

From: Salem Ajluni
To: Aram James; Planning Commission; Human Relations Commission; Council, City; Joe Simitian; Winter Dellenbach; Sajid Khan; Jeff Rosen; Lewis. james; Jay Boyarsky; Alison Cormack; supervisor.ellenberg@bos.sccgov.org; supervisor.lee@bos.sccgov.org; Cindy Chavez; Binder, Andrew; Shikada, Ed; Josh Becker; melissa.caswell; Jack Ajluni; citycouncil@mountainview.gov; city.council@menlopark.org
Subject: Re: Israel Admits It Might Have Killed Journalist, Attacks Her Funeral
Date: Sunday, May 15, 2022 8:25:42 PM

Some people who received this message don't often get email from ajluni@hotmail.com. [Learn why this is important](#)

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

Thanks for your consistent and principled support for Palestinian self-determination and justice in Palestine/Israel, Aram.

Salem

From: Aram James <abjpd1@gmail.com>
Sent: Sunday, May 15, 2022 7:07 PM
To: Planning.Commission@cityofpaloalto.org <Planning.Commission@cityofpaloalto.org>; Human Relations Commission <hrc@cityofpaloalto.org>; City Council <city.council@cityofpaloalto.org>; Joe Simitian <joe.simitian@bos.sccgov.org>; Winter Dellenbach <wintergery@earthlink.net>; Sajid Khan <sajid@votesajid.com>; Jeff Rosen <JRosen@dao.sccgov.org>; Lewis. james <alphonse9947@gmail.com>; Jay Boyarsky <jboyarsky@dao.sccgov.org>; Alison Cormack <alisonlcormack@gmail.com>; supervisor.ellenberg@bos.sccgov.org <supervisor.ellenberg@bos.sccgov.org>; supervisor.lee@bos.sccgov.org <supervisor.lee@bos.sccgov.org>; Cindy Chavez <cindy.chavez@bos.sccgov.org>; Andrew Binder <andrew.binder@cityofpaloalto.org>; Ed Shikada <ed.shikada@cityofpaloalto.org>; Josh Becker <becker.josh@gmail.com>; melissa.caswell <mbcaswell@yahoo.com>; Salem Ajluni <ajluni@hotmail.com>; Jack Ajluni <jaxpolo@gmail.com>; citycouncil@mountainview.gov <citycouncil@mountainview.gov>; city.council@menlopark.org <city.council@menlopark.org>
Subject: Israel Admits It Might Have Killed Journalist, Attacks Her Funeral

FYI:

The vile vile state of Israel caught again in their persistent effort to commit wholesale genocide on the Palestinian people. Long live the Palestinian people. aram

<https://theintercept.com/2022/05/13/israeli-police-attack-funeral-journalist-israels-army-admits-might-killed/>

Sent from my iPhone

From: [Aram James](#)
To: [Planning Commission](#); [Human Relations Commission](#); [Council, City](#); [Joe Simitian](#); [Winter Dellenbach](#); [Sajid Khan](#); [Jeff Rosen](#); [Lewis. james](#); [Jay Boyarsky](#); [Alison Cormack](#); [supervisor.ellenberg@bos.sccgov.org](#); [supervisor.lee@bos.sccgov.org](#); [Cindy Chavez](#); [Binder, Andrew](#); [Shikada, Ed](#); [Josh Becker](#); [melissa caswell](#); [Salem Ajluni](#); [Jack Ajluni](#); [citycouncil@mountainview.gov](#); [city.council@menlopark.org](#)
Subject: Israel Admits It Might Have Killed Journalist, Attacks Her Funeral
Date: Sunday, May 15, 2022 7:07:33 PM

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FYI:

The vile vile state of Israel caught again in their persistent effort to commit wholesale genocide on the Palestinian people. Long live the Palestinian people. aram

<https://theintercept.com/2022/05/13/israeli-police-attack-funeral-journalist-israels-army-admits-might-killed/>

Sent from my iPhone

From: [Wong, Tim](#)
To: [Rob Nielsen](#); [PAHousingElement](#); [Planning Commission](#); [HeUpdate](#); [Lait, Jonathan](#); [Mathew@siliconvalleyathome.org](#); [HousingElements@hcd.ca.gov](#)
Subject: RE: Housing element groundtruthing: Cal Ave lower-income; updates to Middlefield south of Oregon
Date: Monday, May 16, 2022 8:39:35 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi Rob,

Thank you for email and your continued review of the City's HE sites. We will certainly review and get back to you if there are any questions.

Have a good week.

Thanks.

Tim



Tim Wong

Senior Planner

Planning and Development Services

(650) 329-2493 | tim.wong@cityofpaloalto.org

www.cityofpaloalto.org



Service Feedback

From: Rob Nielsen <crobertn@yahoo.com>
Sent: Friday, May 13, 2022 2:22 PM
To: [PAHousingElement](#) <pahousingelement@googlegroups.com>; [Planning Commission](#) <Planning.Commission@cityofpaloalto.org>; [HeUpdate](#) <HeUpdate@CityofPaloAlto.org>; [Lait, Jonathan](#) <Jonathan.Lait@CityofPaloAlto.org>; [Wong, Tim](#) <Tim.Wong@CityofPaloAlto.org>; [Mathew@siliconvalleyathome.org](#); [HousingElements@hcd.ca.gov](#)
Subject: Housing element groundtruthing: Cal Ave lower-income; updates to Middlefield south of Oregon

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Here are two groundtruthing reports on the Palo Alto housing element: 1) lower-income sites in the greater California Ave area and 2) two additions and updates to my previous report of April 20, 2022, on Middlefield Road south of Oregon

Expressway.

Thank you for your time and attention.

Best regards,
Rob Nielsen

Housing element groundtruthing: Middlefield Road south of Oregon

May 13, 2022

Dear Palo Alto City Council, Palo Alto Planning and Transportation Committee, Palo Alto Housing Element Working Group, and City Staff:


Scott O’Neil and I recently toured proposed sites in the California Ave area and nearby areas of College Terrace. We also added a few nearby sites covered by the Caltrain station strategy. In this report, we cover the 10 lower-income sites in this area. Other items will follow shortly in a second report.

#	Address	APN	Strategy	Acres	Zoning	Units
1	2673 EL CAMINO REAL	13236077	Caltrain Station	0.64	CN	20
2	2400 EL CAMINO REAL	14220012	Caltrain Station	0.75	CS (AS1)	24
3	2310 EL CAMINO REAL	13701129	Caltrain Station	0.76	CN	24
4	448–450 Sherman Ave	12433007	City Parking Lots	1.00	PF	40
5	391 Cambridge Ave	12432055	City Parking Lots	0.56	PF(R)	22
6	451–475 Cambridge Ave	12432050	Caltrain Station	0.65	PF(R)	20
7	156 N CALIFORNIA AV	12428045	Caltrain Station	1.14	CC (2)(R)(P)	45
8	150 GRANT AV	12429020	Caltrain Station	0.60	CC (2)(R)	23
9	3197 PARK BL	13226076	Caltrain Station	0.59	GM	18
10	PARK BL	13232043	Caltrain Station	1.38	RM-30	44

Total units = 280

We note that all of the seven privately owned sites are nonvacant sites (includes the parking lots) as defined by the HCD¹ and would therefore require substantial evidence for discontinuance of current use as explained in Robert Chun’s letter of February 22, 2022. We note further that the maximum densities are between 40 and 50 du/ac at all sites we cover here—far short of the feasible densities discussed in Robert Chun’s letter of April 21, 2022.

- 1. 2673 El Camino Real, APN 132-36-077, 20 units**
- 2. 2400 El Camino Real, APN 142-20-012, 24 units**
- 3. 2310 El Camino Real, APN 137-01-129, 24 units**




		
2673 El Camino Real	2400 El Camino Real / 550 California Ave	2310 / 2390 El Camino Real

¹ https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf, p. 24

We have no particular issues to point out except for 2400 El Camino Real, a Wells Fargo Bank that uses the address 505 California. This is one of two Wells Fargo branches (the other one is at 2754 Middlefield Rd) that have been identified for lower income housing and for which substantial evidence must be provided for discontinuance of current use. The working group may be over-optimistic that they can receive such evidence for both locations.

One benefit to point out is that all three sites are within a three-minute walk of a high-frequency VTA stop on El Camino, either at California or Page Mill. The 522/22 bus routes currently serve these stops eight times per hour during daytime on weekdays. As sites identified under the Caltrain station strategy, they are also close to rail service at 10–11 minutes by foot (3 minutes by bicycle).

