Hechtman's comment about land use question versus the FEIR. So, I appreciate you pointing
 19 that out.

20
 21 I was also concerned about the bike boulevard. That's a major thoroughfare not just for
 22 students and faculty at the school, but also a place where we're directing people to drive bikes.
 23 So, I appreciate Staff taking the time to clarify that as well.

24
 25 I also appreciated Commissioner Alcheck's comments on the similarities between the I Sing
 26 conversation and the Castilleja conversation with regards to micromanaging the CUP. I hadn't
 27 quite thought about that and there were some similarities in the organizations as well. They're
 28 really targeting girl's education which we have to think about that as a community to make sure
 29 that we're not somehow creating an equity issue.

30
 31 The underground parking, I do want to ask... I know you just went through it. I just want to
 32 double-check my understanding. So, to reflect back what I think I heard it should be legal to
 33 build an underground... we're not calling it garage. It was a parking structure because it doesn't
 34 qualify as a garage, is that correct?

35
 36 Ms. French: It's a parking facility and an accessory structure; an accessory parking facility to
 37 support the required-on site parking for the Conditionally Permitted Use. Albert, can pile on
 38 that if you'd like?

39

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1 Mr. Yang: Right so there's two questions is first can it be built underground and we... there are
 2 two provisions of the code that potentially speak to that. One is this version that says that
 3 single-family uses can't have underground garages unless they get a Variance. And so that
 4 doesn't apply and the other one is a version that says that basements must be located under
 5 the building footprint. And that's an area where we've also interpreted to apply only to single-
 6 family or sorry, rather only to residential uses. So, that's the question of whether it could be
 7 built underground. And then there's a separate question of if it can be built underground
 8 should it count towards FAR?

9
 10 Chair Templeton: Yeah, I that Commissioner Summa covered the FAR question. I'm just trying
 11 to understand the interpretation about the parking structure because how contention is that on
 12 not understanding it as a garage?

13
 14 Mr. Yang: Yeah so, the issue of is it a basement, or is it a garage is really most relevant to the
 15 question of should it be FAR?

16
 17 Chair Templeton: Ok so we don't have to worry... I don't have to worry about that. Is... so
 18 what... can you just zero in on the suitability of an underground (interrupted)

19
 20 Mr. Yang: Yeah.

21
 22 Ms. French: It has to do with habitable space too. Let's remember that piece of the equation.

23
 24 Mr. Yang: That's also a FAR question but the... just the issue of can you have an underground
 25 parking facility in the R1? Our Parking Regulations say you have to have parking on-site, right?
 26 You have to have a certain amount of parking on-site and how much you need to have
 27 depended on what type of a use you are. If they also say that if you're going to build your
 28 parking here's how it has to be designed. You have certain lane widths and drive isles and the
 29 stalls need to be this size. And they set out different guidelines for design whether you're at
 30 grade, above grade, or below grade. And so, in all of our other zones, there's not really a
 31 question of can you have an underground lot? It's just are you going to put it there or not. None
 32 of those other zones say you can have an underground lot. It's never expressly authorized. It's
 33 just understood from our code that you need to have your parking on site and if you're going to
 34 build it below grade, here's how it has to look. If you're going to build it at grade, here's how it
 35 has to look, etc.

36
 37 So, our view is that it's allowed because it's allowed unless it's not allowed. Unless the R1 Zone
 38 has specific provisions that say you can't have it here. And that's where we get to these two
 39 provisions, one of which says you can't have underground parking if you're a single-family use
 40 and then the other one that says if you have a basement it needs to be under the footprint.

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- 1
2 Chair Templeton: Ok and just to be completely thorough on this because it is a bit nuanced.
3 Amy, could you please put the language back up (interrupted)
4
5 Ms. French: Sure.
6
7 Chair Templeton: For the relevant passage? The... my understanding is as you read this you're
8 seeing keywords that are saying this doesn't mean zoning. It means use, right? So, for example,
9 R1 Zoning is a residential zoning, but you're talking about single-family use and that's not
10 equivalent to R1 Zoning.
11
12 Mr. Yang: That's right.
13
14 Chair Templeton: Right?
15
16 Mr. Yang: That's right.
17
18 Ms. Tanner: Yeah and especially because part of I think what Mr. Yang single-family saying that
19 the R1 Zone allows certain uses that are not just the single-family home and so you can layer in
20 additionally that. That the use is allowed conditionally (interrupted)
21
22 Chair Templeton: Am I frozen? Can you guys hear me?
23
24 Ms. Tanner: We can hear you.
25
26 Ms. French: Yes.
27
28 Chair Templeton: Ok, I just turned my video off because I was not hearing you at all. I'll put it
29 back on in a minute. I just want to be able to hear your response, thank you.
30
31 Ms. Tanner: Yes, I was adding that in addition to it being an R1 Zone, so that the use of the
32 private schools conditionally permitted within that zone. And so, part of what Mr. Yang is saying
33 is that there's a prohibition for homes within the R1 Zone from having underground parking
34 garages for their cars, but there's not a prohibition for another use, like a private school; or
35 could be other uses that are allowed in the R1 Zone that are not a home from having that same
36 thing. And the practice is that if it's not specifically prohibited then it is allowed. In this case,
37 particularly it's meeting a code requirement which is to provide parking on site for that
38 conditionally permitted Use. So, hopefully, I didn't infringe on his lawyerly interpretation of our
39 codes but.
40

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1 Chair Templeton: Ok, I have two follow up questions. One just to make I understood you
2 correctly that whether or not an underground parking facility is permitted on this site is
3 contingent upon the CUP. Is that correct?
4

5 Ms. Tanner: The use of the school itself is conditionally permitted. That existing... I suppose a
6 Finding could be made around the parking facility specifically Albert, that that doesn't comply
7 and meet the Findings of the... that are needed. But maybe you can help with
8 [unintelligible](interrupted)
9

10 Mr. Yang: Sure, yeah, the CUP authorizes the use which in this case I think would include the
11 accessory facility of the parking. So, when you're making the Findings on the CUP or when
12 you're recommending... making a recommendation on the CUP Findings you could properly
13 consider can I make these Findings for this proposal which includes an underground garage.
14

15 Chair Templeton: Alright, thank you. That clears that up. Alright, thank you. That... I apologize
16 that you had to spend so much time on this, but I think it's a really important nuance and
17 helpful to clarify the overall goal of this discussion. So, just to close it out are you also saying
18 that so long as it's approved as a school we must then also approve an underground garage or I
19 think I heard a little bit of a nuance there in what you just said as well. That we could find
20 differently.
21

22 Mr. Yang: Exactly, yeah. I'm... we're not saying that if you think it can be used as a school that
23 you also need to approve the underground garage.
24

25 Chair Templeton: Ok, it's settled.
26

27 Mr. Yang: I was... I think what I was trying to say earlier is when you're making the Findings, it's
28 for the project as a whole, which in this case the proposal includes an underground garage. So,
29 you'd have to be able to say I can make these Findings, including the underground garage; or if
30 you can't then you'd say I can make these Findings but conditioned on it not being an
31 underground garage; or I can't make these Findings because there is an underground garage.
32

33 Chair Templeton: So, let's say hypothetically that somehow the applicant found almost enough
34 parking at grade. Would we be allowed to make some kind of Variance or does that... how
35 would you adjust the requirement that's driving the underground garage for those extra
36 parking spaces?
37

38 Mr. Yang: Sure, so there are a few types of discretionary actions that the applicant hasn't
39 applied for, but could. One would be a Parking Adjustment that could reduce the amount of
40 parking for certain reasons. We'd have to look into whether any of those reasons apply, or they

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1 could also apply for a Variance to reduce the required amount of parking, and then you'd have
2 to make the considerations of whether those Variance Findings could be made.

3
4 Chair Templeton: Thank you so much for clarifying that. That's my questions. It looks like we are
5 ready for round two. I see Commissioner Alcheck. The rest of you who may want to have
6 additional comments please feel free to raise your hands. I'll get you down in order.
7 Commissioner Alcheck.

8
9 Commissioner Alcheck: Thanks. I... Chair Templeton I just want to... I don't have to go first for
10 round two. Maybe I should let Commissioner Hechtman chime in but I do want to say that I
11 think one of the complicated parts of this is that when we look at this facility we go ok, that's an
12 underground garage. But the definition of garage in our code is entirely a residential element
13 and so I think maybe for the purpose of the discussion we should be careful to refer to this as a
14 parking facility.

15
16 Chair Templeton: Yes.

17
18 Commissioner Alcheck: Garages are a parking facility but not all parking facilities are garages.
19 And I think... I have a question for you which is, I'm trying to follow your sort of line of thought
20 here and it seems to me like the garage meets... helps the project meet a number of goals and
21 to some extent mitigations. So, I'm curious are you having a difficulty accepting Staff's
22 interpretation and thus considering an alternative that doesn't include the garage. And then the
23 follow-up question would be if you're not having a tremendous difficulty, are you concerned
24 that going in that direction would create other issues... would essentially create... would
25 eliminate some of the mitigation of other impacts that would be maybe equally or more
26 undesirable?

27
28 Chair Templeton: I appreciate you asking that question, and this was my concern at our last
29 meeting. Just really trying to understand to what extent the garage is playing a part in the
30 garage versus no garage part of the FEIR. And I just wondered... really wanted to understand it
31 better because I was looking for something slightly different than... and as Commissioner
32 Hechtman said, they don't have to do every variation. So, I just really wanted to understand it
33 because my concerns around... I mean the parking facility. My concerns around the parking
34 facility are really the entrance and the exit portions and how they will have cascading... may or
35 may not have cascading impacts. And I recognize we have studies and we are very hopeful in
36 our projections that they won't have an impact and we do have some in the Alternative Four
37 with disbursed unloading? What is it?

38
39 Ms. French: Disbursed circulation.

40

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1 Chair Templeton: Disbursed circulation. You know we're trying to mitigate that even further,
 2 but I'm also very concerned about setting a precedent. And the fact that we have one such
 3 underground parking facility and we're going to be building upon that because it set a
 4 precedent. This would make it even more and I'm just thinking about what are the alternatives?
 5 Have we thought about it? Are we convinced that the Alternative Four is better and to do that I
 6 needed to understand what a no parking... I mean a no underground parking facility would look
 7 like because in my mind it was a little different than the one that was in the FEIR. So, I was just
 8 trying to get to those details and understand it a little bit better. I'm not sure that I have my
 9 answer. I'm definitely going to go back and study it a little bit more, but I'm open to hearing
 10 your comments as well. I know you all have various different backgrounds and experiences and
 11 perspectives. So, I'm listening as well.

12
 13 Ms. Tanner: I realize that it may be... not help Chair Templeton, you could ask the applicant to
 14 talk a little bit about where the garage plays in their project. That obviously doesn't provide the
 15 perhaps environmental review that you're thinking about for the FEIR; but as Mr. Yang said the
 16 EIR is one piece of this puzzle that provides disclosure of impacts. And there are other
 17 discretionary topics that are not environmental that still are of concern to the PTC that can be
 18 weighed in on and could even prevent or help to have the Conditional Use Permit be granted or
 19 not granted and the Findings be made or not made. So, you do have the applicant's team here
 20 to opine or provide insight at least into their thinking. Why they didn't ask for a parking
 21 reduction, surface parking, etc. and how that does or doesn't fit in with their program
 22 objectives and their ultimate goal of raising enrollment and redeveloping the campus.

23
 24 Chair Templeton: I'm open to hearing that. My understanding in the FEIR was because it
 25 [unintelligible] didn't meet their objectives because of the Parking Requirement. So, if it's
 26 different than that, please let me know.

27
 28 Ms. Tanner: I don't know if Ms. Kauffman or Ms. Romanowsky want to weigh in on the
 29 underground parking facility versus at grade or parking reduction or other permutations of
 30 parking that could have been pursued in the program proposal.

31
 32 Chair Templeton: I also saw Ms. French getting ready. I don't know (interrupted)

33
 34 Ms. French: I just wanted to again mention that this was pretty exhaustively studied about how
 35 to avoid a below-grade parking facility with surface parking. And so that was studied as noted
 36 earlier in a pretty thorough way, but of course, that was one potential option. Taking down
 37 those homes on Emerson and putting a parking lot there to meet the Parking Requirements.
 38 Katherine Waugh of Dudek may have more to say on that and of course, the applicant and the
 39 applicant's traffic consultant is also here.

40

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1 Ms. Waugh: So, this is Katherine Waugh at Dudek and I'd be happy to weigh in just from the
 2 CEQA perspective... excuse me... and I understand that it can be unsatisfying from a public
 3 desire's perspective; but from the CEQA perspective we needed to look at a project alternative
 4 that would meet the City's codes to the best ability possible and still meet the project's
 5 objectives. And that is what is required under CEQA and so that's why we looked at an
 6 alternative that has a surface parking lot because under the proposed project and the project
 7 alternative. Each of those would meet the City's minimum required Parking Standards and so
 8 we wanted to have an apples to apples comparison. Is there another way to achieve the project
 9 objectives while still meeting the City's codes? Whether... when we start talking outside of
 10 meeting those codes and looking at parking adjustments and reductions. Then that is
 11 something that is really not within the purview of the CEQA document but is certainly within
 12 the City's ability to consider options and alternatives.

13
 14 Chair Templeton: I appreciate that and I thank you for clarifying that the intention was to do
 15 apples to apples. I understand that better now and I appreciate the work you did. It was very
 16 thorough and very detailed and helpful so thank you for doing that. In my mind, I was kind of
 17 imagining like you say some other permutations so I also appreciate the opportunity to explore
 18 that here with the applicant. Did someone from the applicant's party want to speak on this?

19
 20 Ms. Romanowsky: Hi, this is Mindie Romanowsky again.

21
 22 Chair Templeton: Thank you.

23
 24 Ms. Romanowsky: I can speak and then if any other member of the team wants to speak they
 25 can certainly raise their hand. I just... I'd like to just say that this project has been going on for
 26 many years. First, we... when we first contemplated upgrading and modernizing and creating
 27 more compatible campus with the neighborhood. We spent hours and hours and meetings and
 28 meetings with neighbors and it really was at the suggestion of neighbors to reduce the impact.
 29 The slamming of car doors, the headlights, the noise involved with cars and so it was their
 30 suggestion at the end of the day and we certainly have meeting minutes and facilitators who
 31 we worked with. That really asked us to consider when we were looking at redesigning part of
 32 our campus, to do it around a below-grade parking garage and so that was a threshold. I mean I
 33 remember taking it to the Board and really making a pitch that this... even though it was going
 34 to be a big task to take on... that it was what they wanted because it was going to be impact
 35 reducing. And so, we embarked on this entire process with that as a premise and of course,
 36 we're curious to know what the EIR would show because we wanted to make sure that really
 37 the impacts would be reduced. And we're pleased that they looked at all different options and
 38 permutations. At the end of the day having it below grade solves for so many issues that
 39 neighbors suffer from. It really... I mean I think the number... someone on the team can speak
 40 to this. I think we're going from having something like 60 or 70 cars parked at grade down to

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1 something around 20 and so really it is with that level of care that we envisioned to do this
 2 below-grade parking facility. And we're building it just to meet... we reduced it to the point
 3 where we can save the houses now, we can protect the trees, and we did it in a way that meets
 4 the Parking Requirements. Certainly, if the City wants us to build less parking we could consider
 5 it, but at the end of the day, we're complying with the code not only from how many spaces
 6 we're providing but also as you can read in my letter and I think the Staff Report also echoes
 7 this. The legality of the space below grade, while it is complex, I don't doubt that in my 22 plus
 8 years of being a land-use attorney. Going through all these definitions is no easy task, but at the
 9 end of the day, you get to an answer whereby you're trying to fit a round peg in a square hole
 10 or a square peg in a round hole because it's a use permit and we are entitled to operate a
 11 school here. It runs with our land and we can do it and having the right type of parking to offset
 12 impacts is imperative and so we feel like the Findings can be made. I would point you to my
 13 Variance request letter, my CUP request letter, and all of those various reasons for why it is
 14 very well supported not only by your code but certainly by the impacts that it offsets.