- 4. APN 124-33-007 (448–450 Sherman Ave, Lot 8), 40 units
- 5. APN 124-32-055 (391 Cambridge Ave, Lot 4), 22 units
- 6. APN 124-32-050 (451–475 Cambridge Ave, Lot 5), 20 units

		
448–450 Sherman	391 Cambridge	457–475 Cambridge

The first two sites in this set are part of the city-owned parking lots strategy of 168 units. The third one has been added as part of the Caltrain strategy. It differs from the six sites in the parking lot strategy in that it is not a surface parking lot, but rather a two-story parking structure. It was also not included in the presentation made to the working group at their September 2021 meeting as that study only considered surface parking lots.

We have several recommendations on this third item. Our first is to present this site as part of the city-owned parking lots strategy, using the same 50 du/ac density, or 24 units. If decision-makers are being asked to vote on a strategy, they need to get what they are voting on: 192 units, not 168. Our second recommendation is to replace it with a surface parking lot of similar acreage. This would enhance feasibility by avoiding the cost of tearing-down a structure built strong enough to support heavy cars.

7. 156 California Ave, APN 124-28-045, 45 units



Molly Stone’s Markets has served the community from this site for several decades, using the address of 164 California Av. It was preceded by another grocery store, the Co-op, since at least the 1940s. Nearby grocery stores include Country Sun at 440 California Ave (0.3 mi.), Real Produce at 501 Oxford (0.5 mi.), Trader Joe’s at Town & Country (1.2 mi. by foot or bike, 1.6 mi. by car), and Safeway at 2811 Middlefield Rd (1.1 mi. by foot, 1.6 mi. by car).

Given this history, the substantial evidence of discontinued use may not be forthcoming. That said, with only a two-minute walk to Caltrain, the site is a good one for transit-oriented development.

**8. 150 Grant Ave, APN 124-29-020, 23 lower-income units
2501 Park Blvd, APN 124-29-012, 4 market-rate units**



150 Grant Ave (left) and 123 Sherman Ave (right)



2501 Park Blvd (right) and 123 Sherman Ave (left)

This desirable site is a mere three- to four-minute walk from Caltrain and large enough to support lower-income housing. Unfortunately, the owner has proposed a project to combine the two sites above with a third one at 123 Sherman Ave. (APN 124-29-013, not in site inventory) and build offices under the existing commercial zoning.²

Regrettably, the above two sites will have to be removed from the site inventory if this project proceeds. Either way, the owner's intent to develop the site into commercial offices suggests that—absent other information—the site is ineligible for inclusion in the housing element.

² <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/123-Sherman-Avenue-21PLN-00172>

9. 3197 PARK Blvd, APN 132-26-076, 18 units



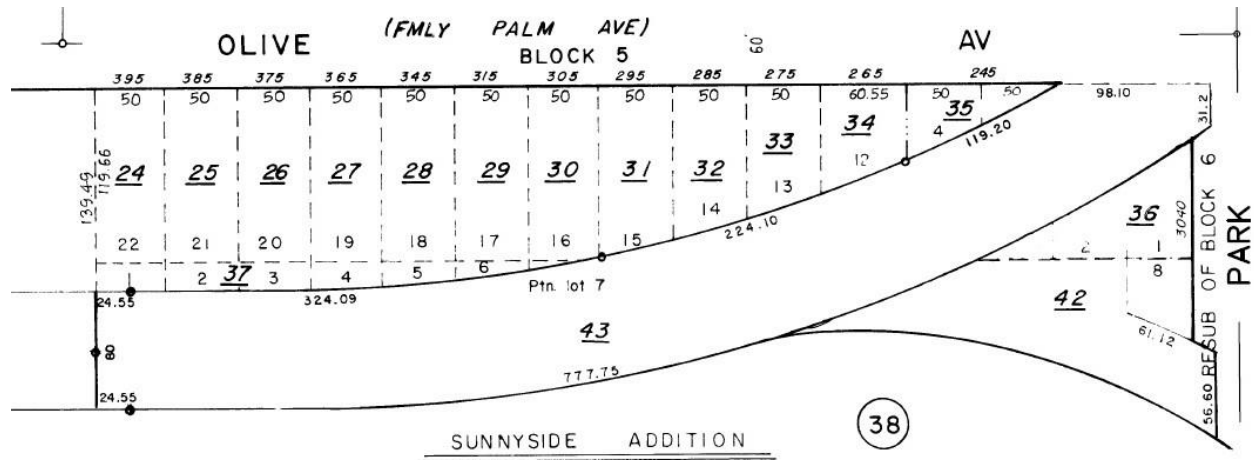
Our only issue with this site is that it was part of a seven-parcel commercial development proposal (“3045 Park Blvd”) from 2021.³ Although this project has been inactive since a city council pre-screening in March of that year, this proposal indicates the owner’s preference for continuing its commercial use rather than to change to residential. If the City intends to include this site in the inventory, it needs to reach out to the owner and confirm their interest and intent to redevelop the site with housing.

This is a common constraint that needs to be addressed in the policies and programs section of the housing element.

³ <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/3045-Park-Blvd-20PLN-00215>

- 10. APN 132-32-043, 44 lower-income units (1.38 acres)
- 3040 Park Blvd, 132-32-036, 5 market-rate units (0.17 acres)
- APN 132-32-042, 8 moderate-income units (0.28 acres)

These three parcels lie between the single family homes on Olive Avenue and the main buildings comprising the large “Fry’s site” (APN 132-38-071, 12.38 acres). Their configuration is shown here in this excerpt from the county’s parcel map (see lots 43, 36, and 42 at the bottom).⁴



The three lots consist of parking space, a commercial gym, and more parking space as shown in these photos.



Interior view of 132-32-043 with Olive Avenue homes on the left

⁴ <https://www.sccassessor.org/apps/ShowMapBook.aspx?apn=13232043>



The first problem we see here is double-counting. Specifically, the list of pipeline projects in the site inventory includes 91 units for a project at 200 Portage Ave.⁵ The area identified for this project covers virtually all of APN 132-32-042 and 3040 Park Blvd and around one-third of APN 132-32-043. To remedy this double-counting, we suggest that APN 132-32-042 and 3040 Park Blvd be removed from the site inventory.

A second problem is the odd shape and location of APN 132-32-043, which owes to it having once served as a railroad right-of-way, removed in 1964, for the former cannery at 340 Portage.⁶ Placing housing here at the assumed density could well result in multi-story housing looming above the wall that separates Olive Avenue from the Fry’s site. Treating this site in combination APN 132-38-071, which is nearly nine times the size and has the same owner, would provide the flexibility to avoid this situation while still building at the assumed density overall. We therefore suggest that the remaining part of this parcel be treated the same as its larger neighbor. This could mean including both, or excluding both, from the inventory.

Thirdly, we note that this is not the only double-counting in this area. The nearby pipeline project by Charities Housing at 3001–3017 El Camino Real (to be covered in a forthcoming report) includes 129 units of housing, almost all lower-income, for the three parcels on El Camino Real Palo between Olive Ave and Acacia Ave⁷ This includes APN 132-38-072, at the corner of Acacia, which is included as an upzone strategy site with 35 lower-income units. This parcel should be removed from the site inventory.

⁵ <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/200-Portage-Avenue>

⁶ <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/historic-resources-board/2019/id-10499-hre-cannery.pdf>

⁷ <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/30013017-El-Camino-Real>

May 13, 2022

Dear Palo Alto City Council, Palo Alto Planning and Transportation Committee, Palo Alto Housing Element Working Group, and City Staff:

As an addendum to my report of April 20, 2022, “Housing element groundtruthing: Middlefield Road south of Oregon,” I am including one site that I overlooked and an update on another site.

720 San Antonio Rd, APN 147-05-087, 43 lower-income units



This site is located about one block east of Middlefield on San Antonio Road. It is a fifth grocery store in the inventory (along with Piazza’s, Safeway, Molly Stone’s, and Country Sun). The “specialty” in its name generally refers to certain regional cuisines—mainly Russian, German, and Mediterranean/Middle Eastern—not readily found elsewhere, although some alternatives do exist depending on the region. It also offers a variety of general produce, dairy products, etc. Nearest grocers are Piazza’s (0.5 mi. by foot, 0.8 mi. by car) and Costco (dues-paying members only; 0.7 mi. by foot, bike, or car).

The store has been under new ownership since last autumn and was remodeled at that time. We therefore think it is unlikely that substantial evidence will be forthcoming for discontinuance of current use during the eight-year planning period. Outside of this and our caveat about density and the feasibility of lower-income housing (see Robert Chun’s letter of April 21, 2022, on realistic development capacity), we find no other issues with this site.

2801 Middlefield Road, APN 127-34-052, 4 moderate-rate units

This site, which also uses the 2799 Middlefield Road address, is undergoing a change in use: from a mortgage lender to a day-care center.¹ If this proposed change in use occurs, a second change within the eight-year planning period would become less likely. We think it will eventually have to be removed from the inventory.



Proposed project at 2799 Middlefield Road

¹ <https://aca-prod.accela.com/paloalto/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=21PLN&capID2=00000&capID3=00345>

From: [Robin](#)
To: [Council, City; rebecca; Human Relations Commission; Planning Commission; Angie, Palo Alto Renters Association; Carol Lamont; Roberta Ahlquist](#)
Subject: Re: Castilleja's Expansion--say NO
Date: Monday, May 16, 2022 10:47:33 PM

You don't often get email from twoloyal@yahoo.com. [Learn why this is important](#)

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TOTALLY AGREE -

On Monday, May 16, 2022, 06:09:25 PM PDT, Roberta Ahlquist <roberta.ahlquist@sjsu.edu> wrote:

We OPPOSED ANY EXPANSION of this school. which doesn't benefit the people of Palo Alt in any social justice manner. SAY NO TO ANY EXPANSION!

Sincerely,
Roberta Ahlquist
Walter Bliss

From: [Aram James](#)
To: [Sue Dremann](#); [Gennady Shevner](#); [Bill Johnson](#); [vramirez@redwoodcity.org](#); [Tanaka, Greg](#); [Lumi Gardner](#); [darylsavage@gmail.com](#); [Anna Griffin](#); [mike.wasserman@bos.sccgov.org](#); [Stump, Molly](#); [Shikada, Ed](#); [Portillo, Rumi](#); [chuck jagoda](#); [Planning Commission](#); [ParkRec Commission](#); [citycouncil@mountainview.gov](#)
Subject: 2 sheriff's candidates say they'd stop using dogs to hunt down suspects
Date: Tuesday, May 17, 2022 7:00:29 PM

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

2 sheriff's candidates say they'd stop using dogs to hunt down suspects

May 16, 2022 11:14 pm

Correction: A statement attributed to Palo Alto Police Chief Robert Jonsen about the Wayne Benitez case in an earlier version of this story was incorrect. It has been removed.

BY BRADEN CARTWRIGHT

Daily Post Staff Writer

In a debate for Santa Clara County Sheriff, Sgt. Sean Allen and retired Capt. Kevin Jensen squared off over who has done more in their career to hold leaders of the jail accountable, while Palo Alto police Chief Bob Jonsen positioned himself as the outsider in the race.

The three candidates are running to replace Sheriff Laurie Smith, who is retiring amid allegations of bribery and mismanaging the jail.

All of the candidates say they want to bring more transparency and accountability to the sheriff's office, reforming a culture of corruption that is deeply entrenched. But their approaches and backgrounds diverge.

Jonsen, 59, said he's the only one who is working right now, and he has leadership experience at three agencies of different sizes and approaches. The Los Angeles County Sheriff's Office is large, Menlo Park Police is small and Palo Alto Police is progressive, he said.

Jonsen said Tasers are more trouble than they're worth, and he would prefer hands-on force. He also said Palo Alto's two police dogs are nearing retirement, and he wants to look at moving on from them in Santa Clara County.

"For the amount of time we use them (it's) maybe not the greatest use of resources," he said.

Jonsen said he would rather use dogs for therapy than apprehension.

Allen is on medical leave from his job at the jail, and Jensen retired in 2014. Both of them have spent their entire careers with the sheriff's office and say they have been fighting the good fight.

Jensen, 58, said he retired because his father had cancer. He took a balanced approach to questions, often saying he would consult experts before making a decision. He touted his experience and leadership, which includes teaching classes on ethics and management.

Allen, 51, has the unique experience of being arrested at age 19. The charges were dropped. He was incarcerated at the same jail where he has spent his 32-year career. He also sued the sheriff's in 2014 for discrimination and harassment along with two other officers, and they were given an \$800,000 settlement.

Allen said he would make a lot of changes at the sheriff's office. He said he would unencrypt police radios, stop using police dogs and arrest supervisors who scrap internal investigations.

Allen, who is black, said he would bring diversity to a position that is dominated by white males.

The Silicon Valley chapter of the NAACP and other social justice-minded organizations hosted the debate on Thursday. Another candidate, jail Sgt. Christine Nagaye, wasn't there.

Ballots have been mailed, and the election is on June 7. If nobody gets more than half of the vote, then the top two candidates will face off in November.

Here's an edited version of how the candidates answered some of the questions.

Would you continue the sheriff's policy of not arming 1,400 deputies with Tasers?

Jensen: I've heard different views. Tasers can be used instead of a gun, but they may also be used too often. I would sit down with experts and community leaders to decide.

Jensen: I'm not really sure they're worth it. We have other options to de-escalate, like hands-on force.

Allen: Tasers can cause falls, and then people might injure their head on the ground. Hands-on force is better, and it works. Officers in the jail don't have batons or guns; they only carry pepper spray.

How would you require officers to intervene when they witness police misconduct or brutality?

Jensen: In the wake of George Floyd's murder, I created a policy in Palo Alto that gave officers the duty to intervene.

Allen: I wouldn't just hold witnesses accountable. I would also charge supervisors who create a bad culture and don't process Internal Affairs complaints.

Jensen: I would give ethics training to officers routinely, not just when they're in the academy. A good culture and training are both key.

Do you favor the Board of Supervisors decision to build a 500-bed maximum-security jail?

Jensen: I didn't, but it's already been decided. So we need to create a jail that is good for mental health. Let's be creative with the design.

Allen: We need space for people with mental health issues, and a jail is not the answer. We should spend money on more treatment and outreach to homeless people.

Jensen: I support a new jail, because we need a place to keep predators. The current jail has feces falling from the ceiling and dark corners where people can't be seen. Gang beatings are frequent.

Would you end radio encryption so police activity can be monitored again?

Jensen: It's a complex and difficult question that we've been dealing with in Palo Alto. If you unencrypt on day one, then you're putting agencies that share frequencies at risk of broadcasting personal information.

Allen: The idea of encryption is ridiculous to me, and I disagree that it's a difficult move to unencrypt. We had unencrypted radios for years before, and officers can be trained on how to properly communicate personal information. This is about a lack of transparency.

Jensen: I worry that returning to two radio channels would slow officers' response times when they have to switch over, and victims could be further victimized by a delay.

Would you ban police dogs except for search and rescue missions?

Allen: Using a dog to apprehend someone is almost always a bad idea. As we've seen in Palo Alto, they could bite someone who is lying down and unaggressive.

Jensen: Instead of apprehension dogs, we should move to therapy dogs.

Jensen: I would be open to the discussion, but I hope everyone comes with a fresh perspective.



PREVIOUS

[Would-be robbers try to steal ring off of elderly woman's hand](#)

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Name

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From: [marni barnes](#)
To: [Council, City](#); [Human Relations Commission](#); [Planning Commission](#); [Angie, Palo Alto Renters Association](#)
Subject: NEVER TO Castilleja's Expansion plans
Date: Wednesday, May 18, 2022 10:36:59 AM

Some people who received this message don't often get email from purplebeachcow@gmail.com.
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CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

I am OPPOSED TO ANY EXPANSION of this school.
Castilleja's actions have proven them to be self interested liars and lawbreakers.

We grew up in Palo Alto, went through the PAUSD system and never did our paths cross with anyone from Castilleja.
They have not contributed to the city or the citizens of Palo Alto what so ever.

It is time for this city to stand for social justice, and not pander to elites.