15
 16 Chair Templeton: Thank you. So, just to sum up, you're saying that you believe that the
 17 underground parking facility is the superior solution for you and for the surrounding neighbors?
 18

19 Ms. Romanowsky: Yes.
 20

21 Chair Templeton: Alright thank you.
 22

23 Ms. Romanowsky: And your Comp Plan contemplates this. That hasn't even been brought up
 24 tonight, but your Comprehensive Plan envisions more below-grade parking facilities space. So
 25 that the neighborhoods and the surrounding vicinities can be pedestrian-friendly and can be
 26 offsetting of impacts that are generally felt by cars parking.
 27

28 Chair Templeton: I appreciate that. Thank you so much. Alright, that's the end of I think... I was
 29 already done with my questions, but I appreciate the chance for you to chime in. Let me who is
 30 raising their hands next. Commissioner Alcheck, where there more questions for you?
 31

32 Commissioner Alcheck: I came back to you right away because I wanted to
 33 [unintelligible](interrupted)
 34

35 Chair Templeton: I appreciate that. Thank you.
 36

37 Commissioner Alcheck: The reason why I wanted to do that is because I am not struggling with
 38 connecting the dots in the nuance of that... those land use definitions. And to be honest I think
 39 actually the column at... example is really determinative because frankly, the fact that part of
 40 that parking facility that is below grade is underneath some portion of a structure. Doesn't

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1 change... if you were going to apply the standard that applies with respect to residential
 2 basements, that they have to be within the envelope. It's entirely within the envelope.
 3 Residential basements don't get to extend a majority outside of the structure that is supposed
 4 to be above them. And so, if we go down that path where we say well, they're not really similar
 5 because a small portion of that garage is underneath this or a portion of that garage is
 6 underneath this building. It doesn't really work because you can't extend so far away from the
 7 building under the residential application. So, I would suggest that this isn't some ancient
 8 application of the code. This is a very recent interpretation and I feel like Staff and maybe
 9 Council could be a little stronger in their suggestion that look, not only is this how we
 10 interpreted it in the past, but we just interpreted it this way. And the difference between the
 11 two isn't fatal to that application, it would be fatal to both. And so, we talk about this a little bit
 12 before and I have not thought about what you just mentioned about equity issues, but I will say
 13 that one of the major risks of our incredibly thorough process in Palo Alto is that the length of
 14 time... and I don't think I mentioned this last time. We are now... there have been over 15
 15 Commissioners who have reviewed this project. Is that we get so far away from what we
 16 learned in the beginning about the demand... the interest of the neighbors let's say in pushing.
 17 What I just heard from the applicant was you asked the question, so you think that this will
 18 accomplish your goals and the neighbor's goals? And what I think I heard is we had to work
 19 hard to get on board with this idea to satisfy what clearly some real interest on the neighbors'
 20 behalf. And now it's become a big part of how they're achieving the objectives of the project
 21 and so for us to come back years later and say I'm not really sure this is a solution. I'm... this is...
 22 I'm not saying we can't, I'm just saying that's a part of the problem with having a process that
 23 takes over 5-years.

24
 25 I want to add to a comment that the representative for Castilleja said and it's in the letter which
 26 is we... our Comprehensive Plan strongly encourages the use of below-grade or structured
 27 parking. I'm quoting it. It says Policy T-5.6. I think that a lot of the comments from the
 28 community struck me as the... in many ways the structure that's proposed, the idea that the
 29 envelope isn't growing significantly. That there isn't a significant increase or at all of square
 30 footage above grade and that they've done this articulation to retain the housing and that a lot
 31 of the open space will either be kept at the same level or in fact enhanced. To me is achieving
 32 so many of the objectives of our Comprehensive Plan and I think the take away here is while
 33 that land use thread is complex. Let's not grow... let's not get too tired and weary as we follow
 34 that path that we start to question the whole premise of the underground parking because I
 35 think the justification... I think once you get past that interpretation issue and the prior... the
 36 way they've interpreted it in the past I think you move forward.

37
 38 One of my questions I think for the Commission and the reason why I'm asking this is because I
 39 think we benefit when we have these discussions as a group to sort of figure out what are we
 40 sensitive to. Is what else is weighing heavily on this application for some of the other

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1 Commissioners because my feedback from Staff tonight would be... and I largely agreed with
 2 almost every... I largely agree with every point Commissioner Hechtman made. So, if you were
 3 taking notes, you can go down that list as I did and say agree, agree, agree, agree. And I think
 4 that if we come back next meeting, I'd like to see Staff bring us language for to make the
 5 Findings for recommending approval. I certainly think ... it sounds like we collectively feel
 6 comfortable with the Certification of the EIR. And so, the next step would be how deep do we
 7 want to get into Conditions of Approval and maybe we need to have a little bit of a
 8 conversation right now about are there any issues that would cause a Commissioner to struggle
 9 with the Findings that we have to make for the Variance? So, I mean I would like to put this
 10 back to the Commission and then have maybe Commissioners who are struggling, and then we
 11 can kind of identify the sides of those issues and work through them as we have the last couple.
 12 I thought that was productive, but I don't know. Staff, do you feel like there's feedback on any
 13 specific item that would help you in our... when you come back?

14
 15 Ms. Tanner: Thank you, Commissioner Alcheck. I think certainly if there are as you say other
 16 items that Commissioners are really wrestling with and some of them obviously have been
 17 named through their comments; where they either... whether it's related to the Findings or
 18 other items if it is related to the Certification of the EIR if there's something that's withholding
 19 that. Either naming that and having discussion amongst yourselves to see if there's the ability to
 20 either be persuaded or information Staff can provide that would help to answer questions
 21 that's out there. We certainly could provide it today if we have it, or come back with it. So, that
 22 certainly would be helpful if there are other hang-ups if you will be going one way or the other.
 23 Making sure we have all of those and then we can answer as much as we can tonight or provide
 24 the information in the future.

25
 26 Ms. French: I would echo that I would certainly appreciate to kind of finish up with the CEQA
 27 piece because we do have consultants, traffic, traffic from our own department as well... I mean
 28 our own City Staff at the ready tonight. So, certainly, next meeting focusing on those Findings
 29 and Conditions and discussion there would be... I don't know. If we could just get through the
 30 CEQA piece of it tonight would be great.

31
 32 Chair Templeton: Do you have a slide that has... so I'm looking at the agenda item and there's a
 33 whole bunch of stuff in here. Do you have a slide that shows what all the bullets are of the
 34 different parts of this agenda item? So that we know what's in scope and what's out and what
 35 we might be able to find tonight and what we might have to continue? It's ok if you don't, I'm
 36 not going to put you on the spot.

37
 38 Ms. French: I can do that. I have Findings slides, the generic Finding slides. I have... you know
 39 from the last? I have the last slide show already.

40

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1 Chair Templeton: That's the one. Yes, that one.

2

3 Ms. French: [unintelligible]

4

5 Chair Templeton: I seem to recall you had it. I'm glad. I'm glad you remember where.

6

7 Ms. French: Yeah and then the organizing slide from the last show too that we never really
8 quite got too last time. I'll go get that one.

9

10 Chair Templeton: Ok, alright.

11

12 Commissioner Alcheck: What... and Chair?

13

14 Chair Templeton: Yes?

15

16 Commissioner Alcheck: I guess my understanding was that do we want to collectively begin or I
17 should... this is to Staff and Chair. Do we want to begin that process of making... trying to make
18 certain Findings tonight; or is the goal that we do this all together along with Conditions as
19 one... I guess it would be more than one motion, but in one event if you will? And I would
20 suggest that I don't mind either process, but it might be (interrupted)

21

22 Chair Templeton: What I think I heard Ms. French say and you guys can correct if I'm reading
23 between the lines too much. Is that we have all the consultants for the FEIR here tonight and if
24 we close... if we're prepared to vote on that portion then we wouldn't call them back next time
25 and that might be a... I don't know. That's just kind of... is that what you were saying, Ms.
26 French?

27

28 Commissioner Alcheck: I would just add that I think if we did that piece that you just suggested,
29 it would be a more complete... it would allow the other Commissioners to enter at a cleaner... in
30 a cleaner way because it will to some extent separate the discussion.

31

32 Chair Templeton: And I'm open to hearing from any other Commissioners about this too and
33 definitely Staff so.

34

35 Ms. French: So, just... because it's always awkward to have the slide deck and not see people.
36 This has the slide that was to help organize last time on August 26th. So, I also have the entire
37 deck of CEQA that was processed last time and everything else as well. Including generic
38 Findings for CUP and Variance so.

39

40 Chair Templeton: Thank you.

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1
 2 Ms. Tanner: So, to respond to your question Chair and then of course, if other Commissioners
 3 can weigh in. I think it would be fine and I also invite Jonathan Lait to weigh in as he kind of sees
 4 how this process might unfold of what could be done tonight and what would be done in the
 5 future. Whether its tonight or the next meeting, we certainly would be looking for direction
 6 from the PTC regarding bringing back Findings of Approval or Denial and also Conditions of
 7 Approval for the Conditionally Use Permit. So, things we've talked about like I'll just say events
 8 for example. If that was something that the PTC said yes events and even here's some
 9 conditions and Staff would propose some, but we want you [unintelligible] who want to take a
 10 look at those and refine them maybe add things.

11
 12 It is 10:12. I know that's just a... not to say it's so late, but it's getting later. And so, what the
 13 Commission may want to do this evening if there is a direction and I think I've heard clearly
 14 Commissioner Alcheck and it sounded like he was saying to bring back more in the approval
 15 direction. We could hear from Commissioners regarding that or regarding what's preventing
 16 them from going towards approval and then continuing to the next meeting if that's
 17 amendable. We still would need to obviously discuss lots of things. So, Jonathan, if you want to
 18 weigh in a little bit on how we might navigate this remaining portion of this meeting and into
 19 the next meeting? That would be great.

20
 21 Mr. Jonathan Lait, Director: Thank you, Rachael. I think you nailed it and really, we're just
 22 looking to the Commission to give us some guidance. I would... I don't think we're asking for the
 23 Commission to be drafting Findings on the dais if that was something that you felt that you
 24 were at a place where you can give us that direction. Then we would go back and prepare
 25 something and present these draft Findings at a future meeting as well as Conditions if it was
 26 heading in that direction.

27
 28 Commissioner Alcheck: Director Lait, can I ask you a quick question? Would the direction along
 29 the lines of can Staff bring us back Conditions of Approval related to maybe the standard
 30 application of Construction Conditions and conditions related to hosting events that are in line
 31 with the 90 or so events that have been outlined for us I think in two places, but mainly the
 32 letter we received last night that outlines the specific events? Can Staff come back with
 33 Conditions that speak to that and also, I would suggest that one topic we didn't talk about
 34 tonight which is the idea of enrollment increases and a Condition that really helped articulate
 35 how the school could achieve its enrollment goal contingent upon meeting the requirements?
 36 For example, the mitigation and TDM requirements that have been discussed in the document.
 37 So, is that the sort of direction you want and to stay away from specifics?

38
 39 Mr. Lait: So, thank you. Yeah, so I guess the gating issue for us is the project... do you foresee
 40 that the project is heading toward a possible yes and if the answer to that is yes. Then you

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1 would give us direction to prepare draft Findings and draft Conditions of Approval. And if you
 2 had... and we've heard some of the comments this evening areas of particular interest that you
 3 wanted us to highlight some conditions. We would... we've already taken the notes that you've
 4 offered this evening. If there's additional comments we would welcome that, but yes. We
 5 would take the approach of then consolidating those comments, our knowledge of the project,
 6 the concerns that we understand from the residents, and the project-related interest of the
 7 applicant. We would try to draft Conditions that we thought balanced those interests.

8
 9 The EIR mitigation measures is just a starting place and as it was mentioned earlier. There are
 10 other conditions that would be drafted and recommended to the Commission if that's the way
 11 that this is heading. So, we can certainly do that as you indicated Mr. Alcheck. You're on mute.

12
 13 Commissioner Alcheck: I support the... I guess my last part of this comment would be I would
 14 support the encouraging Staff to return with Conditions of Approval because I think that the
 15 project is moving towards a yes. And I think that if we can get certainty and clarity on some of
 16 those components that I mentioned, particularly 7A. And incorporating some of the... avoiding
 17 too much micro-management, but incorporating some conditions in terms of operation and
 18 events. And then finally specifics about how for example, would the portable... would the
 19 infrastructure related to construction be removed at the conclusion of the project. I think that
 20 would satisfy some of the comments and I guess my fellow Commissioners have other
 21 comments. So, I would like to kick that off, that request off and hopefully other people can
 22 chime in.

23
 24 Chair Templeton: Thank you. Yes, I do hope to hear from everyone on those items.
 25 Commissioner Hechtman has his hand up next.

26
 27 Commissioner Hechtman: Thank you. So, I'd like to move my thoughts here in an organized way
 28 and again, distinguish between the Certification of the EIR and the other land use Findings that
 29 would be required to move forward an approval of the other pending applications. And my
 30 view incidentally is that I am supportive of moving forward with the Findings that would be
 31 needed to support Project Alternative Number Four. The reduced... which is what the
 32 Castilleja's advocating.

33
 34 So, first, let me ask a minor question just because I don't know how this is handled. The
 35 mitigation measures that we have, particularly related to traffic, are going to require a
 36 significant amount of Staff resources over the years to review and track and monitor and bring
 37 reports to the Commission or the Council as it may be. What is our cost recovery mechanism
 38 that is... if we have on that's typical of the City that we would utilize here to put that burden
 39 properly on Castilleja as part of its cost of doing business?
 40

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1 Ms. French: So (interrupted)

2

3 Ms. Tanner: Sorry, Amy. Go ahead, you got this.

4

5 Ms. French: We do have precedent in the past of course with other projects as part of the
6 Mitigation and Monitoring and Reporting Program to get a deposit again which we charge for
7 our services to monitor. I can think of a project that had below-grade... that had a plume going
8 on. There were hazards and we did something like that. We hired a third-party consultant that
9 looked at the reports that the applicant prepared and was kind of that intermediary to
10 understand those reports. So, something similar here where we have a third party looking at
11 what's produced and providing expertise that... enforcement, this kind of thing that we may not
12 have enough bandwidth on Staff to handle.

13

14 Commissioner Hechtman: Alright and so... and I'm also interested in again the expense of Staff
15 time being recovered. So, among the Conditions of Approval that I'd be interested in seeing for
16 an approval would be something addressing that. Placing that cost recovery mechanism in
17 place as a part of our enforcement mechanism.

18

19 And then looking more broadly at the EIR Certification, one thing I couldn't find in the very
20 detailed Staff Report and this is the one from 2-weeks is I actually couldn't find the Findings
21 for... that we were being asked to recommend related to Certification to the EIR. Are those
22 available on a slide so that we can at least look at those?

23

24 Ms. French: I don't believe I have put the Findings for CEQA recommendation on a slide. Sorry
25 about that.

26

27 Commissioner Hechtman: Ok. Then it (interrupted)

28

29 Ms. French: It's definitely in the EIR itself.

30

31 Commissioner Hechtman: Well, I'm wondering... well, again what I was thinking and I was
32 keying off what Ms. French said is that if we could reach a majority at least, an agreement on a
33 recommendation on the FEIR tonight. Then really next time we're wrestling just with the land
34 use and we can release all of these... the environmental consultants who are staying with us
35 tonight. But I don't know how we can do that if we aren't able to look at the Findings. I don't
36 know if... I can talk a little bit about the land use issues and while I'm doing that if somebody
37 can dig out of the EIR where those Findings are. Then we can cast them up here so at least we
38 can look at them and see if we might have consensus. Should we do it that way? Should I talk a
39 little bit about the land use?

40

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1 Ms. French: Sure, I think Katherine is probably ready with something there. I can see her.

2

3 Ms. Waugh: Yes, yes so, the Findings that would be adopted to Certify an EIR, that really rest
4 with the City Council in this project. And so, we have not actually prepared the detailed specific
5 Findings that would need to be adopted. (interrupted)

6

7 Ms. French: And then part... sorry.

8

9 Ms. Waugh: [unintelligible]... that's ok. What I've understood is the PTC's responsibility is to
10 recommend do you feel that this Final EIR meets CEQA's requirements? Have we fully evaluated
11 the project and the project alternatives? Have we fully identified the environmental impacts
12 and the mitigation measures that would be necessary to resolve those impacts where feasible?
13 And it's really... it really rests with the City Council to determine the legal Findings, the Findings
14 of Fact and any Statement of Overriding Considerations should you... should the City approve a
15 project that had a significant and unavoidable impact. And so, we haven't prepared those yet,
16 not knowing which way... how this project ultimately would turn out and so that's why those
17 detailed Findings are not available to the PTC at this moment.