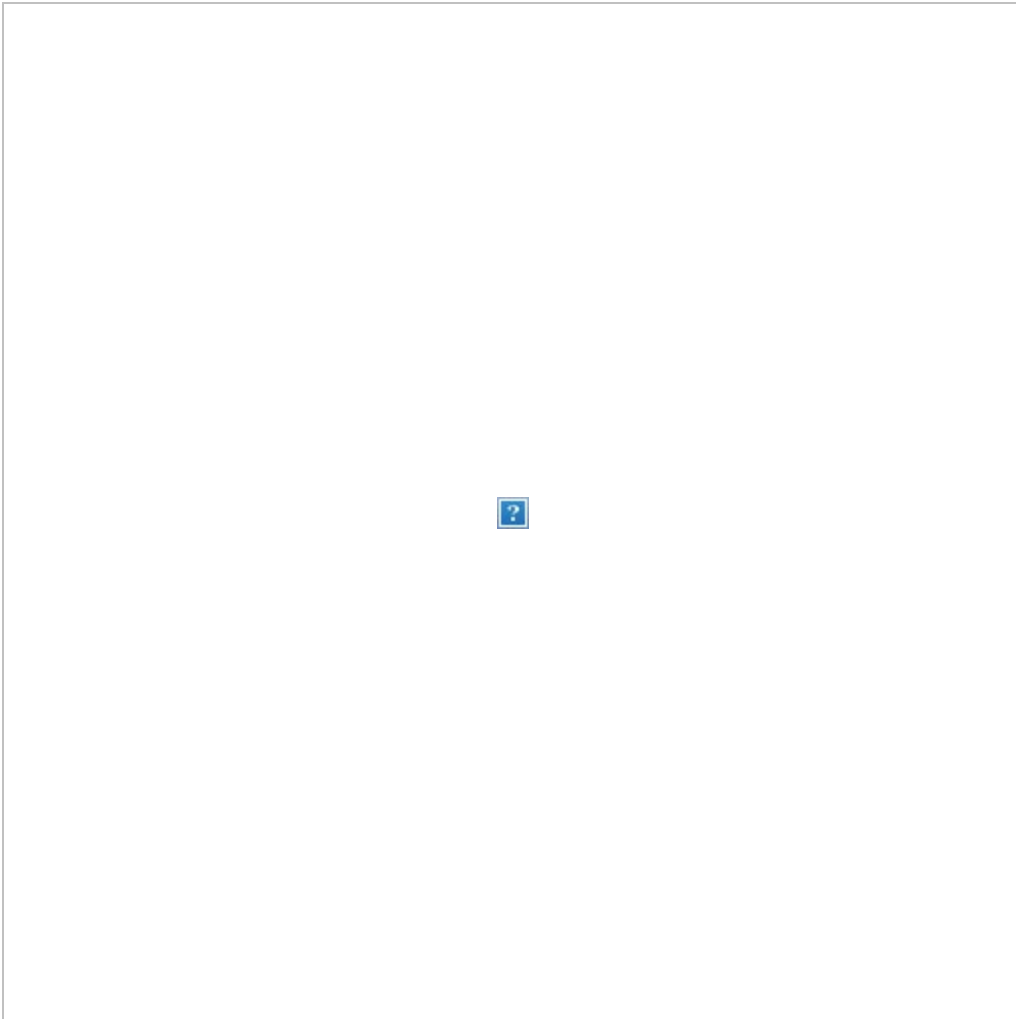
SAY NO TO ANY EXPANSION!

Sincerely,
Marni and Cecil Barnes

From: [Aram James](#)
To: [Planning Commission](#); [Human Relations Commission](#); [Jay Boyarsky](#); [Sean Allen](#); [Salem Ailuni](#); [chuck jagoda](#); [citycouncil@mountainview.gov](#); [city.council@menlopark.org](#); [Winter Dellenbach](#); [Greer Stone](#); [Alison Cormack](#); [Pat Burt](#); [DuBois, Tom](#); [ParkRec Commission](#); [Tanner, Rachael](#); [Vara Ramakrishnan](#); [supervisor.ellenberg@bos.sccgov.org](#); [Joe Simitian](#); [Council, City](#); [Binder, Andrew](#); [Shikada, Ed](#); [Jonsen, Robert](#)
Subject: The Tzedek Report: IJV's May 2022 newsletter
Date: Wednesday, May 18, 2022 4:39:01 PM

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FYI:



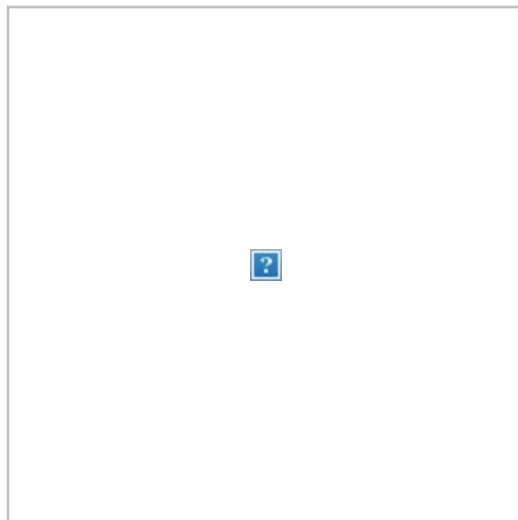
Dear Aram,

My name's Rowan Gaudet, and I'll be filling in as IJV's Communications and Media Lead for the summer while Aaron is on parental leave. You might recognize me from when I worked for IJV last summer, or from my work with the Montreal chapter, but either way I'm happy to be back with IJV after finishing the first year of my master's degree in Italy. With that said, please read on

to find out what IJV's been up to for the past month, and hear about some exciting upcoming events.

In this email:

- 1. The Online Chavurah's Shavuot event**
- 2. Ruling rejects "Product of Israel" label on settlement wines**
- 3. Upcoming International Jewish Collective for Justice in Palestine webinar**
- 4. Together Against Apartheid**
- 5. Masafer Yatta**
- 6. What's in your headphones?**
- 7. What's on your bookshelf?**



1. The Online Chavurah's Shavuot event

IJV's Online Chavurah will be hosting a special Shavuot Torah Study Session on **Wednesday, June 1st at 6pm ET**. No prior Torah knowledge is required!

The word "Shavuot" means "weeks" and the holiday celebrates the completion of the seven-week counting of the Omer between Passover and Shavuot. It was

originally a harvest festival, but following the destruction of the Second Temple, it became a celebration of the giving of the Torah, thus why Jews study it on this night.

In order to attend, please [register](#) in advance.

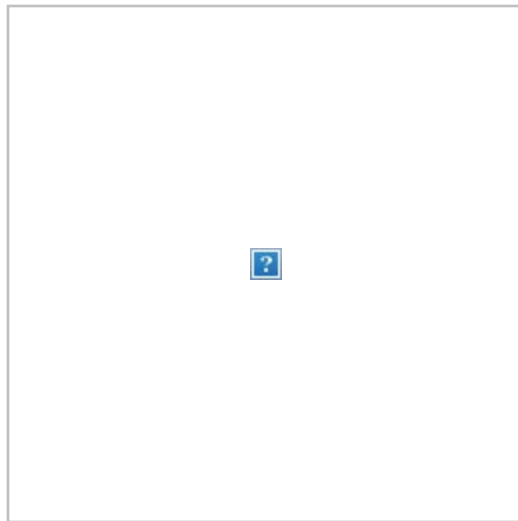
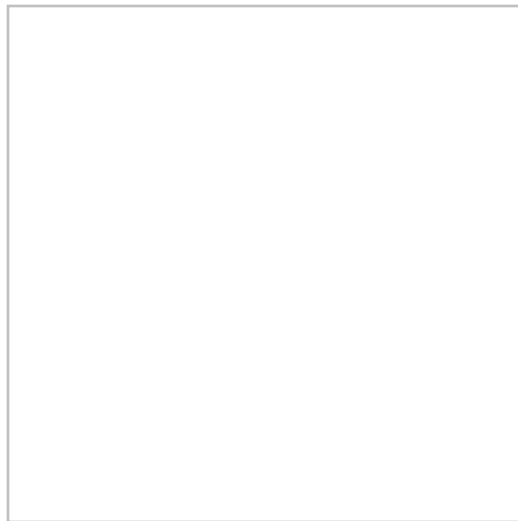
[Register for Shavuot](#)

2. Ruling rejects "Product of Israel" label on settlement wines

Last Friday, we received word that a ruling had been released on the legal case brought by IJV member David Kattenburg. The case relates to Israeli wines made in illegal West Bank settlements being labelled "Product of Israel." In an important win for our movement, the Canadian Food Inspection Agency agreed that such labels were "false."

It remains to be seen how this will be enforced, but for the time being we have reason to celebrate this important step towards clearly marking products from illegal settlements. The next step, of course, is to ban the sale of such products in Canada.