18

19 Commissioner Hechtman: Ok. Then if I understand that is the province of the PTC simply to
20 recommend to the Council that they either certify or not certify the FEIR? Is it that simple?

21

22 Ms. French: Yes.

23

24 Commissioner Hechtman: Ok, alright, so I'm interested in pursuing that recommendation
25 tonight, but maybe not quite yet because I think there might be some... we're just starting this
26 next round; but at the appropriate time that's really where I'd like to take the discussion on the
27 FEIR.

28

29 On the land use issues and in the original Staff Report, Staff laid out those Findings nicely for us.
30 And in fact, there are certain issues that I think we don't have to tackle with Project Alternative
31 Number Four like the Tentative Map, right? Which is a function of the originally proposed and
32 studied project but not of Project Alternative Number Four? So, that's a group of Findings that
33 we don't need to pursue and I thought there was one other set of Findings? Somebody can
34 remind us of (interrupted)

35

36 Ms. French: Yes.

37

38 Commissioner Hechtman: Original project... what's that?

39

-
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1 Ms. French: Through the Chair, the setback encroachment into the Embarcadero Road Special
2 Setback is not needed for Project Alternative Four.

3
4 Commissioner Hechtman: Ok, alright, and so does that mean are there two sets of Findings
5 left? One is the basic Findings on the Use Permit and the other is the Findings on the requested
6 Variance. Are those the two areas? Yes, ok.

7
8 So, let me just speak generally, and actually, I'll take the Variance first. I am interested in Staff
9 coming back with Findings for the making of the Variance, but I'm... I think that it's a robust
10 issue. And we've heard from the applicant's attorney tonight that they have a draft of
11 additional points that they are nearly ready to send in and could in a day or two. I would
12 encourage them... not only would I encourage them to do that, but I would like them to do it in
13 the next day or two. And the reason I'd like them to do it soon is because the attorney for PNQL
14 may well also want to chime in with additional thoughts on this new letter and I'm hoping that
15 she could submit that kind of letter to Staff within say a week or so after the Castilleja letter
16 comes in. And then Staff, in addition to its own work, has all of these resources to draw upon in
17 wrestling with this issue and bringing Findings to us. So, obviously, we can't require anybody to
18 write any letter, but I would encourage the applicant and the neighbors' attorney to consider
19 that. So that those concepts could potentially be folded into the work that Staff... our Staff is
20 going to do in time for Staff to have time to work with it before they bring us... bring it back to
21 us at a time when we haven't decided yet.

22
23 Alright so that's the Variance issue and then on the Findings of Approval of the Use Permit. I
24 really don't have any specific guidance that I want to offer Staff other than what I mentioned
25 earlier: That I am interested in a Condition of Approval relating to removal of the portables and
26 whether that's addressed the way Commissioner Alcheck's suggested as part of the
27 construction... end of construction, or in some other way, I leave that to Staff but I'd like to be
28 able to address the neighborhood concerns and that should be simple to do.

29
30 I thought that the controls on the events in terms of traffic and the number of them and when
31 they can occur, I thought that those were all ready baked into the project, but maybe they
32 weren't and they were only in the applicant's letter proposal. And if that... so I would definitely
33 like those folded into Conditions of Approval if they are not already on the list. I think that's an
34 important aspect of the project. So, I think those are my initial thoughts on all the topics.
35 Thanks.

36
37 Chair Templeton: Thank you very much. Commissioner Lauing.

38
39 Commissioner Lauing: Ok in this regard basically we're preparing for next week and this brings
40 us back to a couple of issues that we raised during the onset here. So, I think that we should

-
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1 have the Final EIR ready to approve next week and therefore we will benefit from hopefully
 2 more than five. Hopefully seven Commissioners and if there's a draft of the other Findings and
 3 the CUP, I think that's fine. I would expect that there's going to be some conversation around
 4 that when you get into things like TDM measures and a certain number of students per year,
 5 otherwise they can't do more and someone's going to want to talk about well if they don't do
 6 less maybe they get a penalty. So, I mean there's going to be things like that, that I think we
 7 would benefit from all seven people.

8
 9 And then the second thing is again, what we learned tonight is that we really need to have
 10 timely documents. So, as you're getting these things ready, I understand your Packet deadlines
 11 are only about a week away. So, I just hope that those dates can be made so that we're not at
 12 the same circumstances as tonight getting substantive documents. So, process-wise that's how
 13 I would see it going best. To pretty much wrap this up tonight and have the EIR ready to come
 14 to the full Commission next time and also a draft set of Findings.

15
 16 Ms. Tanner: Commissioner Lauing, we might suggest and whoever... if there's a motion to
 17 continue to another meeting, October 14th if the will of this group is for the Staff to come back
 18 with Findings in addition to EIR Certification. Just so we do have sufficient time to prepare
 19 those.

20
 21 Commissioner Lauing: That raises the question that I was going to ask (interrupted)

22
 23 Commissioner Alcheck: Sorry, sorry, does that mean that you would do September 30th if it was
 24 just the Findings?

25
 26 Ms. Tanner: We would do September 30th if the discussion was continued. So, earlier this
 27 evening there was (interrupted)

28
 29 Commissioner Alcheck: I see.

30
 31 Ms. Tanner: Discussion about continuing to have more discussion with potentially a full set of
 32 Commissioners and so if more discussion was wanting to be had before giving direction on
 33 what Findings to prepare. We could come back with that by the 30th.

34
 35 Commissioner Alcheck: But if the... just... I'm sorry Commissioner Lauing. If they... if the group
 36 elects tonight to recommend Certification of the EIR and dispenses with that element we would
 37 still likely reconvene on October 14th to deal with the Findings responses? Which would give the
 38 applicant's attorney and the other attorney plenty of time to get back to you.

39
 40 Ms. Tanner: Yes, and Amy do you want (interrupted)

-
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1
2 Commissioner Alcheck: Sorry, Commissioner Lauing.

3
4 Ms. Tanner: To weigh in on this? Sorry, I think part of it we just want to set expectations of like
5 what we can do by when and what's realistic to expect, and a part of it is the distinction
6 between discussing things further and we're coming back with a draft. When we're coming
7 back with a draft, we need more time. If we want to discuss some of these topics, how do we
8 want to deal with them in the Conditions of Approval or just hey, this is really important. Here's
9 why I have questions. We can continue that more quickly then we can come back with
10 prepared Findings to be reviewed and so (interrupted)

11
12 Commissioner Alcheck: Thank you. Totally understand.

13
14 Ms. French: Yeah, this is... I'll just weigh in. This is in the realm of no good deed goes
15 unpunished. I mean we want to come back with everything you want and we want to come
16 back early enough. So that everyone can review it, including the public, and not be putting
17 things under your nose at the last minute. That's not our goal. The other thing is just we do
18 want to have... with a new report with something new that we're providing, not just responses
19 to questions but actual Findings. Anything like that, we want to produce that in enough time for
20 the public to comment on that new information.

21
22 Commissioner Lauing: Right so if that's... if that needs to come back on the 14th there's no
23 reason that the EIR could come back on the same day because they're the same general topic.

24
25 Ms. French: Right.

26
27 Commissioner Lauing: And one of the questions I was going to ask at the end but applies now is
28 what else do we have to accomplish because we don't want to take up all three at the next
29 meeting with just this agenda item? So, what I'm hearing is that maybe on 9/30 we would have
30 some other agenda items, but have the EIR and the Findings proposal on the 14th? Is that what
31 I'm hearing?

32
33 Ms. Tanner: Yes, that's correct if that was the direction that we had tonight was to come back
34 with Findings. We could prepare those by October 14th.

35
36 Commissioner Lauing: I just... to net it out again I just don't see any benefit of keeping these
37 other two Commissioners from looking at the EIR with the promises that have been made, that
38 they'll be up to speed at the next meeting.

39

-
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1 Chair Templeton: I... is...how are we keeping them from looking at the EIR Commissioner
2 Lauing?

3
4 Commissioner Lauing: Meaning if we voted on it tonight. If we try to approve the Final EIR
5 tonight and recommend it to Council. Then two Commissioners aren't going to be able to vote. I
6 don't see that there's any (interrupted)

7
8 Commissioner Alcheck: May I ask a different question? Are there (interrupted)
9

10 Commissioner Lauing: After I finish my statement. I don't think there's any problem in terms of
11 coupling those on the same date if that gives them the opportunity to vote and gives Staff a
12 little bit more time. Go ahead.

13
14 Chair Templeton: Ok, that's a very different statement. I just want to be clear we're not keeping
15 them from anything.
16

17 Commissioner Alcheck: I'm just curious, are you... do you share Commissioner Hechtman's and
18 my feeling that the... are you feeling favorable about recommending Certification of the EIR?
19 The reason why I'm asking is because if for example four or five us tonight felt that we could...
20 again we don't have to make the legal Findings. We would just simply be indicating that we
21 recommend that the Council Certify the EIR. That the EIR was sufficient I should say. That we
22 felt that the EIR had explored all the... had achieved all of its requirements and was sufficiently
23 comprehensive to justify finding that it be certified. I mean if a number of... if at least four of us
24 agreed on that, then I think we could... the one benefit would be we would have relieved all of
25 the Staff that has to attend the meeting with respect to the EIR. So, there are some benefits to
26 that, especially if for example we're comfortable making that finding tonight and a majority of
27 what even could be a full Commission feels that way. So, and it might make the meeting shorter
28 next time.
29

30 Chair Templeton: So, thank you for weighing in on that Commissioner Alcheck. Commissioner
31 Lauing, so did you want to indicate a direction your leaning now or did you want to hold off
32 until next time?
33

34 Commissioner Lauing: I think I... I'll say two things. One is I think we can get there with the EIR.
35 I'm not going to make any predictions on what the votes going to be, but I don't see any reason
36 to give up the perspective of those two Commissioners that aren't here because there's no
37 downside to waiting for them to come. Other than the statistics that maybe somebody won't
38 come next time, that's all.
39

40 Chair Templeton: Ok. Did you have any more comments at this time?

-
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1
2 Commissioner Lauing: Nope, I'm good.

3
4 Chair Templeton: Ok. Thank you. Commissioner Summa.

5
6 Commissioner Summa: Thank you. I'm more aligned with Commissioner Lauing's idea of not
7 rushing this process. We really... I felt really rushed. I'm glad that Commissioner Alcheck said
8 that he could go through the 2 o'clock memo report today and fully vet it against cross-
9 referencing in the Municipal Code, but I didn't have time to do that. You must be a speed
10 reader, but so I think there's no reason to rush it. I would appreciate having other... the
11 Commissioners that aren't here tonight, very much appreciate getting their input. And it
12 doesn't actually put it us any... it doesn't get us to the endpoint any closer because Staff still
13 needs to the 14th to get Findings... draft Findings available for us. So, there's no real benefit
14 from doing it that way. So, I would recommend that we have our EIR discussion on the 30th and
15 then proceed to the 10/14 meeting that Director... Assistant Director Tanner mentioned
16 because it's... the endpoints the same on both and it gives everybody more of a chance. And I
17 would recommend also that we let the public... that we take oral comments on this item on the
18 30th.

19
20 Chair Templeton: Alright, thank you for your comments. Commissioner Hechtman.

21
22 Commissioner Hechtman: So, I said at the beginning of this item tonight when we were talking
23 about the possibility of a continuance so that the two Commissioners could come back and fully
24 be involved in the dialog, I said that I'd feel differently if tonight we were actually making... we
25 had an opportunity to make a decision because if we're ready to roll, any Commissioners that
26 aren't here we just... we roll and they pick up when they come back. And it turns out that that's,
27 in my view, where we are and I didn't appreciate that we could be there at the beginning, but I
28 think there's at least an opportunity here to see if we can put the FEIR issue to rest and move
29 forward and I see two benefits to the possibility of doing that. Number one is the practical
30 benefit that Staff mentioned. We've got a whole host of consultants standing by here that don't
31 need to return if we have already made the recommendation regarding the FEIR, but to me, the
32 bigger benefit from our deliberation and consideration is that once we have made that
33 decision, essentially, we're locking in our view on the mitigation measures that are in the FEIR,
34 and that gives us a very solid building block on the Conditions of Approval that are going to be
35 the heart and soul of our discussion on October 14th. I mean right because we're going to look,
36 for example, we're going to look at Mitigation Measure 7A, which is in the FEIR, and we will
37 have already recommended and we're going to be asking is that sufficient? Is that really doing
38 everything we need it to do and if not, we're going to build a Condition of Approval that
39 dovetails with it; but if everything is in flux, I think that exercise is going to be more difficult. So,

-
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1 that's my feeling why I think there is a benefit to us in finishing the FEIR discussion tonight and
 2 focusing on land use on October 14th.

3

4 Chair Templeton: Did you want to make a motion?

5

6 MOTION #2

7

8 Commissioner Hechtman: I will make a motion and if there's a second, I can speak to it
 9 although I don't know that I have much more to say. I move that the PTC recommends to the
 10 City Council Certification of the FEIR as compliant with all requirements of CEQA.

11

12 SECOND

13

14 Commissioner Alcheck: I'd second that.

15

16 Chair Templeton: Alright. Commissioner Lauing.

17

18 Commissioner Lauing: Since it wasn't agendize as being up for approval tonight, maybe our
 19 counsel should speak to that.

20

21 Commissioner Alcheck: If you don't mind Chair, after counsel if I could speak to the motion too
 22 that'd be great.

23

24 Ms. Tanner: [unintelligible] if you can address it or how this was or was not noticed in the
 25 agenda item for this evening or for the previous agenda for was just a continued meeting?

26

27 Mr. Yang: Yeah, just a moment. So, the... all of the decisions that the Planning Commission
 28 ultimately needs to make on this project were agendized tonight. That includes a
 29 recommendation on the EIR.

30

31 Chair Templeton: Yes, I see it in the... in Page 2 Commissioner Lauing. Hold on, I'll get to you in
 32 a second Commissioner Alcheck. Did you find it Commissioner Lauing or (interrupted)

33

34 Commissioner Lauing: I (interrupted)

35

36 Chair Templeton: Yeah, you're satisfied. Ok.

37

38 Commissioner Lauing: I believe you.

39

40 Chair Templeton: Commissioner Alcheck.

-
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- 1
2 Commissioner Alcheck: I wanted to just... I want to recognize Commissioner Hechtman, I think
3 that what you said was... it's very insightful. There is always (interrupted)
4
5 Commissioner Hechtman: 10-minutes?
6
7 Commissioner Alcheck: I'm sorry, Commissioner Hechtman, you should mute. It's ok. I just want
8 to say thank you because one of the really complicated... I actually think that Commissioner
9 Hechtman's point about how it will focus our analysis of the Conditions is so helpful; because
10 what's largely going to take place is some maybe level of comfort or discomfort with some of
11 the mitigation measures in how they're executed. Not necessarily their goal and that's where
12 we can get into the nitty-gritty and I imagine that that will take a lot of time. So, I didn't think
13 about that component and I think it's... these are the insights that help us create better meeting
14 management, better effective management, and I really think that's a... it's a very... it's a good
15 goal for us to have. Because when the next Commissioners come in, instead of starting this
16 dialog again, we can focus on something that I imagine that they'll be able to provide a lot of
17 guidance on. So, I hope that we can find some support for this tonight.
18
19 Chair Templeton: Thank you. Commissioner Lauing, is your hand still up from last time, or is
20 this... you'd like to speak now?
21
22 Commissioner Lauing: No.
23
24 Chair Templeton: Ok.
25
26 Commissioner Lauing: No, sorry.
27
28 Chair Templeton: Anyone else want to speak to this before we take a vote on the motion?
29 Alright (interrupted)
30
31 Commissioner Alcheck: Just Chair, I just wanted to recognize that we would have to have a
32 second motion right to continue the discussion regardless of how this happens. So, just an FYI.
33
34 Chair Templeton: Yes, and we will come back for that. Ok, so Mr. Nguyen.
35
36 Commissioner Lauing: [unintelligible]
37
38 Chair Templeton: Pardon me?
39
40 Commissioner Lauing: Did you have any comments?

-
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1
2 Chair Templeton: I agree with Commissioner Hechtman and I'll be supporting this motion.
3
4 Commissioner Lauing: Ok.
5
6 VOTE
7
8 Mr. Nguyen: Ok, I will take a roll call vote. Commissioner Alcheck?
9
10 Commissioner Alcheck: Yes.
11
12 Mr. Nguyen: Commissioner Hechtman?
13
14 Commissioner Hechtman: Yes.
15
16 Mr. Nguyen: Commissioner Lauing?
17
18 Commissioner Lauing: Yes.
19
20 Mr. Nguyen: Commissioner Riggs is absent. Vice-Chair Roohparvar is absent. Commissioner
21 Summa?
22
23 Commissioner Summa: No.
24
25 Mr. Nguyen: Chair Templeton?
26
27 Chair Templeton: Yes.
28
29 Mr. Nguyen: Ok the motion carries 4-1-2.
30
31 MOTION #2 PASSED 4(Alcheck, Hechtman, Lauing, Templeton)- 1(Summa) -2(Riggs and
32 Roohparvar absent)
33
34 Chair Templeton: Thank you. Commissioner Summa, would you like to make a motion about
35 continuance perhaps?
36
37 Commissioner Summa: Sure, but first I'll speak to my no vote.
38
39 Chair Templeton: Please feel free.
40

-
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1 MOTION #3

2

3 Commissioner Summa: It doesn't get us any further along to the 14th to do this. I don't see the
4 real benefit... I don't think the necessity of releasing some Staff serves our highest purpose of
5 providing the best result to the residents and the applicant. So, it seemed to be unnecessary to
6 me, but I will make a motion if you'd like me to, to continue this meeting again with a... with an
7 opportunity for oral comments on this item.

8

9 Chair Templeton: Is there a second?

10

11 SECOND

12

13 Commissioner Lauing: Yeah, I'll second.

14

15 Chair Templeton: Alright and just to clarify, you mean to reopen public comments on this item
16 in the next meeting?

17

18 Commissioner Summa: Yes.

19

20 Chair Templeton: Versus the 14th when Staff Report would come back with new information.

21

22 Commissioner Summa: Yes, because of the missed opportunity this evening for the public and
23 to allow... because we've also... and they can also... public comment can help guide our input
24 about Findings and whatnot. So, I think it would be helpful.

25

26 Ms. Tanner: Can I clarify Commissioner Summa, if it's alright Chair Templeton?

27

28 Chair Templeton: Yes.

29

30 Ms. Tanner: Is your motion to come back on the 30th for further discussion to give direction
31 regarding the Findings; or is it to come back October 14th having prepared Findings?

32

33 Commissioner Summa: So, we're not going to have... we're only continuing this it to the 14th
34 now because we don't need to come back with this I guess on the 30th? Is that everybody's
35 understanding?

36

37 Ms. Tanner: I see one person nodding but (interrupted)

38

-
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1 Commissioner Alcheck: I thought that the reason why we continued to the 14th was because
 2 Staff needs time to prepare their responses and that we would have only continued to the 30th
 3 if we didn't go through the process tonight but that's what I thought.

4
 5 Ms. Tanner: Yeah, I just want to (interrupted)

6
 7 Chair Templeton: Let's get Staff to clarify.

8
 9 Ms. Tanner: I just want to make sure that we're on the same page. That it's to the 14th
 10 (interrupted)

11
 12 Commissioner Summa: To the 14th when (interrupted)

13
 14 Ms. Tanner: Staff would bring then bring back (interrupted)

15
 16 Commissioner Summa: With the opportunity for comments on this item, yeah.

17
 18 Chair Templeton: Alright, so Staff just to clarify, we don't need to come back on the 30th on this
 19 item? The 14th is sufficient, is that right?

20
 21 Ms. Tanner: Right and let me make sure... I'm going to relay, and I do apologize my brain may
 22 be a little mushy, is that we are coming back on October 14th. We're continuing this hearing if
 23 Commissioner Summa's motion is... carries. Continuing this hearing to the 14th of October. Staff
 24 would come back... I feel like I've heard from two Commissioners that they're supportive of
 25 Findings of Approval. We would come back preparing that and as Ms. French said, publish that
 26 with enough time for folks to read that and give feedback, and then Commissioner Summa is
 27 also saying to have public comment open on that.

28
 29 Commissioner Summa: But I have a question about that. There is going to be a lot of new
 30 information that Staff is going to be working hard to get with the Findings and Condition of
 31 Approval and stuff. So, it's automatically not the same hearing. It shouldn't (interrupted)

32
 33 Chair Templeton: That's what I thought too Commissioner Summa.

34
 35 Commissioner Summa: Continuation.

36
 37 Mr. Lait: I'm sorry, let me just chime in here. So (interrupted)

38
 39 Commissioner Summa: It doesn't make any sense now.

40

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Mr. Lait: So, if the Commission... and this does not sound like it's your motion, Commissioner
 2 Summa. If the Commission is directing Staff to prepare draft Findings for Approval and draft
 3 Conditions. What we're saying is we need until October 14th to accomplish that task. If the...
 4 and at that time we would encourage the Commission to reopen public comment so that the
 5 public will have an opportunity to offer its perspective on Staff's work relative to the Findings
 6 and the Conditions. So, that would be reopening the public hearing. If (interrupted)

7
 8 Chair Templeton: I don't think that the Commission has given direction on the Use Permit
 9 Findings. We've heard from a couple of Commissioners, but (interrupted)

10
 11 Mr. Lait: Right so I'm just trying to layout the process as we understood it and the Commission
 12 has a wide range on how it wants to proceed. The motion that I heard Commissioner Summa
 13 advance was to continue to September 30th for additional public comment on a material that I
 14 believe was transmitted today and yesterday evening. And so that's a different conversation
 15 and that doesn't give Staff direction to draft Findings and so we would not expect then to
 16 return on the 14th of October if we are continuing this to September 30th.

17
 18 Commissioner Summa: So, does Staff want us to continue this hearing to get more clear
 19 direction on the Variance and Findings for the CUP and the Variance to the 30th?

20
 21 Ms. Tanner: That would be my preference and I believe (interrupted)

22
 23 Mr. Lait: Well... I'm sorry (interrupted)

24
 25 Commissioner Summa: [unintelligible](interrupted)

26
 27 Mr. Lait: Let me just interject here. So, Commissioners, this is your decision. We've presented
 28 the information that we have up to this point. If the Commission feels like it needs additional
 29 information or it needs to continue its deliberation on the matter and that you're not prepared
 30 to give us direction to draft Findings. Then the appropriate course of action would be to
 31 continue this to November 30th [note – September 30th]. However (interrupted)

32
 33 Chair Templeton: September.

34
 35 Ms. French: October 14th.

36
 37 Chair Templeton: September. Hold on, hold on, hold on.

38
 39 Mr. Lait: I want to be really clear on this.

40

-
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1 Ms. French: September.

2

3 Mr. Lait: If you are not asking us to prepare Findings at this time we would return on September
4 30th for your continued discussion. At that time on the 30th presumably, we would get direction
5 from the Commission to draft some Findings either in support or denial.

6

7 Chair Templeton: Thank you, that's very helpful. I see Commissioner Alcheck's hand. I... just to
8 chime in here, my understanding is that we have not discussed the CUP and the Variance much
9 tonight at all and if we do have an opportunity to do that at our next meeting I would be
10 interested in that. So, just to weigh in on that. Commissioner Alcheck.

11

12 Commissioner Alcheck: I have a different perspective. I think I am comfortable directing Staff
13 based on the favorable intent with respect to this... based on my favorable interpretation of this
14 application. That they could come back with Findings for the Variance and Findings for the CUP
15 and I specified a few areas where I would like to see conditions. Including with respect to
16 disassembly of infrastructure related to the construction... during the ongoing construction. My
17 second one had to do with understanding how the enrollment... the new enrollment number
18 and the conditions that have to be met in order to maintain that or level up to it if you will. And
19 then the third one was conditions that were related to the operation of the school with respect
20 to events and I wanted to suggest that Staff utilize the specific list that was provided this week.

21

22 And so, I would direct... I would make a motion... there's... I think there's a motion on the floor,
23 but when that motion is dealt with. I would make a motion saying that I'd like Staff to return on
24 October 14th with having prepared that. So that as a group of whoever is there, hopefully, a
25 quorum, we can begin to evaluate those Findings and build upon them as Commissioner
26 Hechtman suggested in an effort to make them achieve the goals that we have. And so, I am
27 loath to continuing this hearing for the purposes of continuing this discussion to September 30th
28 and I don't think it would make sense to reopen the hearing on September 30th based on the
29 information we have received.

30

31 I do think that if we returned on October 14th and there's Staff recommendations. Then we
32 would go through the process of allowing the public to comment on what Staff has prepared for
33 us to consider and so that would in fact be new information. So, at the conclusion of this
34 discussion and the motion, I would make that motion. And I would suggest that I think
35 Commissioner Hechtman has also provided some guidance with respect both to the CUP and
36 the Variance. And also, some conditions and I would encourage anyone else to provide some
37 guidance there so that it can be robust. And I think if you're withholding... if you're holding back
38 on giving some notes, even if you don't plan on supporting this motion I'm suggesting I would
39 make, I would still give those notes. So that they're incorporated because if that motion does
40 happen to carry today. Then we will be meeting on October 14th and Staff will have had time to

-
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1 respond to your notes about Conditions of Approval related to the CUP and the Findings related
2 to the Variance.

3

4 Chair Templeton: Ok. Thank you.

5

6 MOTION #3 RESTATED

7

8 Commissioner Summa: I'll restate my motion to make it clearer and thank you for pointing it
9 out Chair, that it was a little unclear. I will... I'm making a motion to continue this meeting to
10 9/30 for a discussion on the Conditional Use Permit and Variance with oral... with the public
11 being able to make comments.

12

13 Chair Templeton: And you mean new commenters, right?

14

15 Commissioner Summa: I'm open to... if it could be just new commenters, I would be open to
16 comments in general. We actually did not have anywhere near 100 at the last meeting. That
17 was actually at our DEIR meeting. There were about 60 and it was about 2-hours. It's 11 o'clock
18 and I think it is a little late to start a discussion about the Variance; which we really haven't
19 discussed at all and we've discussed very little on the Conditional Use Permit. So, I would like...
20 so that's why I made my motion to continue just those two items. If there's an appetite for
21 taking oral comment on the 30th I think that would be appropriate too.

22

23 Chair Templeton: Commissioner Lauing, are you still seconding as [unintelligible](interrupted)

24

25 Commissioner Lauing: Yeah, that's [unintelligible]... that's exactly the question I was going to
26 formulate because I'm trying to understand the objective of that 30th meeting compared to the
27 14th. Is the objective Commissioner Summa, that there would be... beside the public comment
28 which I value, that there would be Commissioner comment but without a proposal on the
29 table? And if so, why is that more productive than having a proposal on the table?

30

31 Commissioner Summa: Because I don't think we've had anywhere near the robust conversation
32 we need to have and it won't slow Staff down. Staff doesn't have to prepare anything for this
33 meeting. We have it all here. It just gives us a chance to talk about it and the public a chance to
34 comment before the meeting on 10/14.

35

36 Commissioner Lauing: Ok so substantially it's for public comment basically?

37

38 Commissioner Summa: And for our discussion, because we haven't had enough of a discussion
39 about either the Conditional Use Permit or the Variance. And I think that could take a while and
40 I think it's too late.

-
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1
2 Commissioner Lauing: Ok, ok, so I'll stay with the second.

3
4 Chair Templeton: Alright, thank you. We've heard from Commissioner Alcheck. Commissioner
5 Hechtman, do you have any comments on this before we take a vote?

6
7 Commissioner Hechtman: Sure, I'm not going to support this motion. First of all, I am opposed
8 to reopen the public hearing until we have some draft Conditions and Findings for the public to
9 react and comment on. That's really where I want to hear from them next. And incidentally
10 between now and October 14th or whatever date, the public is free to continue to keep writing
11 us letters and I'll keep reading them. What we're talking about is the public hearing so I have an
12 alternate motion that I'd be open to make, but I won't prejudice this one other than to say I'm
13 not supportive of that concept.

14
15 VOTE

16
17 Chair Templeton: Alright, I hear... my thoughts are that I hear that we all want to have a robust
18 discussion about the Conditional Use Permit and the Variance and there are two minds here
19 about how to do that. One is to do that before reacting to draft Findings so that we can provide
20 more direction to those draft Findings and the other is to react to draft Findings because it
21 might be a more productive discussion if we're reacting to something. Both of these seem
22 reasonable to me. I personally prefer to react so I would probably... I will oppose this motion
23 and hope that we have another motion that's [unintelligible]. Ok, are we ready to take the
24 vote? Mr. Nguyen.

25
26 Mr. Nguyen: Yes, I will begin the roll call vote. Commissioner Alcheck?

27
28 Commissioner Alcheck: No.

29
30 Mr. Nguyen: Commissioner Hechtman?

31
32 Commissioner Hechtman: No.

33
34 Mr. Nguyen: Commissioner Lauing?

35
36 Commissioner Lauing: Yes.

37
38 Mr. Nguyen: Commissioner Riggs is absent. Vice-Chair Roohparvar is absent. Commissioner
39 Summa? Commissioner Summa?

40

-
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1 Commissioner Summa: Yes.

2

3 Mr. Nguyen: And Chair Templeton?

4

5 Chair Templeton: No.

6

7 Mr. Nguyen: Ok the motion does not carry.

8

9 MOTION #3 FAILS 2(Summa, Lauing) – 3(Alcheck, Hechtman, Templeton) -2(Riggs and
10 Roohparvar absent)

11

12 Chair Templeton: Thank you. Commissioner Hechtman.

13

14 MOTION #4

15

16 Commissioner Hechtman: I'd like to make a motion. I move that the PTC direct Staff to... let me
17 start over, see if I get this right. Albert can help me if I falter. I move that we continue this PTC
18 hearing to our October 14th hearing... meeting. That at the October 14th meeting Staff present
19 us with draft Findings and Conditions of Approval for Project Alternative Number Four and that
20 at the October 14th hearing there be a reopening of the public hearing to allow the public the
21 opportunity to comment on the draft Findings and the draft Conditions of Approval.

22

23 Chair Templeton: Is there a second?

24

25 SECOND

26

27 Commissioner Alcheck: Second.

28

29 Chair Templeton: Ok. Would either you like to speak to this? Ok, Commissioner Hechtman.

30

31 Commissioner Hechtman: So, just very briefly and I thought Chair Templeton, you summarized
32 it really nicely. That doing it this way... first of all, voting for this motion is not a vote to approve
33 the project. It's just a vote to take the next step and look at Conditions of Approval that are
34 really going to shape the project. And so, I encourage all the Commissioners to be open to that,
35 but as Chair Templeton said, it really gives us something to react to and focus on and allows us I
36 think to be more productive when we come back on the October 14th and fine-tune Conditions
37 and Findings and I don't mean to diminish that. There can be some major changes
38 contemplated as... in the proposed project at part of that depending upon how we as a group
39 feel about the project. And also, I think that this will give the absent Commissioners an

-
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1 opportunity to reconstitute themselves, review in advance the drafts and really be ready for a
2 full robust discussion when we come back on the 14th.

3

4 Chair Templeton: Thank you. Commissioner Alcheck, did you want to add to that?

5

6 Commissioner Alcheck: I echo all those sentiments and I also think maybe one unforeseen
7 consequence of the alternative would have been that if we had reconvened on the 30th and
8 then given direction to Staff. I don't imagine that they would have been able to return on
9 October 14th. I think it would have likely had meant that we wouldn't have met again until
10 November and that would have been a consequence that I think was unintended. So, I think
11 this sounds like a little more than... I want to echo that I hope that the individuals that
12 Commissioner Hechtman mentioned earlier do follow up and communicate their thoughts to us
13 and do so timely. So, that they can be incorporated in some of Staff's work. I really do think that
14 would be valuable to me.

15

16 Chair Templeton: Thank you. Commissioner Lauing or Summa, would you like to speak to this
17 before we vote? No, ok. Mr. Nguyen, please conduct a vote on this motion.