[Read our press release](#)

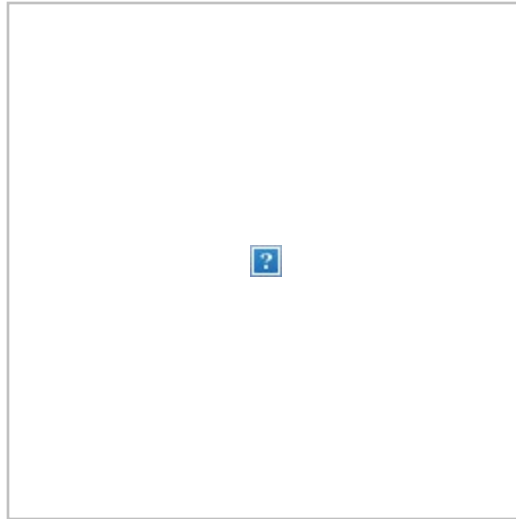


3. Upcoming International Jewish Collective for Justice in Palestine webinar

The International Jewish Collective for Justice in Palestine, a newly formed collective of Jewish individuals and organizations from fifteen different countries across the globe engaging in Palestine solidarity, will be hosting its first webinar **Sunday May 22nd at 4:00pm ET**. There'll be presentations from various countries on what Jewish organizing looks like in their contexts, and lessons and strategies we can learn

from each other. IJV is a proud member of this collective, and I'll be representing us there. I hope you can join us!

Register for the webinar



4. Together Against Apartheid

Our Together Against Apartheid pledge has continued to garner signatures, and recently the whole Québec Solidaire caucus has added their names to the over 3000 people who have also signed. This is amazing, and we want to keep building. If you haven't already, please sign now!

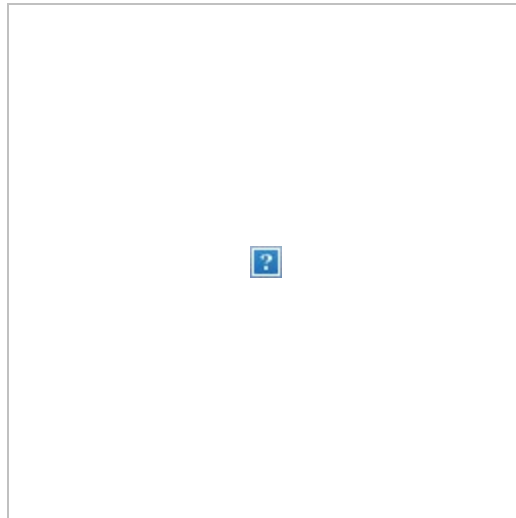
And while you're at it, check out our great resource page about [**life under apartheid**](#), in order to get a clearer understanding of what Palestinians face on a daily basis.

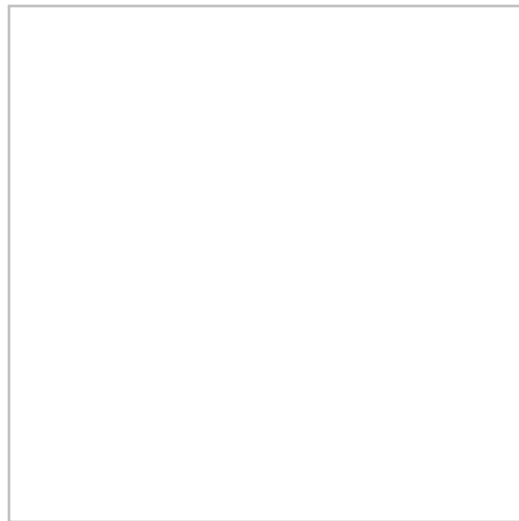
Add your name to the pledge

5. Masafer Yatta

As you might have heard, the Israeli High Court of Justice recently gave the green light to forcibly remove the Palestinians living in the area of Masafer Yatta in the south Hebron hills. If carried out, this order could have a devastating impact on over 1000 and possibly up to 2800 Palestinians living in the area. We'll be keeping track of how things unfold over the next several months, and sharing information and actions you can take as they come up. For now, please take the time to visit this Masafer Yatta [resource page](#) run by the Palestinian organization Stop The Wall to keep informed on the situation, and for actions you can take.

**Check out Stop The Wall's
resource page**





6. What's in your headphones?

This month's music recommendation is the Berlin-based up-and-coming Palestinian musician Rasha Nahas, who came out with her first album last year. Her music blends early rock styles and jazz, and makes for a smooth but always surprising listen. Her first album *Desert* came out last year, and her recent song release *Ya Binti* is part of an upcoming Arabic-language album, which I'm anxiously awaiting!

[Check out Rasha Nahas' website](#)

7. What's on your bookshelf?

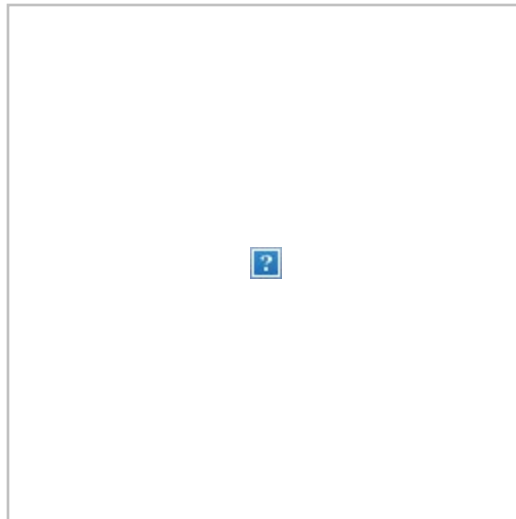
And finally, our monthly book recommendation! If you want to recommend a book you're reading, get in touch at rowan@ijvcanada.org.

This month's recommendation comes from IJV's summer intern, Kevin Keystone, who is reading *Palestine +100: Stories From a*

Century After the Nakba, edited by
Basma Ghalayini.

Palestine +100 imagines
Israel/Palestine in the year 2048.
By an all-star cast of authors, the
volume covers a range of hope,
dystopia and science fiction: from
parallel-universe peace treaties to
time-bending VR, digital uprisings
and even a Palestinian superhero.
Thought to be the first ever
collection of Palestinian sci-fi, the
book offers “a liberating way to
explore current problems,” says
contributor Saleem Haddad, “what
might have been”—and what yet
could be.

[Click here to order your
copy from the publisher](#)



And that's it for now! Thank you for reading this far, and I hope you enjoyed this newsletter. If you support the crucial work of IJV, please consider [making a donation](#). Every dollar you donate helps us scale up our work and grow the pro-justice, anti-apartheid movement in Canada.

In solidarity,



Rowan Gaudet,
IJV Communications and Media Lead
rowan@ijvcanada.org

Donate to IJV or become a member!

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Toronto, ON M4M 1B0
Canada

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From: [Christina Gwin](#)
To: [Council, City](#); [Architectural Review Board](#); [Planning Commission](#)
Subject: in support of Castilleja School
Date: Thursday, May 19, 2022 2:43:33 PM

Some people who received this message don't often get email from my1gwinevere@gmail.com.
[Learn why this is important](#)

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

Dear City Council,

I support Castilleja's project. I am a near neighbor who is increasingly growing frustrated by many in the community who are refusing to compromise. Castilleja's plan has been independently vetted and publicly scrutinized. It has been revised over and over and over. The School has proven that it is capable of listening, modifying, complying, and delivering. I understand the perspective of many nearby homeowners who purchased their homes when the school primarily served boarders (the school had also already been around for several decades). Life was different then. We are fortunate to live in a vibrant community with access to phenomenal resources—both public and private. But let's face it, Palo Alto and our surrounding neighborhoods have become more vibrant because life in Silicon Valley has changed dramatically, even in the last 15 years. I fear that in an attempt to hold on to the past, the future of our community is being compromised. The future is about providing a strong foundation for children. Education is a means to that end, and Castilleja simply wishes to grant more children-girls—the opportunity to learn in the only non-sectarian girls school in Northern California. Yes, we have fantastic schools around us, but Castilleja is the only of its kind for hundreds of miles. And yet, a girls' school is being told it is "too ambitious." The irony of this statement is not lost on me.

Those facts aside, Castilleja's modernization proposal is strong on its merits. An underground garage will move cars off the street, preserve greenspace, and improve the Bryant Bike Boulevard. The academic buildings have been designed keeping student wellbeing top of mind. Plus, the building footprint is a reduction of what is currently on campus. Everything about the proposal has been under review for years. Neighbors have shared their opinion. Experts have weighed in. The School has updated the plans to integrate all these voices. The plans are ready.

Please, keep the FACTS at the forefront of your deliberations as you work towards finding a path to approve Castilleja's project.