18

19 Mr. Nguyen: Commissioner Alcheck?

20

21 Commissioner Alcheck: Yes.

22

23 Mr. Nguyen: Commissioner Hechtman?

24

25 Commissioner Hechtman: Yes.

26

27 Mr. Nguyen: Commissioner Lauing?

28

29 Commissioner Lauing: Yes.

30

31 Mr. Nguyen: Commissioner Riggs is absent. Vice-Chair Roohparvar is absent. Commissioner
32 Summa?

33

34 Commissioner Summa: No.

35

36 Mr. Nguyen: Chair Templeton?

37

38 Chair Templeton: Yes.

39

40 Mr. Nguyen: Ok, the motion carries 4-1-2.

-
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1
2 MOTION #4 PASSED 4(Alcheck, Hechtman, Lauing, Templeton) – 1(Summa) – 2(Riggs and
3 Roohparvar absent)

4
5 Chair Templeton: Thank you. Commissioner Summa, did you want to speak to your no vote?

6
7 Commissioner Summa: Oh, just to say that I would have to agree with... disagree with
8 Commissioner Hechtman. I don't think that... I think that we've skipped an opportunity to give a
9 full hearing process to the public and the applicant by not meeting on the 30th. And I think
10 that's a shame.

11
12 Chair Templeton: Alright, thank you. So, this item has been continued and we can move onto
13 the next agenda item.

14 **Commission Action:** Motion to continue by Summa, fails due to lack of a second

15 **Commission Action:** Motion to approve by Hechtman, seconded by Alcheck. Carries 4-1-2
16 (Summa against; Riggs and Roohparvar absent)

17 **Commission Action:** Motion to continue by Summa, seconded by Lauing. Fails 2-3-3 (Alcheck,
18 Hechtman, and Templeton against, Riggs and Roohparvar absent)

19 **Commission Action:** Motion to continue by Hechtman, seconded by Alcheck. Carries 4-1-2
20 (Summa against, Riggs and Roohparvar absent)

-
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CASTILLEJA SCHOOL PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring and Reporting Program (MMRP) is intended to satisfy this requirement of the CEQA Guidelines for the Castilleja School Project, as evaluated in the Castilleja School Project EIR, State Clearinghouse Number 2017012052. This MMRP will be used by City of Palo Alto (City) staff and mitigation monitoring personnel to ensure compliance with the mitigation measures included in the certified EIR (inclusive of those measures identified in the Initial Study provided in EIR Appendix A) during project implementation and operation.

The intent of the MMRP is to ensure effective implementation and enforcement of all adopted mitigation measures. The MMRP addresses the requirements for development of detailed plans, monitoring activities, and reporting regarding construction and operational activities authorized under the Castilleja School 2020 Conditional Use Permit. The mitigation measure numbering reflects the numbering used in the Castilleja School Project EIR.

Mitigation Monitoring and Reporting Program Overview

The MMRP includes three tables. Table 1 lists the full text of each mitigation measure and specific requirements for implementation, monitoring, and timing of each required action, as well as performance criteria by which the City can verify that each measure has been implemented effectively. Where a timing requirement is indicated as “in perpetuity,” these requirements shall remain in effect throughout all operational activities of Castilleja School at its current location at 1310 Bryant Street, unless modified by future amendments to the Conditional Use Permit.

Tables 2 and 3 are formatted to serve as checklists for the City to verify compliance with measures that apply only to construction activities (Table 2) and those that apply only to operational activities (Table 3). They repeat the mitigation measure text and performance criteria and include blank columns where the City can record actions taken to verify mitigation measure implementation and attainment of the identified performance criteria. These checklists will be incorporated into the project file maintained by the City’s Department of Planning and Community Environment and available for public review.

Castilleja School Project MMRP

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
EIR MITIGATION MEASURES		
LAND USE AND PLANNING		
<p>Mitigation Measure 4a: The Castilleja School Conditional Use Permit shall include the following restrictions for onsite special events:</p> <ol style="list-style-type: none"> 1. A special event is an event that is separate from the school’s daily educational programs and includes a minimum of 50 guests. When a special event is held during instructional hours and related school programming, students and staff already onsite are not considered guests. When a special event is held outside of instructional hours and related school programming, all attendees (including students and staff) are considered guests. 2. There shall be a maximum of 90 special events each year, which includes 5 Major Events, defined as events that bring almost all students and parents to the Castilleja campus. 3. No special events may occur on campus on Sundays. 4. Athletic competitions of any size may occur only on weekdays and shall be complete by 8 pm. 5. For special events that occur during instructional hours and related school programming and have between 50 	<p>Implementation:</p> <ul style="list-style-type: none"> ▪ <u>City of Palo Alto</u> to ensure requirements included in Conditional Use Permit (CUP) ▪ <u>Castilleja School</u> to ensure special event schedules, sizes, and parking plans comply with the requirements <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>At time of CUP approval</u> – requirements included in CUP ▪ <u>In perpetuity</u> – adhere to special events requirements ▪ <u>In perpetuity</u> – parking plans submitted to City prior to onsite special events 	<ul style="list-style-type: none"> ▪ No more than 90 special events are held in any calendar year. ▪ No onsite events are held on Sundays ▪ All athletic competitions occur on weekdays and end by 8 p.m. ▪ A parking plan is prepared and submitted to the City prior to each event. A single parking plan may be prepared to apply to more than one event, when those events occur in similar time periods and have similar attendance (e.g., a single plan that applies to multiple events held during instructional hours and related school programming with between 50 and 80 guests; a separate single plan that applies to multiple events held outside of instructional hours and related school programming and have fewer than 160 guests). Such plan(s) would be submitted for City review

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>and 80 guests, Castilleja shall prepare a parking plan identifying the amount of on-site parking not used by students and staff (in the below-grade parking garage, on Spieker Field, and within surface parking lots), the amount of on-street parking available around the project site's frontage on Kellogg Avenue and Emerson Street, additional on-street parking opportunities in the neighborhood, and nearby park and ride parking lots that guests could use to facilitate ride sharing.</p> <p>6. For events that occur during instructional hours and related school programming and have more than 80 guests, Castilleja shall prepare a parking plan identifying the amount of on-site parking not used by students and staff as well as use best efforts to park at one or more satellite parking locations, if available, sufficient to provide at least one parking space for every 1.3 guests and provide shuttle service for guests using those locations. Further, Castilleja shall retain traffic monitors to help direct event traffic to appropriate parking locations.</p> <p>7. For events that occur outside of instructional hours and related school programming and have fewer than 160 guests, all parking shall occur on-site.</p> <p>8. For events that occur outside of instructional hours and related school programming and have more than 160 guests, Castilleja shall prepare a parking plan identifying the amount of on-site parking not used by students and staff as well as use best efforts to park at one or more satellite parking locations, if available, sufficient to provide at least one parking space for every 1.3 guests and provide shuttle service for guests using those locations.</p>		<p>and approval once annually prior to the first event intended to be covered by that plan and thereafter applied to multiple events (with similar timing and attendance) without additional City review and approval. This does not preclude Castilleja from preparing additional plans for events with similar timing and attendance within the same calendar year.</p> <ul style="list-style-type: none"> ▪ Castilleja implements approved parking plan, utilizes traffic monitors, and provides shuttle service during events (if required based on the size and timing of the event) ▪ City or third-party compliance monitor conducts occasional field inspections to verify adherence to conditions/restrictions of the CUP

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>Further, Castilleja shall retain traffic monitors to help direct event traffic to appropriate parking locations.</p>		
<p>Mitigation Measure 4b: Prior to issuance of demolition, grading, and/or building permits for each construction phase, Castilleja School shall submit to the City Arborist a Tree Protection and Preservation Plan meeting the requirements of the Tree Technical Manual Sections 2.10 and 6.30. This shall include an inventory of the species, size, and condition of all trees within 50 feet of the construction area. The Tree Protection, Removal, and Relocation Plan must identify the regulatory status of each tree based on the tree size at the time this plan is prepared for each construction phase. For the regulated trees to be retained in place, the Tree Protection and Preservation Plan must identify specific tree protection measures to be in place during construction, consistent with Section 8.10 of the Palo Alto Municipal Code. Tree protection measures for unregulated trees must also be identified.</p> <p>For all trees to be removed, the Tree Protection and Preservation Plan must identify their species and size and identify specific locations where new tree planting would occur to replace the removed trees. For trees that are protected under the Municipal Code, replacement planting must include trees of the same species as the protected tree to be removed, and must include sufficient new trees to replace the tree canopy consistent with the replanting ratios identified in Tree Technical Manual Table 3-1 based on the size of the tree at the time of removal or relocation. For trees that are not protected under the Municipal Code, replacement planting must be sufficient to provide no net loss of tree canopy after 10 years. If it is not possible to plant all required replacement trees onsite, the requirements of Section 3.15 of the Tree Technical Manual shall apply, allowing for tree replacement using the Tree Value Replacement Standard in Tree Technical</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>Prior to issuance of demolition, grading, and/or building permits for each construction phase</u> – submit Tree Protection and Preservation Plan, implement all pre-construction tree protection measures identified in the approved plan, and submit Verification of Tree Protection Report ▪ <u>During construction</u> – Conduct monthly inspections and submit Monthly Inspection Report ▪ <u>Five years following completion of each construction phase</u> – Monitor all trees (retained, relocated, newly planted) and submit annual reports ▪ <u>Additional five years after subsequent replanting</u> – for 	<ul style="list-style-type: none"> ▪ All tree protection, removal, planting, and monitoring complies with the Tree Technical Manual ▪ Tree Protection and Preservation Plan submitted to City for review and approval for each construction phase ▪ All identified pre-construction tree protection measures are implemented, as documented in a Verification of Tree Protection Report submitted to City prior to issuance of a grading permit ▪ Routine inspections and monitoring are conducted throughout each construction phase and documented in Monthly Inspection Reports filed with the City ▪ All retained, relocated, and planted trees are monitored for five (5) years from completion of the construction phase; annual reports are filed. ▪ Any trees that do not survive the initial five (5) year monitoring are replaced and monitored for five (5)

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>Manual Section 3.25, and for that sum of money to be used in the following order of preference, as approved by the Director: (1) to provide additional trees elsewhere on the site; (2) to add or replace street trees or other public landscaping in the vicinity, or (3) to add trees or other landscaping to other City property.</p> <p>For trees to be relocated, the Tree Protection and Preservation Plan must identify the specific methods for tree removal, storage, and replanting for each individual tree, including the location where the tree would be replanted and when that replanting would occur. Because tree relocation shortens a tree's lifespan, replacement planting is required for all relocated trees consistent with the Tree Technical Manual Table 3-1 (and Section 3.15 if some replacement trees cannot be planted onsite). The relocated tree shall be included as one of the required replacement trees. For example, if the Tree Canopy Replacement Standard would require planting three trees, the applicant would replant the relocated tree and two new trees.</p> <p>Following City approval of the Tree Protection and Preservation Plan but prior to issuance of demolition, grading, or building permits, the project applicant shall implement all pre-construction tree protection measures identified in the approved plan (such as mulching, pruning, irrigation, and installation of tree protection fencing). The project arborist shall inspect and review the installed tree protection measures and submit to the City a Verification of Tree Protection Report, consistent with Tree Technical Manual Section 2.15B. Throughout all construction activities, the project arborist shall conduct routine inspections and monitoring to ensure all pre-construction tree protection measures are being maintained and all specific construction methods to minimize tree impacts are</p>	<p>monitoring additional replanting if needed</p>	<p>years from the date of planting; annual reports are filed</p>

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>being implemented. The project arborist shall file a Monthly Inspection Report, as defined in the Tree Technical Manual.</p> <p>All retained, relocated, and newly planted trees shall be monitored for a period of five years after planting/replanting to ensure they have successfully established. Should any trees not survive, they shall be replaced and monitored for a period of five years.</p>		
Mitigation Measures 7a and 7b (see Transportation section below)		
Mitigation Measures 8a and 8b (see Noise section below)		
AESTHETICS		
<p>Mitigation Measure 5a: Prior to issuance of building permits for each construction phase, Castilleja School shall submit a lighting plan that identifies the specific light fixtures to be used and their proposed locations. The lighting plan shall also identify the expected light levels within the property and at the property boundaries. The lighting plans must demonstrate compliance with the criteria identified in Palo Alto Municipal Code Section 18.23.030. This includes requirements such as spillover reduction; use of high pressure sodium and metal halide as permitted light sources; lighting limits of 0.5 foot-candle, as measured at the abutting residential property line; designing interior lighting to minimize nighttime glow; using low intensity lighting for building exteriors, parking areas, and pedestrian ways; and directing pedestrian and security lighting downward.</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>Prior to issuance of building permits for each construction phase</u> – lighting plan submitted ▪ <u>Prior to issuance of certificate of occupancy</u> – verification lighting installed in accordance with approved plan 	<ul style="list-style-type: none"> ▪ Lighting plans comply with Palo Alto Municipal Code Section 18.23.030 ▪ Installed lighting comports with lighting plans

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
CULTURAL RESOURCES		
<p>Mitigation Measure 6a: A protection plan shall be implemented for the Administration/Chapel Theater building and the residence at 1215 Emerson Street during proposed new construction and renovation activities to prevent damage to these structures. A clear and concise preservation protection plan shall be developed to provide these details. The protection plan shall be prepared by a qualified historic preservation specialist and shall be appended to the final set of construction plans for each construction phase. At a minimum, the protection plan shall include the following:</p> <ul style="list-style-type: none"> • Protective fencing shall be installed approximately 15 feet from the perimeter of the Administration/Chapel Theater building and from the southern and eastern property lines of the residence at 1215 Emerson Street, or a lesser distance if recommended by a qualified historic preservation specialist. All construction workers shall be instructed to keep all people, materials, and equipment outside of the areas surrounded by protective fencing. The protective fencing shall consist of brightly-colored mesh fencing at least four feet in height. The mesh shall be mounted on six-foot tall poles, with at least two feet below ground, and spaced a maximum of six feet apart. • Material and equipment delivery and stockpile areas shall be identified on the protection plan, and shall be located as far as practicable from the Administration/Chapel Theater building and the residence at 1215 Emerson Street. • If cranes are used to install buildings or building components, no materials or structures shall be 	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>Prior to issuance of grading, demolition, and/or building permits for each construction phase</u> – Protection plan submitted for City review and approval ▪ <u>During all construction activity</u> – Protection plan implemented 	<ul style="list-style-type: none"> ▪ Protection plan identifies location and specifications for protective fencing, equipment delivery and stockpile areas, crane locations and usage controls, demolition equipment and control within 25 feet of the Administration/Chapel building, and dust control. ▪ Known historic resources are not damaged during construction

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>suspended above or within 30 feet measured horizontally from the exterior walls of the Administration/Chapel Theater building and the residence at 1215 Emerson Street.</p> <ul style="list-style-type: none"> For demolition of the existing Classroom building, the protection plan shall document the specific nature of demolition activities that would occur on any portion of the building that touches or is within 25 feet of the Administration/Chapel Theater building and provide recommendations for equipment usage and demolition techniques that will avoid adverse effects to the Administration/Chapel Theater building. The protection plan shall prescribe measures for containment of dust during demolition, excavation, and construction. This may include wetting soils and materials to prevent wind-blown dust; covering exposed materials, soil, and unfinished buildings; and use of temporary barriers to prevent any wind-blown dust from reaching historic structures. 		
<p>Mitigation Measure 6b: Prior to initiation of construction for each construction phase, all construction crew members, consultants, and other personnel shall receive project-specific Cultural Resource Awareness training. The training shall be conducted in coordination with qualified cultural resource specialists and shall inform project personnel of the potential to encounter sensitive archaeological material. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> <u>Prior to commencement of ground disturbing activities for each</u> 	<ul style="list-style-type: none"> Verification that Cultural Resource Awareness training was provided to all construction crew members, consultants, and other personnel is provided to the City through submittal of training materials (videos and/or handouts) and dated attendance logs for each training session If any cultural resources are encountered, ground disturbance is