Thank you,
Christina Gwin
Churchill Ave

From: [Aram James](#)
To: [Linda Jolley](#); [Rebecca Eisenberg](#); [Vara Ramakrishnan](#); [Binder, Andrew](#); [Joe Simitian](#); [Council, City](#); [Cindy Chavez](#); [Jay Boyarsky](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Sajid Khan](#); [Jeff Rosen](#); [Greer Stone](#); [Pat Burt](#); [Planning Commission](#); [Sean Allen](#); [chuck jagoda](#); [Roberta Ahlquist](#); [Alison Cormack](#); [Shikada, Ed](#); [Rebecca.Tanner@cityofpaloalto.org](#); [Tanaka, Greg](#)
Subject: New Count of Unsheltered Californians Not as Bad as Expected | San Jose Inside
Date: Thursday, May 19, 2022 4:22:46 PM

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

FYI:
<https://www.sanjoseinside.com/news/new-count-of-unsheltered-californians-not-as-bad-as-expected/>

Sent from my iPhone

From: [Aram James](#)
To: [Sajid Khan](#); [Jeff Rosen](#); [Jeff Moore](#); [Raj](#); [Sean Allen](#); [Human Relations Commission](#); [Council, City](#); [Winter Dellenbach](#); [Enberg, Nicholas](#); [Tannock, Julie](#); robert.parham@cityofpaloalto.org; [Figueroa, Eric](#); city.council@menlopark.org; citycouncil@mountainview.gov; [Binder, Andrew](#); [ladoris cordell](#); [Bains, Paul](#); [Planning Commission](#)
Subject: One Roadblock to Police Reform: Veteran Officers Who Train Recruits (The Marshall Project)
Date: Saturday, May 21, 2022 3:23:29 PM

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

FYI:

https://www.themarshallproject.org/2020/07/22/one-roadblock-to-police-reform-veteran-officers-who-train-recruits?utm_medium=email&utm_campaign=share-tools&utm_source=email&utm_content=post-top

Sent from my iPhone

From: slevy@ccsce.com
To: [Steve Levy](#)
Subject: Bay Area Economic Update
Date: Monday, May 23, 2022 10:07:06 AM
Attachments: [May 20, 2022 Economic Update.docx](#)

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

Here is the latest Bay Area update including data released for April by EDD last Friday

Bay Area Economic Update and Outlook—May 20, 2022—Slower Job Growth in April and Some Good News in the Report

The Bay Area added 11,500 payroll jobs in April down from 15,500 in March and 24,100 in February. Job growth slowed in the state and nation as well and the region is still outpacing the nation in job growth over the past 12 months after the sharp job losses in 2020.

The highlights:

- Bay Area jobs increased by 5.8% between April 2021 and 2022 compared to a 4.6% increase in the nation and 5.6% gain in California.
- The Bay Area unemployment rate in March 2022 was 2.5% compared to 2.7% in the pre-pandemic month of February 2020.
- May 2022 brings major crosscurrents to the global, national and regional economy with the Russian invasion of Ukraine, rising interest rates amidst continuing high inflation, the recent spike in Bay Area COVID cases and the ongoing Bay Area challenges of housing, transportation and competitiveness.
- Bay Area jurisdictions have been given large increases in their housing goals for the next eight years as a result of state legislation and policy to reduce overcrowding and increase affordability. Each jurisdiction is in the process of updating their Housing Elements in 2022 to meet state and regional policy goals and requirements.

Steve



Bay Area Economic Update and Outlook—May 20, 2022—Slower Job Growth in April and Some Good News in the Report

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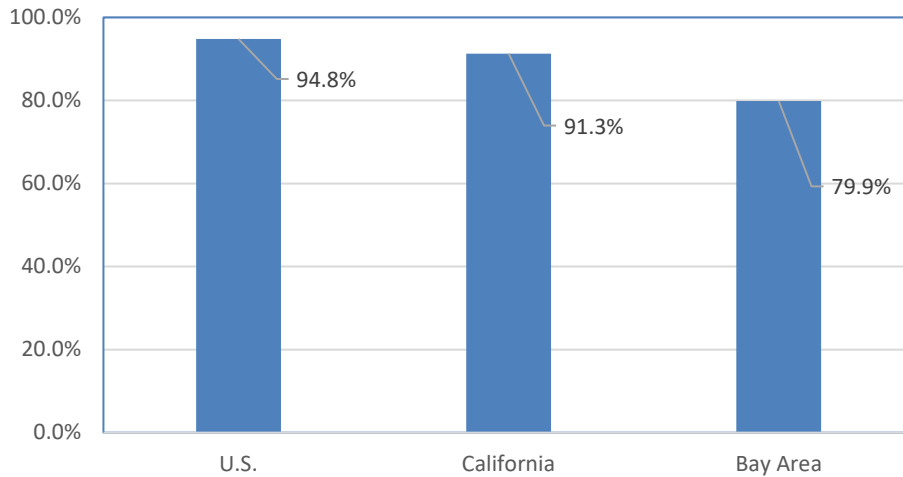
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- Bay Area jurisdictions have been given large increases in their housing goals for the next eight years as a result of state legislation and policy to reduce overcrowding and increase affordability. Each jurisdiction is in the process of updating their Housing Elements in 2022 to meet state and regional policy goals and requirements.

The Bay Area Outpaced the Nation in Recent Job Growth



Job growth slowed in the nation, state and region in April. Still, Bay Area payroll jobs increased by 5.8% between April 2021 and April 2022 outpacing the U.S. 4.6% growth rate. The region still lags the nation and state in the % of jobs recovered since April 2020 as a result of the large job losses in 2020.

Jobs Recoverd by April 2022 as % of Losses



By April 2022 the region had recovered 79.9% of the jobs lost between February and April 2020. This is a lower recovery rate than the state and nation, though the region has closed the gap in recent months.

The Bay Area added 217,900 jobs in the past year led by a gain of 90,600 in the San Francisco metro area though SF has recovered just 77.1% of the jobs lost between February and April 2020. The San Jose metro area added 59,300 jobs and by April 2022 had recovered 85.8% of the jobs lost between February and April 2020. The Oakland metro area added 47,400 jobs during the past year.

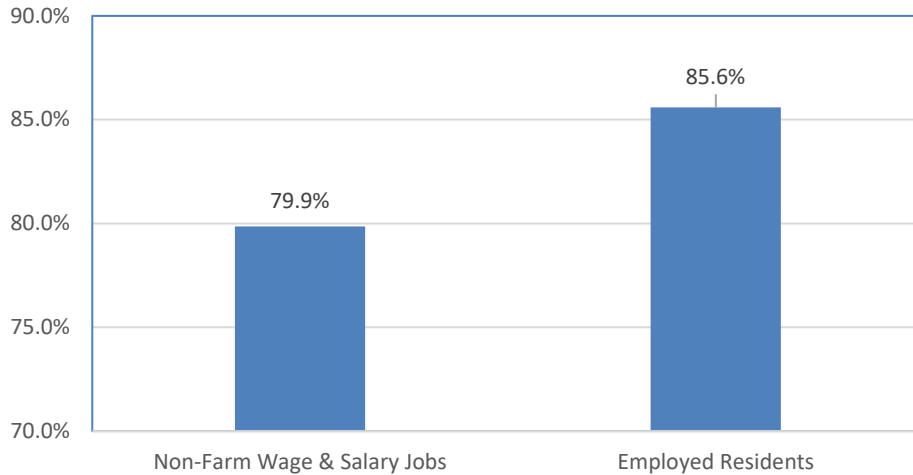
Metro Area Job Trends (Thousands)

Metro Area	Feb 20	Apr 20	Apr 21	Apr 22	% Recovered
Oakland	1,201.9	1,003.6	1,118.5	1,166.9	82.3%
San Francisco	1,204.7	1,017.9	1,071.4	1,162.0	77.1%
San Jose	1,172.5	1,011.4	1,090.4	1,149.7	85.8%
Santa Rosa	211.1	171.9	192.7	202.2	77.3%
Napa	75.3	57.3	67.3	71.1	76.7%
Vallejo	143.3	121.5	131.5	136.4	68.3%
San Rafael	117.2	91.8	105.3	106.7	58.7%
Bay Area	4,126.0	3,475.4	3,777.1	3,995.0	79.9%

Source: EDD, non-farm wage & salary jobs seasonally adjusted

While the region has recovered just 79.9% of the non-farm wage & salary jobs lost between February and April 2020, it has recovered 85.6% of the decline in the number of residents with jobs. The explanation for the gap between the two measures is an increase in self-employment jobs, most likely gig work jobs.