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>Qualification Standards, can evaluate the significance of the find and determine whether additional study is warranted. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole marine shell, burned or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted and would be implemented if recommended by the qualified archeologist.</p>	<p><u>construction phase</u> – construction crew training</p> <ul style="list-style-type: none"> ▪ <u>Throughout all ground disturbing activities</u> – construction crew halts work to allow for evaluation of any discovered cultural resources 	<p>halted, the resource is evaluated, and any treatment recommendations made by a qualified archeologist are implemented</p>
TRANSPORTATION		
<p>Mitigation Measure 7a: Castilleja School shall implement the proposed enhanced Transportation Demand Management (TDM) plan (Appendix B) to reduce the average daily trips and maintain a maximum peak hour trip volume. The measures currently listed in the TDM plan are expected to reduce daily traffic by between 12 and 22 percent. Through the ongoing monitoring and reporting described in this measure, Castilleja School and the City will identify the effectiveness of the TDM measures and any need to</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p>	<ul style="list-style-type: none"> ▪ TDM plan is implemented during construction and in perpetuity ▪ Driveway vehicle count equipment is installed prior to issuance of certificates of occupancy ▪ Throughout construction, driveway counts and monitoring reports

**Table 1
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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>modify their implementation and/or add new TDM measures sufficient to:</p> <ul style="list-style-type: none"> maintain a maximum average daily trip count of 1,296 trips starting two years after construction of the Academic building is complete and through all subsequent years, maintain a maximum average daily AM Peak Hour trip count of 440 trips, and ensure that vehicle queues for each drop of location are fully contained within the project site such that no cars are queuing on or blocking the vehicle lane or the bike lane on any adjacent public street. <p>Castilleja School shall conduct routine traffic monitoring and submit monitoring reports to the City three times per year until the school has reached its maximum enrollment for two consecutive years and has attained the average peak hour and average daily trip standards. After that time, only two monitoring reports per year shall be required. As part of the monitoring, Castilleja shall install traffic counting devices at each project site driveway and submit the raw data along with a data summary and analysis in the monitoring reports. The analysis shall also include reporting of drop-off lane discharge rates, and the average and maximum lengths of ingress and egress queues in the four 15-minute increments prior to the first bell for each grade level (start of the first class session of the day) and the 15-minute increment following the first bell for the grade level(s) with the latest start time each day.</p> <p>Student enrollment at Castilleja School shall increase by no more than 27 students in any academic year. In the period between commencement of construction and attainment of the maximum</p>	<ul style="list-style-type: none"> <u>During construction</u> – install driveway vehicle count equipment <u>In perpetuity beginning during construction</u> – implement TDM plan, conduct monitoring and reporting, conduct active traffic management 	<p>demonstrate that average AM peak hour traffic volumes are 440 trips or less, not including days on which special events are held</p> <ul style="list-style-type: none"> Throughout construction and for two years following completion of the Academic building, three monitoring reports are submitted to the City in each academic year (generally every 3 months, beginning approximately 3 months after the first day of school for that year) Once full enrollment is reached for two consecutive years and the average peak hour and average daily trip standards are achieved, two monitoring reports are submitted to the City in each academic year (generally every 4.5 months, beginning approximately 4.5 months after the first day of school for that year) Beginning at the start of the third academic year after completing the Academic building, driveway counts and monitoring reports demonstrate that average AM peak hour traffic volumes are 440 trips or less and average daily traffic volumes are

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>enrollment level, if the peak hour standard is not achieved additional TDM measures shall be implemented as follows:</p> <ul style="list-style-type: none"> • 1st report showing an average daily AM peak hour trip count above 440 - add an additional TDM measure • 2nd consecutive report showing an average daily AM peak hour trip count above 440 – add a more intensive TDM measure • 3rd consecutive report showing an average daily AM peak hour trip count above 440 - reduce enrollment by at least 5 students, or more as determined necessary by the City to ensure attainment of the average daily AM peak hour standard, in next admission cycle. <p>In the period between commencement of construction and two years following completion of the Academic building, daily trip counts shall be monitored and reported for informational purposes.</p> <p>Beginning two years following completion of the Academic building, if the peak hour and daily trip standards are not achieved, additional TDM measures shall be implemented as follows:</p> <ul style="list-style-type: none"> • 1st report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 - add an additional TDM measure • 2nd consecutive report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – add a more intensive TDM measure 		<p>1,296 trips or less, not including days on which special events are held</p> <ul style="list-style-type: none"> ▪ If a monitoring report demonstrates that the average AM peak hour and average daily trip (when applicable) standards were exceeded during that monitoring/reporting period, additional TDM measures are implemented in the subsequent monitoring/reporting period ▪ If applicable standards are exceeded in all three (or two, where applicable) monitoring/reporting periods, enrollment is reduced for the following academic year ▪ Active traffic management is implemented as identified in the Garage Circulation Plan, or subsequent plans approved by the City, during all drop-off and pick-up periods and during special events with more than 75 guests.

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<ul style="list-style-type: none"> • 3rd consecutive report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 - reduce enrollment by at least 5 students, or more as determined necessary by the City to ensure attainment of the average daily AM peak hour and average daily trip count standards, in next admission cycle. • 1st and/or 2nd reports in the subsequent year showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – implement more intensive TDM measures • 3rd report in the subsequent year showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – reduce enrollment in the next admission cycle by at least 10% or more as determined necessary by the City to ensure attainment of the average daily AM peak hour and average daily trip count standards. <p>Castilleja School shall conduct active traffic management as identified in the Garage Circulation Plan (Figure 3-12), or subsequent plans approved by the City, during all drop-off and pick-up periods and during special events with more than 75 guests. This includes having 7 school staff members stationed along the drop-off/pick-up queues to direct vehicle and pedestrian movements into, within, and exiting the garage. Traffic entering or exiting the project site driveways on Bryant Street shall be restricted to right-turns; traffic exiting the parking garage onto Emerson Street shall also be restricted to right-turns. Traffic management staff shall direct vehicles to loop around the school if they are approaching a project site driveway where there is a</p>		

**Table 1
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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>queue that would not permit the vehicle to completely exit the public right-of-way. As part of the traffic monitoring and reporting, Castilleja shall instruct the traffic management staff to report any excessive vehicle queues, safety concerns, or other concerns or recommendations to improve safety and circulation to the administration. These staff reports and Castilleja's response to each shall be summarized in the traffic monitoring reports.</p> <p>As described in the TDM plan (Appendix B), Castilleja School shall implement some or all of the following measures sufficient to attain the average peak hour and average daily trip standards:</p> <ol style="list-style-type: none"> 1. late afternoon shuttle departures 2. off-site drop-off/pick-up area 3. expanded carpool/trip planning program 4. additional off-site parking 5. parking/carpool incentives program for employees 6. alternative transportation information 7. bike tune-up day and on-site repair stations 8. Guaranteed Ride Home program 9. on-site car or bike sharing program 10. provide transit passes 11. mandatory ridesharing 12. other TDM measures developed by Castilleja in coordination with the City of Palo Alto (City), including the 		

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<p>monitoring and enforcement provisions identified in Appendix B.</p> <p>In addition, Castilleja School shall modify the proposed enhanced TDM plan to include the following</p> <ul style="list-style-type: none"> 13. Educate staff, students, and families regarding the importance of an efficient and safe student drop-off operation to prevent excessive queuing in the garage. 14. Provide staff, students, and families with required drop-off/pick-up and parking procedures to include that drop-off and pick-up must occur in the garage unless there are extenuating circumstances, daily parking for parents or other community members attending meetings or other activities onsite shall occur within the garage or on-site surface parking lots, outside of special events. 15. Conduct ongoing monitoring of drop-off lane discharge rates and ingress and egress queues. 16. If vehicle queues are causing spillover into the public right of way on Bryant Street, modify the drop-off procedures and TDM program to include greater staggering of bell schedules or other strategies that would decrease vehicle trips or otherwise spread out the number of peak hour vehicle trips accessing the underground garage. 17. Provide bicycle safety education for students, parents, and staff to encourage students and staff to ride bicycles to and from school. 18. Host school-wide bicycle encouragement events (such as competitions, incentives, and other fun events) to support biking, walking, carpooling, and transit use so that the 		

**Table 1
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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>school community understands that active transportation is a community-held value.</p>		
<p>Mitigation Measure 7b: Castilleja School shall maintain vegetation within 40 feet of the school’s driveways onto public streets such that vegetation is trimmed down to a height of less than three feet and trees trimmed up so that nothing hangs below a height of seven feet from the surface of the roadway. Vegetation shall be trimmed no less once per month. Castilleja School shall provide the City with evidence of a landscaping management plan or active landscape maintenance contract annually. Castilleja School and the City shall provide curb markings to prohibit on-street parking within 35 feet of each driveway.</p>	<p>Implementation:</p> <ul style="list-style-type: none"> ▪ <u>City of Palo Alto</u> provide curb markings ▪ <u>Castilleja School</u> maintain vegetation <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing: In perpetuity beginning during construction</p>	<ul style="list-style-type: none"> ▪ No vegetation within 40 feet of school’s driveways onto public streets is present between three feet and seven feet from the surface of the roadway ▪ Evidence of landscaping management plan or active landscape maintenance contract is submitted to the City annually ▪ Curb markings are maintained at all times
NOISE		
<p>Mitigation Measure 4a (see Land Use and Planning section above)</p>		
<p>Mitigation Measure 8a: Prior to issuance of a building permit for the outdoor pool, Castilleja School shall submit to the City a technical analysis documenting the specific loudspeaker equipment proposed for use at the pool, the locations and positioning of speakers, and the likely noise levels for each of the receptor locations evaluated in the Environmental Noise Study for the proposed Castilleja School Conditional Use Permit Amendment and Master Plan. The technical analysis shall demonstrate that use of the loudspeaker would not generate noise levels that are more than 6 dB greater than existing noise levels</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing: Prior to issuance of building permit for pool</p>	<ul style="list-style-type: none"> ▪ Technical analysis submitted to City identifying specific loudspeaker equipment and locations and positions of speakers ▪ Use of the loudspeaker does not generate noise levels that are more than 6 dB greater than existing noise levels

**Table 1
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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>Mitigation Measure 8b: Prior to issuance of demolition, grading and/or building permits for each construction phase, Castilleja School shall submit to the City a technical analysis of the noise levels that could be generated during construction and recommended measures to ensure that noise levels during construction meet the City’s standards. This analysis must include and be based on a list of the construction equipment proposed to be used (including horsepower), a schedule for the use of each piece of equipment during that phase, and the general location where each piece of equipment would operate. Noise reduction measures may include modifying the equipment list, restrictions on the number of individual pieces of equipment that may be used at one time, modifying the location of individual pieces of equipment, providing shielding for individual pieces of equipment, use of temporary noise attenuation barriers, and/or other measures that are demonstrated to be sufficient to ensure that the maximum noise level at the property boundary would remain at or below 110 dB and increases in hourly noise levels at the property boundary would not exceed 10 dBA above the ambient noise level for two or more hours per day, more than five days per week, for a period of 12 months or more.</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>Prior to issuance of demolition, grading, and/or building permits for each phase of construction</u> – construction noise analysis submitted ▪ <u>Ongoing during construction</u> – noise control measures implemented 	<ul style="list-style-type: none"> ▪ Technical analysis of construction noise levels and recommended noise control measures submitted ▪ Recommended measures implemented sufficient to ensure that the maximum noise level at the property boundary would remain at or below 110 dB and increases in hourly noise levels at the property boundary would not exceed 10 dBA above the ambient noise level for two or more hours per day, more than five days per week, for a period of 12 months or more
AIR QUALITY		
<p>Mitigation Measure 9a: Prior to issuance of demolition permits, grading permits, or building permits for the proposed project, the City of Palo Alto shall ensure that site plan notes include requirements for the construction contractor to implement the following Basic Construction Emission Control Measures. Visual site inspections shall be conducted throughout construction to ensure these measures are implemented appropriately:</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p>	<ul style="list-style-type: none"> ▪ Notes on site plans for each construction phase include requirements for construction contractor to implement Basic Construction Emission Control Measures

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<ol style="list-style-type: none"> 1. All exposed surfaces shall be watered two times daily. Exposed surfaces include, but are not limited to parking and staging areas, soil piles, graded areas, and unpaved access roads. 2. Haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. Wet power vacuum street sweepers shall be used to remove any visible trackout of mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited. 4. Vehicle speeds on unpaved roads to shall be limited to a maximum of 15 miles per hour. 5. All roadways, driveways, sidewalks, and parking lots to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Materials stockpiles shall be covered on days when they are not accessed, including any day on which construction does not occur. 7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's 	<ul style="list-style-type: none"> ▪ <u>Prior to issuance of demolition, grading, or building permits</u> – site plans contain appropriate emission control notes ▪ <u>Throughout construction</u> – site inspections 	<ul style="list-style-type: none"> ▪ Emission control measures are implemented throughout all construction

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>9. The construction contractor shall post a publicly visible sign with the telephone number and person to contact at the City of Palo Alto regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible.</p>		
<p>Mitigation Measure HAZ-1 (see Hazards and Hazardous Materials section below)</p>		
<p>GEOLOGY, SOILS, AND SEISMICITY</p>		
<p>Mitigation Measure 12a: Project design and construction shall show compliance with and implement all of the recommendations contained in the geotechnical investigation (January 2107) and supplemental recommendations memorandum (March 2017) prepared by Silicon Valley Soil Engineering or provide an acceptable equivalent to these measures to the satisfaction of the Director of Public Works Engineering in order to reduce hazards related to expansive soils and the stability of soil and landforms. These include but are not limited to:</p> <ol style="list-style-type: none"> 1. the basement foundation system should use a concrete mat slab with a minimum thickness of 12 inches and underlain by 6 inches of ¾-inch clean crushed rock and waterproofed; 2. basement retaining walls shall be designed using a pseudo-static force value of 2.71kips per lineal foot of wall length acting at a distance of 0.6H from the 	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>Prior to issuance of demolition, grading, or building permits</u> – site plans reflect geotechnical investigation and supplemental memorandum recommendations ▪ <u>Prior to issuance of certificate of occupancy</u> – site inspections to verify as built conditions 	<ul style="list-style-type: none"> ▪ All recommendations contained in the geotechnical investigation (January 2107) and supplemental recommendations memorandum (March 2017) prepared by Silicon Valley Soil Engineering, or acceptable equivalents, are implemented during construction

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>bottom of the wall, which shall be added to the lateral active force for seismic loading condition,</p> <p>3. basement retaining walls shall be waterproofed consistent with the recommendations of the geotechnical investigation and a waterproofing consultant;</p> <p>4. shoring shall be provided for trenches and excavation in excess of five feet in depth;</p> <p>5. a geotechnical engineer shall be retained to observe and inspect all earthwork and grading;</p> <p>6. within construction areas, organic materials shall be stripped from the soil and the soil shall be scarified by machine to a depth of 12 inches and thoroughly cleaned of vegetation and other deleterious matter;</p> <p>7. subgrade shall be compacted to not less than 90% relative maximum density per ASTM D1557-12 at a moisture content greater than 3% above the optimum moisture provided that the subgrade meets compaction and is determined to be stable under construction equipment loading; and</p> <p>8. a contingency dewatering plan shall be prepared that provides for collection of any surface runoff water and perched groundwater and use of the water as approved by the City and consistent with the City's dewatering requirements, such as for on-site dust suppression, street-sweeping, and other City programs.</p>		

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>Mitigation Measure 12b: A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Any paleontological resource discovered on site should be either preserved at its location or adequately documented as a condition of removal. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to ensure that the information potential represented by the resource is retained.</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing: Throughout construction</p>	<ul style="list-style-type: none"> ▪ Work is stopped within 100 feet of any paleontological specimen discovered during construction ▪ Any discovered specimens are evaluated by a professional paleontologist ▪ Recommended protective measures or further action, as determined by the paleontologist, are implemented prior to resuming construction
<p>INITIAL STUDY MITIGATION MEASURES</p>		
<p>BIOLOGICAL RESOURCES</p>		
<p>Mitigation Measure BIO-1: If feasible, vegetation on the project site shall be removed outside of the bird-nesting season. If the start of site clearing, tree removal, or building demolition occurs between February 1 and August 31, a pre-construction survey for nesting birds protected under the Migratory Bird Treaty Act shall be conducted by a qualified biologist to identify the location of nests in active use that were established prior to the start of project implementation activities. The pre-construction survey shall take place no more than 7 days prior to initiation of construction. All trees and shrubs on the site and on adjacent properties shall be surveyed, with particular attention to any trees or shrubs that would be removed or directly disturbed. If an active nest of a protected bird is found on site, the biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), determine whether construction work would affect the</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing: Prior to issuance of demolition, tree removal, and/or grading permits for each construction phase</p>	<ul style="list-style-type: none"> ▪ Pre-construction surveys are completed and submitted to the City within 7 days of commencement of construction activity if construction begins between February 1 and August 31 ▪ No construction occurs within 300 feet of active raptor nests. ▪ Consultation with CDFW occurs prior to construction if an active nest of a protected bird is identified within the project site