% Recovery Since April 2020



Unemployment Rates Fell to 2.5% in the Region in April 2022 from 6.3% in April 2021 and is now below the pre-pandemic level in February 2020

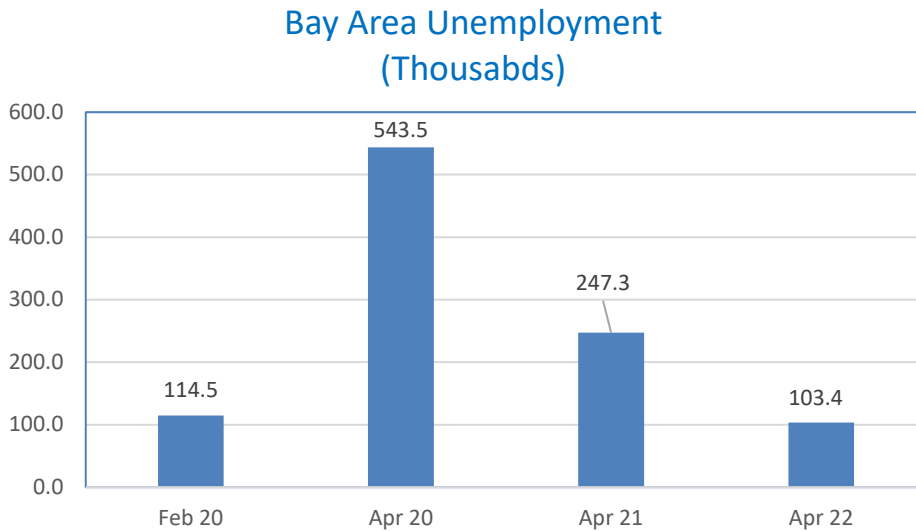
The lowest rates were in the San Rafael and San Francisco metro areas (2.1%) followed by the San Jose metro areas (2.2%) in April 2022.

Unemployment Rates

Metro Area	Feb 20	Apr 20	Apr 21	Apr 22
Oakland	3.0%	14.6%	7.0%	2.9%
San Francisco	2.2%	12.5%	5.7%	2.1%
San Jose	2.6%	12.4%	5.5%	2.2%
Santa Rosa	2.8%	15.4%	6.2%	2.6%
Napa	3.2%	17.8%	6.8%	2.7%
Vallejo	3.9%	15.7%	8.3%	4.0%
San Rafael	2.4%	12.1%	5.1%	2.1%
Bay Area	2.7%	13.7%	6.3%	2.5%

Source: EDD

The number of unemployed residents has fallen sharply from the April 2020 high 103,400 in April 2022 below the pre-pandemic level in February 2020.



But 105,600 Workers Have Not Rejoined the Workforce Since February 2020

Residents who are not in the labor force are not counted as unemployed. As a result, the number of unemployed residents can decline while some are still prevented by choice or lack of child care or work in industries that have not fully recovered. The number of residents not in the labor force has increased recently, perhaps in response to the rise of COVID cases in the region.

Metro Area Labor Force (Thousands)

Metro Area	Feb 20	Apr 20	Apr 21	Apr 22
Oakland	1,402.2	1,332.2	1,336.0	1,369.3
San Francisco	1,043.3	978.0	954.8	1,016.0
San Jose	1,087.7	1,039.8	1,028.5	1,072.8
Santa Rosa	256.0	241.0	239.8	245.8
Napa	72.5	66.3	68.0	69.6
Vallejo	207.5	200.4	197.6	199.4
San Rafael	137.9	123.5	126.9	128.7
Bay Area	4,207.1	3,981.2	3,951.6	4,101.6

Source: EDD

Industries Were Affected Differently

Four sectors—Manufacturing, Transportation and Warehousing, Information and Professional and Business Services—exceeded pre-pandemic job levels in April 2022 and Construction and Education and Health Care Services were close to full recovery. On the other hand, the Leisure and Hospitality sector recovered only 72% of lost jobs by April 2022, though travel and tourism jobs are now picking up again. The Government sector is now slowly recovering the jobs lost between February and April 2020.

San Francisco Bay Area Jobs

	Feb 20	April 20	Apr 21	Apr 22	Apr20-Apr 22	
					Job Change	% Of Feb-Apr Loss
Construction	215,600	152,300	205,700	210,200	57,900	91.5%
Manufacturing	364,500	339,600	358,300	372,400	32,800	131.7%
Wholesale Trade	115,500	103,800	106,000	107,400	3,600	30.8%
Retail Trade	330,800	258,800	302,900	313,400	54,600	75.8%
Transp. & Wareh.	112,100	99,500	106,800	114,700	15,200	120.6%
Information	242,400	238,800	245,600	256,400	17,600	488.9%
Financial						
Activities	201,900	190,800	191,500	193,900	3,100	27.9%
Prof& Bus Serv.	798,300	740,600	764,400	810,700	70,100	121.5%
Educ & Health						
Serv.	636,400	563,600	612,300	627,400	63,800	87.6%
Leisure & Hosp.	441,200	208,500	298,000	376,000	167,500	72.0%
Government	488,500	471,800	458,300	473,600	1,800	10.8%
Total Non-Farm	4,093,000	3,468,700	3,770,300	3,988,200	519,500	83.2%

Housing Permits Rebound to 2019 Levels in 2021

Housing permit levels were up 35.5% in 2021 over 2020 levels and equaled permit levels in 2019. In the first three months of 2022, permit levels were slightly above comparable 2021 months. There are positive and negative trends going forward. On the one hand, each week brings new large housing proposals and approvals. At the same time mortgage rates and prices and rents are surging.

This year all Bay Area cities are required to update their Housing Elements to meet greatly increased regional and local jurisdiction housing goals. Below is a link to a report released on March 18th that I prepared at the request of the Silicon Valley Community Foundation to help residents understand and engage in their city's Housing Element update process. Although the report focuses on five Midpeninsula cities—Cupertino, Menlo Park, Mountain View, Palo Alto and

Sunnyvale—it has broad applicability for other communities. The report is part of an engagement effort led by SV@Home with local partners.

https://www.siliconvalleycf.org/sites/default/files/publications/Housing_Report_2022.pdf

Residential Building Permits

Thru March

			Contra		
Alameda	2019	1414	Costa	2019	774
	2021	1368		2021	1327
	2022	1127		2022	731
Marin	2019	99	Napa	2019	41
	2021	44		2021	71
	2022	107		2022	153
San Francisco	2019	981	San Mateo	2019	481
	2021	566		2021	243
	2022	485		2022	430
Santa Clara	2019	1456	Solano	2019	296
	2021	558		2021	331
	2022	1503		2022	651
Sonoma	2019	615	Bay Area	2019	7561
	2021	383		2021	6529
	2022	671		2022	7209
% Change				22 vs 21	10.4%
				22 vs 19	-4.7%

Source: CHF and CIRB

From: [Douglas Charles Kerr](#)
To: [Planning Commission](#)
Subject: Neighbor for Castilleja School
Date: Monday, May 23, 2022 4:08:24 PM

You don't often get email from douglask@stanford.edu. [Learn why this is important](#)

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

Hello,

I write as a neighbor-Churchill Ave-and supporter of Castilleja School. The school is a nationally renowned institution and delivers girls the unique opportunity to learn in a single-sex environment and benefit from the school's outstanding leadership curriculum. More high school girls from Palo Alto should have this opportunity if they seek it. I hope to see the enrollment grow. Vocal neighbors in opposition (it's a very small number) want there to be penalties and conditions for allowing the school to grow. That's exactly what the conditional use permit presents! Even so, this group isn't satisfied. It seems that no matter which way the school pivots, opposing neighbors claim Castilleja doesn't listen, that they're too privileged to hear feedback. Look at the record. At each juncture, the school has responded with alternatives. I interpret that as the school acting in good faith, and I think you should too. The noisiest group isn't always representative of the wider community. Please remember that as you deliberate on May 23.

I am impressed that Castilleja has consistently demonstrated respect for the City and neighbors by proposing a solution that allows the school to grow without adversely impacting neighbors. Castilleja has met with neighbors over 50 times and iterated its plans meaningfully in response to the variety of opinions in the neighborhood. It's time to finally move forward.

I see absolutely no traffic from the school during non-Covid times and dismiss any claim of traffic as false. The traffic I see comes from Paly students and parents dropping off their kids. But I knowingly chose to live a block within a school, so why should I complain about "traffic"?