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Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>active nest or disrupt reproductive behavior. Criteria used for this evaluation shall include presence of visual screening between the nest and construction activities, and behavior of adult birds in response to the surveyors or other ambient human activity. If construction could affect the nest or disrupt reproductive behavior, the biologist shall, in consultation with CDFW, determine an appropriate construction-free buffer zone around the nest to remain in place until the young have fledged or other appropriate protective measures are taken to ensure no take of protected species occurs.</p> <p>If it is determined that construction will affect an active raptor nest or disrupt reproductive behavior, then avoidance is the only mitigation available. Construction shall not be permitted within 300 feet of such a nest until a qualified biologist determines that the subject nests are no longer active.</p> <p>Prior to issuance of a demolition permit or tree removal permit, the City of Palo Alto (City) shall verify that pre-construction surveys have been conducted within 10 days of the proposed start of demolition. If active bird nests are present, the City shall verify that CDFW has been consulted and either determined that construction will not affect an active bird nest or that appropriate construction-free buffer zones have been established or other appropriate protective measures have been taken.</p>		
<p>Mitigation Measure BIO-2: No earlier than 30 days prior to initiation of demolition activities, a pre-construction survey shall be conducted by a qualified biologist (i.e., a biologist holding a California Department of Fish and Wildlife (CDFW) collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats) to determine if active bat roosts or</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p>	<ul style="list-style-type: none"> ▪ Pre-construction surveys completed and reports submitted to the City no more than 30 days prior to demolition ▪ If active roosts are found within 300 feet of the demolition activities, CDFW is consulted and no

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Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>maternal colonies are present on or within 300 feet of the demolition area.</p> <p>Should an active maternity roost be identified, the roost shall not be disturbed and demolition and construction within 300 feet of the maternity roost shall be postponed or halted until the juveniles have fledged and the roost is vacated, as determined by a qualified biologist. Consultation with CDFW shall also be initiated. Under no circumstance shall an active roost be directly disturbed.</p> <p>If nonbreeding bat hibernacula are found on the project site, the individuals shall be safely evicted under the direction of a qualified bat biologist and with consultation with CDFW. These actions shall allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.</p> <p>If it is determined that demolition or construction will not affect roosting behavior or disrupt a maternal colony, demolition or construction may proceed without any restriction or mitigation measure.</p> <p>If it is determined that demolition or construction will affect an active bat roost or disrupt reproductive behavior, then avoidance is the only mitigation available. Under no circumstance shall an active roost be directly disturbed. Demolition or construction within 300 feet shall be postponed or halted until the roost is naturally vacated as determined by a qualified biologist.</p> <p>Prior to issuance of a demolition permit, the City of Palo Alto (City) shall verify that pre-construction surveys have been conducted within 30 days of the proposed start of demolition. If bats are present, the City shall verify that CDFW has been consulted and either determined that construction will not affect an active bat</p>	<p>Timing: Prior to issuance of demolition permits for each construction phase</p>	<p>demolition occurs within 300 feet of active roosts</p> <ul style="list-style-type: none"> ▪ Individuals within any nonbreeding bat hibernacula are evicted in compliance with recommendations from a qualified biologist and in consultation with CDFW

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
<p>roost or disrupt a maternal colony, or that individuals in a nonbreeding bat hibernacula have been safely evicted.</p> <p>Due to regulations from the California Health Department, direct contact by construction workers with any bat is not allowed.</p>		
HAZARDS AND HAZARDOUS MATERIALS		
<p>Mitigation Measure HAZ-1: Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of properly. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.</p>	<p>Implementation: Castilleja School</p> <hr/> <p>Monitoring: City of Palo Alto</p> <hr/> <p>Timing:</p> <ul style="list-style-type: none"> ▪ <u>Prior to issuance of demolition permits for each construction phase</u> – complete hazardous materials building survey and retain qualified contractor for demolition and disposal if needed ▪ <u>During construction</u> – ensure any hazardous building materials are handled and disposed of in accordance with state and federal regulations 	<ul style="list-style-type: none"> ▪ Hazardous materials building survey conducted by a qualified environmental specialist ▪ If LCMs and/or ACMs are identified, demolition activities shall be conducted by a trained and qualified contractor and LCMs and ACMs are disposed of properly ▪ Any PCBs are managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations

**Table 1
Castilleja School Project MMRP**

Mitigation Measure	Implementation Responsibility, Monitoring Responsibility, and Timing	Performance Evaluation Criteria
TOPICS FOR WHICH NO MITIGATION MEASURES ARE REQUIRED:		
<ul style="list-style-type: none"> ▪ Agriculture and Forestry Resources ▪ Greenhouse Gas Emissions ▪ Energy 	<ul style="list-style-type: none"> ▪ Hydrology and Water Quality ▪ Mineral Resources ▪ Population/Housing 	<ul style="list-style-type: none"> ▪ Public Services ▪ Recreation ▪ Utilities/Service Systems

Castilleja School Project Construction MMRP Checklist

**Table 2
Castilleja School Project Construction MMRP Checklist**

Mitigation Measure	Action	City Verification Actions/Dates
ACTIONS REQUIRED BY CASTILLEJA PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS		
Mitigation Measure 4b	Submit Tree Protection and Preservation Plan, implement all pre-construction tree protection measures identified in the approved plan, and submit Verification of Tree Protection Report for each construction phase	
Mitigation Measure 5a	Submit lighting plan for each construction phase	
Mitigation Measure 6a	Submit historic resources protection plan for each construction phase	
Mitigation Measure 8a	Submit technical analysis identifying specific loudspeaker equipment, locations and positions of speakers, and anticipate noise levels for nearby sensitive receptors	
Mitigation Measure 8b	Submit construction noise analysis and construction plans demonstrating implementation of recommended noise control measures for each construction phase	
Mitigation Measure 9a	Include notes on site plans requiring implementation of Basic Construction Emission Control Measures for each construction phase	
Mitigation Measure 12a	Submit site plans demonstrating compliance with all geotechnical investigation and supplemental memorandum recommendations for each construction phase	
Mitigation Measure BIO-1	Complete pre-construction nesting bird surveys and submit to the City within 7 days of commencement of construction activity if	

**Table 2
Castilleja School Project Construction MMRP Checklist**

Mitigation Measure	Action	City Verification Actions/Dates
	construction begins between February 1 and August 31 for each construction phase	
	Consult with CDFW if an active nest of a protected bird is located for each construction phase	
Mitigation Measure BIO-2	Complete pre-construction roosting bat surveys City no more than 30 days prior to demolition for each construction phase	
	Consult with CDFW if active roosts are found within 300 feet of demolition activities for each construction phase	
	Evict any individual bats within any nonbreeding bat hibernacula in compliance with recommendations from a qualified biologist and in consultation with CDFW	
Mitigation Measure HAZ-1	Complete hazardous building material survey and retain qualified contractors for demolition and disposal if hazardous building materials are identified	
ACTIONS REQUIRED BY CASTILLEJA DURING CONSTRUCTION		
Mitigation Measure 4b	Conduct monthly tree inspections and submit Monthly Inspection Report	
Mitigation Measure 5a	Install lighting in accordance with approved plan	
Mitigation Measure 6a	Implement historic resources protection plan	
Mitigation Measure 6b	Provide cultural resources awareness training to all construction crew prior to beginning any ground disturbing activities	
	Ensure that construction crew halts work if cultural resource are discovered until resources are evaluated by qualified archeologist and any treatment measures are implemented	

**Table 2
Castilleja School Project Construction MMRP Checklist**

Mitigation Measure	Action	City Verification Actions/Dates
Mitigation Measure 7a	Install driveway vehicle count equipment	
Mitigation Measure 7b	Maintain vegetation within 40 feet of school's driveways onto public streets so that the area between three and seven feet (elevation) from the roadway surface is clear	
Mitigation Measure 8a	Install loudspeaker in accordance with technical report specifications; retain noise consultant to measure noise levels after installation and submit report to City	
Mitigation Measure 8b	Implement construction noise control measures	
Mitigation Measure 9a	Implement air pollution emission control measures	
Mitigation Measure 12a	Implement all geotechnical investigation and supplemental memorandum recommendations	
Mitigation Measure 12b	Stop work within 100 feet of any paleontological specimen discovered during construction until they are evaluated by a professional paleontologist and recommended protective measures are implemented	
Mitigation Measure BIO-1	Prohibit construction within 300 feet of any active raptor nests	
Mitigation Measure HAZ-1	Ensure any hazardous building materials are handled and disposed of in accordance with state and federal regulations	
ACTIONS REQUIRED BY CITY PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY		
Mitigation Measure 4b	Verify implementation of Tree Protection and Preservation Plan	
Mitigation Measure 5a	Verify that lighting comports with Municipal Code	
Mitigation Measure 6a	Verify that historic resources were not damaged, or require repairs if damage occurred	

Table 2
Castilleja School Project Construction MMRP Checklist

Mitigation Measure	Action	City Verification Actions/Dates
Mitigation Measure 7a	Verify that driveway vehicle count equipment was installed and is operational and calibrated	
Mitigation Measure 7b	Paint curbs to prohibit on-street parking within 35 feet of project site driveways	
Mitigation Measure 8a	Verify pool loudspeaker noise levels	
Mitigation Measure 12a	Complete site inspections to verify as built conditions comport with all geotechnical investigation and supplemental memorandum recommendations	

Castilleja School Project Operation MMRP Annual Checklist

Table 3
Castilleja School Project Operation MMRP Annual Checklist

Mitigation Measure	Castilleja Action	Timing	City Verification Actions/Dates
ACTIONS REQUIRED FOR SPECIFIC DURATION			
Mitigation Measure 4b	Monitor all trees (retained, relocated, newly planted) and submit annual reports	Beginning at end of each construction phase and continuing for five years	
	Plant additional trees to replace any that do not survive initial five-year monitoring and monitoring such trees for five years from the date of planting	Beginning at the time that any tree subject to monitoring is shown to have died and continuing for five years from the date of planting	
ACTIONS REQUIRED IN PERPETUITY			
Mitigation Measure 4a	Publish special events calendar	At the beginning of each academic year, with updates each trimester	
	Submit parking plans to City	Prior to onsite special events	
Mitigation Measure 7a	Implement TDM plan	During all operation, including during construction when school is still operating	
	Submit monitoring reports	Three times per year until full enrollment reached and peak hour and daily trip standards achieved – generally every 3 months, beginning approximately 3 months after the first day of school for that year Thereafter two times per year - generally every 4.5 months,	

		beginning approximately 4.5 months after the first day of school for that year	
Mitigation Measure 7a (continued)	If standards are not achieved as defined in Mitigation Measure 7a, implement additional TDM measures and reduce enrollment	Need for action to be determined at end of each monitoring/reporting period. When additional TDM measures are required, they shall be implemented as soon as possible. If enrollment reductions are needed, they shall occur in the next admission cycle.	
	Implement active traffic management as identified in the Garage Circulation Plan, or subsequent plans approved by the City	during all drop-off and pick-up periods and during special events with more than 75 guests	
Mitigation Measure 7b	Submit evidence of landscaping management plan or active landscape maintenance contract	Annually	
	Inspect no-parking curb markings within 35 feet of site driveways and report any need for repainting to the City	Annually	
Mitigation Measure 8a	Maintain pool loudspeaker equipment in accordance with noise technical report specifications and submit evidence of inspection and any repairs to City	Annually	

This table includes additional limitations on the proposed size, hours and days for the Special Events. For informational purposes only, the table includes illustrative examples of the Special Events. The Special Events listed are illustrative of the types of Special Events that could occur, the specific Special Events may vary each Academic Year to address the instructional needs of existing and future programs provided by the School.

	Special Event Additional Limitations		Illustrative Examples
	Size	Hours and Days	
1.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Admissions Event
2.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Admissions Event
3.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Admissions Event
4.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Parent Meeting
5.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Parent Meeting
6.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Parent Reception
7.	Special Event up to 100 Guests	M-F: 8:00am-5:00pm	Parent Reception
8.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Dances and Socials
9.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Upper School Play
10.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Admissions Event
11.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Parent Meeting
12.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Parent Meeting
13.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Student Dinner
14.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Student Movie Night
15.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Parent College Night
16.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Parent College Night
17.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Upper School Preview Night
18.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Alum Reception
19.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Parent College Night
20.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Athletics Reception
21.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Admissions Reception
22.	Special Event up to 100 Guests	M-F: 5:00pm-10:00pm	Art Gallery Reception
23.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Dance Rehearsal

24.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Admissions Event
25.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Admissions Event
26.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Admissions Event
27.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Admissions Event
28.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Dance Rehearsal
29.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Dance Rehearsal
30.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Dance Rehearsal
31.	Special Event up to 100 Guests	Sa.: 8:00am-5:00pm	Dance Rehearsal
32.	Special Event up to 100 Guests	Sa.: 10:00am-5:00pm	Alum Reception
33.	Special Event up to 100 Guests	Sa.: 10:00am-5:00pm	Alum Reception
34.	Special Event up to 100 Guests	Sa: 5:00pm-10:00pm	Alum Reception
35.	Special Event up to 100 Guests	Sa.: 5:00pm-10:00pm	Dances and Socials
36.	Special Event up to 200 Guests	M-F: 8:00am-10:00pm	Junior Senior Banquet
37.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Faculty Staff Party
38.	Special Events up to 200 Guests	M-F: 8:00am-5:00pm	Student/Parent Forum
39.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Parent Meeting
40.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Parent Meeting
41.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Festival of Learning
42.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Alum Reception
43.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	8 th Grade Promotion
44.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Summer Camp Opening Day
45.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Summer Camp Opening Day
46.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Summer Camp Opening Day
47.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Summer Camp Opening Day
48.	Special Event up to 200 Guests	M-F: 8:00am-5:00pm	Summer Camp Opening Day
49.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Parent Meeting
50.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Parent Meeting
51.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Parent Meeting
52.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Admissions Info Session
53.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Upper School Play

54.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Upper School Play
55.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	8 th Grade Arts Showcase
56.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Global Investigator Celebration
57.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Global Investigator Info Meeting
58.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	DC Trip Info Meeting
59.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Global Week Community Evening
60.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Arts Showcase
61.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Dances and Socials
62.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Winter Concert
63.	Special Event up to 200 Guests	M-F: 5:00pm-10:00pm	Vision & Voice Performance
64.	Special Event up to 200 Guests	Sa.: 8:00am-10:00pm	Upper School Play
65.	Special Event up to 200 Guests	Sa.: 8:00am-5:00pm	Admissions Testing
66.	Special Event up to 200 Guests	Sa.: 8:00am-5:00pm	Admissions Testing
67.	Special Event up to 200 Guests	Sa.: 8:00am-5:00pm	Admissions Testing
68.	Special Event up to 200 Guests	Sa.: 5:00pm-10:00pm	Dances and Socials
69.	Special Events up to 300 Guests	M-F: 8:00am-10:00pm	MS Swim Meet
70.	Special Events up to 300 Guests	M-F: 8:00am-5:00pm	Grandparents and Special Friends Day
71.	Special Events up to 300 Guests	M-F: 8:00am-5:00pm	Upper School Open House
72.	Special Events up to 300 Guests	M-F: 8:00am-5:00pm	Middle School Open House
73.	Special Events up to 300 Guests	M-F: 8:00am-5:00pm	Middle School Open House
74.	Special Events up to 300 Guests	M-F: 5:00pm-10:00pm	Spring Music Concert
75.	Special Events up to 300 Guests	M-F: 5:00pm-10:00pm	Middle School Explo!
76.	Special Events up to 300 Guests	M-F: 5:00pm-10:00pm	Celebration of Sports
77.	Special Events up to 300 Guests	M-F: 5:00pm-10:00pm	Dances and Socials
78.	Special Events up to 300 Guests	M-F: 5:00pm-10:00pm	Dances and Socials
79.	Special Events up to 300 Guests	M-F: 5:00pm-10:00pm	New Parent Reception
80.	Special Events up to 400 Guests	M-F: 8:00am-5:00pm	Family Day
81.	Special Events up to 400 Guests	M-F: 8:00am-5:00pm	C-STeam
82.	Special Events up to 400 Guests	M-F: 8:00am-5:00pm	Class Day
83.	Special Events up to 400 Guests	M-F: 5:00pm-10:00pm	Dances and Socials

84.	Special Events up to 400 Guests	M-F: 5:00pm-10:00pm	Arts Show Performance
85.	Special Events up to 400 Guests	Sa.: 5:00pm-10:00pm	Arts Show Performance

This table includes additional limitations on the proposed size, hours and days for the Major Events. The Major Events will not change in quantity or in the specific name of the event unless given written permission by the City of Palo Alto. A Major Event is defined as events that bring almost all students and parents to the Castilleja campus.

	Major Event Additional Limitations		Event Names
	Size	Hours and Days	
1.	Special Event up to 700 Guests	Sa: 5:00pm-10:00pm	Back to School Night
2.	Special Event up to 300 Guests	M-F: 5:00pm-10:00pm	Gator Gathering
3.	Special Event up to 500 Guests	M-F: 5:00pm-10:00pm	Founder's Day
4.	Special Event up to 300 Guests	M-F: 8:00am-5:00pm	Opening Day / Tie Ceremony
5.	Special Event up to 700 Guests	M-F: 8:00am-5:00pm	Baccalaureate / Graduation

- **Mitigation Measure 7a** Castilleja School shall implement the proposed enhanced Transportation Demand Management (TDM) plan (Appendix B) to reduce the average daily trips ~~rate per student~~ and maintain a maximum peak hour trip volume. The measures currently listed in the TDM plan are expected to reduce daily traffic by between 12 and 22 percent. Through the ongoing monitoring and reporting described in this measure, Castilleja School and the City will identify the effectiveness of the TDM measures and any need to modify their implementation and/or add new TDM measures sufficient to:
 - maintain a maximum average daily trip count of 1,296 trips ~~rate per student of 2.4 trips~~ starting two years after construction of the Academic building is complete ~~2027~~ and through all subsequent years,
 - maintain a maximum average daily AM Peak Hour trip count of 440 ~~average daily AM Peak Hour~~ trips and ensure that vehicle queues for ~~accessing the below grade garage~~ each drop off location are fully contained within the project site such that no cars are queuing on or blocking the vehicle lane or the bike lane on ~~Bryant Street~~ any adjacent public street.

Castilleja School shall conduct routine traffic monitoring and submit monitoring reports to the City three times per year until the school has reached its maximum enrollment for two consecutive years and has attained the average peak hour and average daily trip ~~rate~~ standards. ~~At~~ After that time, only two monitoring reports per year shall be required. As part of the monitoring, Castilleja shall install traffic counting devices at each project site driveway and submit the raw data along with a data summary and analysis in the monitoring reports. The analysis shall also include reporting of drop-off lane discharge rates, and the average and maximum lengths of ingress and egress queues in the four 15-minute increments prior to the first bell for each grade level (start of the first class session of the day) and the 15-minute increment following ~~that~~ the first bell for the grade level(s) with the latest start time each day.

Student enrollment at Castilleja School shall increase by no more than 27 students in any academic year. In the period between commencement of construction and two years after completion of the Academic building, if the peak hour ~~and daily trip rate~~ standard ~~are is~~ not achieved ~~in a given academic year,~~ ~~no further enrollment increase may occur in the subsequent academic year,~~ and additional TDM measures shall be implemented as follows:

- First report showing an average daily AM peak hour trip count above 440 - add an additional TDM measure
- Second consecutive report showing an average daily AM peak hour trip count above 440 – add a more intensive TDM measure

- Third consecutive report showing an average daily AM peak hour trip count above 440 - reduce enrollment by at least 5 students, or more as determined necessary by the City to ensure attainment of the average daily AM peak hour standard, in the next admission cycle.

In the period between commencement of construction and two years following completion of the Academic building, daily trip counts shall be monitored, and analysis of the average daily trip counts shall be included in the monitoring reports for informational purposes.

Beginning two years following completion of the Academic building, if the peak hour and daily trip standards are not achieved, additional TDM measures shall be implemented as follows:

- 1st report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 - add an additional TDM measure;
- 2nd consecutive report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – add a more intensive TDM measure;
- 3rd consecutive report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 - reduce enrollment by at least 5 students, or more as determined necessary by the City to ensure attainment of the average daily AM peak hour and average daily trip count standards, in next admission cycle;
- 1st and/or 2nd reports in the subsequent year showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – implement more intensive TDM measures; and
- 3rd report in the subsequent year showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – reduce enrollment in the next admission cycle by at least 10% or more as determined necessary by the City to ensure attainment of the average daily AM peak hour and average daily trip count standards.

~~for a second consecutive year, enrollment shall be reduced by at least 10% based on City staff review of the traffic monitoring reports.~~

If the peak hour and daily trip standards are not achieved for a second consecutive year, enrollment shall be reduced by at least 10% based on City staff review of the traffic monitoring reports.

Castilleja School shall conduct active traffic management as identified in the Garage Circulation Plan (Figure 3-12), or subsequent plans approved by the City, during all

drop-off and pick-up periods and during special events with more than 75 guests. This includes having 7 school staff members stationed along the drop-off/pick-up queues to direct vehicle and pedestrian movements into, within, and exiting the garage. Traffic entering or exiting the project site driveways on Bryant Street shall be restricted to right-turns; traffic exiting the parking garage onto Emerson Street shall also be restricted to right turns. Traffic management staff shall direct vehicles to loop around the school if they are approaching a project site driveway where there is a queue that would not permit the vehicle to completely exit the public right-of-way. As part of the traffic monitoring and reporting, Castilleja shall instruct the traffic management staff to report any excessive vehicle queues, safety concerns, or other concerns or recommendations to improve safety and circulation to the administration. These staff reports and Castilleja's response to each shall be summarized in the traffic monitoring reports.

As described in the TDM plan (Appendix B), Castilleja School shall implement some or all of the following measures sufficient to attain the average peak hour and average daily trip rate standards:

1. late afternoon shuttle departures
2. off-site drop-off/pick-up area
3. expanded carpool/trip planning program
4. additional off-site parking
5. parking/carpool incentives program for employees
6. alternative transportation information
7. bike tune-up day and on-site repair stations
8. Guaranteed Ride Home program
9. on-site car or bike sharing program
10. provide transit passes
11. mandatory ridesharing
12. other TDM measures developed by Castilleja in coordination with the City of Palo Alto (City), including the monitoring and enforcement provisions identified in Appendix B.

In addition, Castilleja School shall modify the proposed enhanced TDM plan to include the following:

13. Educate staff, students, and families regarding the importance of an efficient and safe student drop-off operation to prevent excessive queuing in the garage.
14. Provide staff, students, and families with required drop-off/pick-up and parking procedures to include that drop-off and pick-up must occur in the garage unless there are extenuating circumstances, daily parking for parents or other community members attending meetings or other activities onsite shall occur within the garage or on-site surface parking lots, outside of special events;
15. Conduct ongoing monitoring of drop-off lane discharge rates and ingress and egress queues and of average daily trip counts on Bryant Street and Emerson

Street between Embarcadero Road and Churchill Avenue, and Kellogg Avenue between Bryant and Emerson Streets;

16. If vehicle queues are causing spillover into the public right of way on Bryant Street or Kellogg Avenue or the project-generated traffic volumes are substantially increasing the TIRE Index rating for the identified roadway segments, modify the drop-off procedures, allocations of traffic to each drop-off location, and TDM program to include greater staggering of bell schedules or other strategies that would decrease vehicle trips or otherwise spread out the number of peak hour vehicle trips accessing each drop-off location and the traffic volumes on identified roadway segments.
17. Provide bicycle safety education for students, parents, and staff to encourage students and staff to ride bicycles to and from school; and
18. Host school-wide bicycle encouragement events (such as competitions, incentives, and other fun events) to support biking, walking, carpooling, and transit use so that the school community understands that active transportation is a community-held value.



PLANNING & COMMUNITY ENVIRONMENT

CITY OF
**PALO
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February 28, 2018

Mindie Romanowsky
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94026

RE: Castilleja School Compliance with Conditional Use Permit Conditions 25-28

Dear Ms. Romanowsky,

Thank you for your correspondence of August 31 and December 4, 2017 responding to our requests for additional information about Castilleja School's compliance with Conditional Use Permit (CUP) Conditions 25-28 regarding events. As you know, the City has been investigating alleged violations of these conditions of approval and we wanted to communicate the results of our review of the CUP and investigation thus far. This letter also communicates the City's interpretation of relevant conditions of approval and requests that Castilleja take specific actions to bring their events into conformance with these conditions.

First, I have enclosed a Notice of Violation associated with a February 15, 2018 event at Castilleja. When code enforcement staff visited the site on this date intending to ascertain Castilleja's compliance with CUP conditions #25 and 28, there were no traffic monitors present as required. We do not know at this time if this represents a unique occurrence or a recurring violation, but we ask for immediate resolution of this issue as explained in the Notice of Violation.

Second, as we have discussed, the CUP acknowledges and implicitly allows the continuation of two types of events that were occurring at Castilleja at the time the CUP was approved in 2000. Specifically, the CUP allows for 5 *major school functions*, which are those specific events named in Condition 27 "that will bring almost all students and parents to the Castilleja Campus." The CUP also allows for several *other events* "that require groups of from 50 to 100." Examples include "volunteer meetings, student seminar evenings, parent receptions, open houses, parent group meetings, guest speakers, dances, school performances, sports events, science exhibitions, etc." (Condition 28). The CUP does not specify the number of such "other events," but reflects the intent that the number be limited to no more than those existing in the year 2000 and reduced over time.

The CUP imposes the following requirements¹ with respect to these two types of events:

- Major School Functions – Traffic monitors and maximization of off-street parking are required. (Condition 27)
- Other Events – Annual publication and distribution to neighbors and City of a complete list of these events including date, time and number of expected attendees is required. Similar traffic monitoring and parking requirements also apply. (Condition 28)
- For all events, Castilleja shall plan events so they do not occur on consecutive nights or weekends, reduce the number of events over time, and eliminate non-school events. (Conditions 25 and 26)

Based on your correspondence and discussions at our meetings, it appears that Castilleja is in compliance with the limit on five “major school functions” and has eliminated non-school events on campus. We also understand that Castilleja has established internal procedures to plan events so as to avoid consecutive nights and weekends up to a point, and Castilleja has provided the City with an annual list of events for academic years 2016-2017 and 2017-2018 as called for in Condition 28. This data shows that Castilleja has reduced the number of large events (for over 100 people) by four events in the last year period. The City is still reviewing Castilleja’s February 22nd response to a recent inquiry from nearby residents that the City conveyed to Castilleja about events that occurred, according to residents, but did not appear on the 2017-2018 list or on Castilleja’s web page.

More importantly, the City does not agree with Castilleja that the CUP allows an unlimited number of events of over 100 people, so long as attendance is short of a “major school function.” We do not believe this is a reasonable interpretation of the CUP conditions. While the CUP does not expressly acknowledge or even refer to events of a size that is larger than 100 attendees and less than a major school function, it is our view that the absence of reference to these events in the CUP reflects the Council’s intent not to allow events substantially larger than a range of 50-100 attendees, which were not occurring to the Council’s knowledge at the time that the CUP was approved.

The City, however, acknowledges that there may be some ambiguity in the conditions, and therefore, does not intend to find Castilleja in violation of the CUP for its past conduct in relation to events of over 100 people or require immediate cessation of such events. We are however requesting that Castilleja take the following actions to address compliance on a going forward basis:

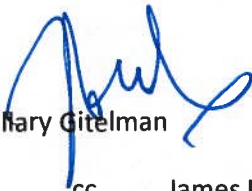
1. Amend the pending application for a new CUP to explicitly define the number and size of any events Castilleja is proposing to conduct on an annual basis in addition to the five major school functions identified in Condition 27. This will allow the City to understand and evaluate Castilleja’s wishes and ultimately to craft more detailed and comprehensive conditions of approval.

¹ This is a summary only. Please refer to the CUP for the full text of conditions 25, 26, 27, and 28.

2. Continue to reduce the number of events involving over 100 people (other than "major school functions") each school year. Based on our review of the data submitted, we believe there were approximately four fewer such events in 2017-2018 than in the prior year and request similar reductions in future years.
3. Ensure that events of over 100 people (including "major school functions") in 2018-2019 and later years are scheduled so as not to occur on consecutive nights and weekends.
4. Provide a complete list of events to the City and neighborhood residents, as required by Condition 28, and if on occasion events are added after the annual list is published, disseminate an updated list to the City and neighborhood residents immediately.

Please provide confirmation within the next 30 days that Castilleja will be complying with these remedial actions and let us know if you have any questions regarding this request or the issues discussed in this letter. We await a separate and immediate response to the enclosed Notice of Violation. We will continue to review compliance with related conditions on an ongoing basis, and investigate complaints we receive.

Sincerely,



Hillary Gitelman

cc. James Keene, City Manager
Molly Stump, City Attorney
James Stephens/File

Enclosure



CITY OF
**PALO
ALTO**

PLANNING & COMMUNITY ENVIRONMENT

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

NOTICE OF VIOLATION

Pursuant to Palo Alto Municipal Code Section 1.12.030

February 28, 2018

Nanci Kauffmann, Head of School
Castilleja School
c/o Mindie Romanowsky
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA

SUBJECT PROPERTY: Castilleja School

APN: 197-07-015

RE: Municipal code violations at Subject Property

Ms. Kauffman,

The City of Palo Alto's Code Enforcement Division received a complaint regarding use of the subject property for events in violation of conditions of Conditional Use Permit (CUP) 00-CUP-23, approved on November 2, 2000. A code enforcement officer conducted an inspection on February 15, 2018 from approximately 5:45 to 6:15 PM and found that traffic monitors were not present for the event scheduled that evening as required by CUP conditions 25 and 28. The officer observed more than 50 people present at the event.

As the entity occupying the Subject Property, you are hereby notified that a Palo Alto Code Enforcement Officer, pursuant to the authority in Section 1.12.030 of the Palo Alto Municipal Code ("PAMC"), has determined that the absence of traffic monitors during a scheduled event at the Subject Property is a violation of the following provisions:

- Sections 18.01.030 and 18.01.080 **Compliance with Zoning Regulations Required:** No person shall use land in violation of any provision of Title 18 (Zoning) of the PAMC.
- Section 18.12.030 **Land Uses; Permitted and Conditional R-1 Residential Uses:** Private Educational Facilities are permitted within the single family residential district with the issuance of, and in compliance with, a Conditional Use Permit.

You are hereby notified to correct the deficiency witnessed at the February 15, 2018 event and provide traffic monitors for all events of over 50 people, using the traffic monitors to direct as much traffic as possible onto the school site, using assisted tandem parking, allowing students to use 411 lots after hours (as opposed to just the student lots), using the day-time loading zones for parking, and utilizing all resources to minimize impact to street parking.

This notice is not a citation. However, failure to comply as described above may result in an administrative citation and/or a notice to appear at a predetermined time and place in Palo Alto City Hall to object to any and all of the following:

- 1) the determination that a violation has occurred;
- 2) that a violation continues to exist;
- 3) that you are not responsible for the violation.

The administrative penalty for the listed violations may be imposed on a daily basis in the following amounts:

PAMC Section and Title	Penalty Amount
18.01.080 <u>Violation of Zoning Laws</u> 18.12.030 Noncompliance with site's CUP required in the applicable zoning district	1. Listed Penalty: \$500 2. 2 nd Violation w/in 36 months: \$750 3. 3 rd & subsequent violations w/in 36 months: \$1,000

For questions or concerns regarding the abatement of the above-mentioned violations please contact: James.Stephens@CityofPaloAlto.org

Sincerely,



James Stephens
(650) 329-2428