And really, if traffic from educating the next generation is the worst thing in the neighbor's lives, then they're leading a pretty good life, if you ask me. This argument about traffic lessening the "quality of life" perplexes me. If people are really concerned about that, they should focus on the many houses that have no occupancy. I can count at least 10 within the few blocks around Castilleja. Those are 10 empty houses that could be filled with children—families, communities— to attend the many wonderful schools in our area, including Castilleja. If you're living in Palo Alto, your quality of life is already pretty great. Let's count our blessings and remember this project is about providing more opportunities to children, while simultaneously improving conditions in the neighborhood.

Best,
Douglas Kerr
Churchill Ave

From: [Breeze, Elaine](#)
To: [Planning Commission](#)
Cc: [Hickey, John](#)
Subject: 5/25/2022 - Planning & Transportation Commission - Item 3. 2850 West Bayshore Road
Date: Tuesday, May 24, 2022 7:26:33 AM

You don't often get email from ebreeze@shapartments.com. [Learn why this is important](#)

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

Good Morning Chair Lauing and Commissioners,

I am reaching out regarding SummerHill Homes' request for approval of a Vesting Tentative Map for a single-lot subdivision for condominium purposes for 48 attached townhomes, Item 3 on the agenda tomorrow night.

Please let us know if you have any questions as you read the staff report recommending approval of our application. I can also be reached by phone at 650-842-2404.

We are excited to have the opportunity to create new market rate and affordable for-sale housing in Palo Alto. Thank you for your consideration and we look forward to seeing you tomorrow evening.

Best Regards,
Elaine

Elaine Breeze

Senior Vice President of Development

SummerHill Apartment Communities | SummerHill Homes

777 S. California Avenue, Palo Alto, CA 94304

Tel (650) 842-2404 • Mobile (415) 971-0660

ebreeze@shapartments.com



All subject matter contained in this email is confidential and proprietary to SummerHill Homes/SummerHill Apartment Communities and should not be disclosed to any person not listed as an original recipient. SummerHill Homes/ SummerHill Apartment Communities. All rights reserved.

From: [Aram James](#)
To: [Planning Commission](#); [ParkRec Commission](#); [Vara Ramakrishnan](#); [City Mgr](#); michael.gennaco@oirgroup.com;
mike.wasserman@bos.sccgov.org; friendsofcubberley94303@gmail.com;
peninsula_raging_grannies@yahoo.com; [Roberta Ahlquist](#); [Kitic S.](#)
Subject: Israel Used U.S. Weapons to Destroy U.S. Aid Projects in Gaza
Date: Sunday, May 22, 2022 5:16:22 PM

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

<https://theintercept.com/2022/05/19/israel-gaza-us-weapons-aid-projects/>

Sent from my iPhone

From: [Aram James](#)
To: [Winter Dellenbach](#); [Stump, Molly](#); [Portillo, Rumj](#); [Human Relations Commission](#); [Rebecca Eisenberg](#); [Rebecca.Tanner@cityofpaloalto.org](#); [Shikada, Ed](#); [Council, City](#); [Planning Commission](#); [Diana Diamond](#); [Tanaka, Greg](#); [Steven D. Lee](#); [ParkRec Commission](#)
Subject: From the archives of the Daly Post -if I don't agree with u I just delete your post. This is a guy who only listens to himself verbal attack or no attack -not fit for public office?
Date: Sunday, May 22, 2022 8:52:33 PM

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

>
>
> fYI:
> <https://padailypost.com/2020/10/03/councilman-assails-five-challenges-but-they-say-his-critique-is-riddled-with-inaccuracies/amp/>
>
>
> Sent from my iPhone

From: [Sandhya Laddha](#)
To: [Planning Commission](#)
Subject: Nominate a project/program/professional for Summit awards!
Date: Monday, May 23, 2022 8:02:57 AM

You don't often get email from sandhya@bikesiliconvalley.org. [Learn why this is important](#)

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

Dear Planning

We are excited to host the 2022 SVBC Bike Summit in person this August. We look forward to being together exchanging ideas, sharing experiences, and growing the bike movement!

I wanted to remind you that* **YOU have an opportunity to [recognize a professional, a project, and a program, for the bike summit awards](#)***. This is your chance to spotlight the people and the work being done in your community, and we could use your help spreading the word.

You can find more details about the nomination process, including the deadline, on our blog post [here](#). I encourage you to share this with your networks.

Let me know if you have any questions. Thank you for your consideration.

Cheers,
Sandhya Laddha
Policy Director

Silicon Valley Bicycle Coalition 

From: slevy@ccsce.com
To: [Planning Commission](#)
Cc: [Lait, Jonathan](#)
Subject: 2850 W Bayshore on May 25th agenda
Date: Tuesday, May 24, 2022 2:52:21 PM

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

Dear Chairman Lauing and Commissioners,

Please move this project forward at your May 25th meeting.

My understanding from the staff report is that the project is consistent with the Comp plan and applicable zoning standards.

In addition, the project supports two city priorities with regard to new housing.

First, because this is a townhouse project with relatively large units, the BMR units associated with the project will provide housing for low-income residents with large families, which does not occur for most BMR units.

Second, this project represents a conversion of commercial uses to housing uses. There are many such sites in the Housing Element update site inventory and a rejection of this project could send an unfortunate signal to other commercial property owners considering a conversion to housing on their property.

On the other hand approval of this project would send a signal that the city is moving forward to increase our housing stock and meet our housing goals.

Stephen Levy

Director Center for Continuing Study of the California Economy

and a 50+ year resident of Palo Alto

From: [Palo Alto Forward](#)
To: [Lait, Jonathan](#); [Planning Commission](#); [Lauing, Ed](#)
Subject: 2850 West Bayshore Support
Date: Tuesday, May 24, 2022 3:18:10 PM
Attachments: [Support Letter for PTC May 25 2022 2850 W. Bayshore project review.pdf](#)

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

Hello!

Attached is a letter of support from Palo Alto Forward on the 2850 West Bayshore Project

Thank you!

PALO ALTO FORWARD

May 25, 2022

Re: 2850 West Bayshore Road, Palo Alto

Dear Chairperson Lauing and Planning & Transportation Commissioners,

We write in strong support of Summerhill Homes' development proposal of 48 townhouses (seven of which are Below Market Rate units) at 2850 West Bayshore Road being considered at tonight's meeting. We encourage the PTC to approve the proposed vesting tentative map.

In addition to helping meet our housing goals, the construction of 48 townhouses on this site is consistent with the Palo Alto Comprehensive Plan, Zoning Ordinance and the current work of the Housing Element Update. In addition, the development proposal meets two important city objectives with respect to new housing projects:

- 1) The planned townhomes will be three and four bedrooms, so the seven BMR units will provide affordable housing alternatives for large families.
- 2) The proposed project replaces office uses with housing. Rejection of this project will raise doubts about the viability of the many commercial sites planned for housing in the site inventory.

We would like to point out that the original application for this project was submitted on June 20, and 21, 2021, 11 months ago. It has taken far too long for the project to weave its way through the Palo Alto entitlement and approval process. As recommended in the Santa Clara County Grand Jury Report on Housing from December 16, 2021, the city must streamline and expedite the review process for all new housing projects that include Below Market Rate (BMR) units (Recommendations 9a, 9b, 10a, 14).

Please allow this project to move forward and allow our city to demonstrate our commitment to creating housing as a priority.

Sincerely,



Katie Causey Community Engagement Manager of Palo Alto Forward on behalf of the Board of Palo Alto Forward

From: [Rebecca Eisenberg](#)
To: [Lydia Kou](#); [Greer Stone](#); [Council, City](#); [Shikada, Ed](#)
Cc: [Andie Reed](#); kya.Ohlonc@gmail.com; [Pat Burt](#); [Tom DuBois tom.dubois@gmail.com](mailto:Tom.DuBois.tom.dubois@gmail.com); [Filseth, Eric \(Internal\)](#); [Lait, Jonathan](#); [Planning Commission](#); [Aram James](#); [Roberta Ahlquist](#); [Curtis Smolar](#); [Alison Cormack](#); greg@gregtanaka.org
Subject: Fwd: Castilleja article - thank you, and quick correction (with longer explanation!)
Date: Tuesday, May 24, 2022 4:05:48 PM
Attachments: [Sept 25 2013 Notice of Noncompliance and Request to Abate.pdf](#)
[Dec 20 2013 City Letter Providing for Revocation of CUP.pdf](#)
[Oct 25 2013 Letter from Castilleja to Palo Alto.pdf](#)
[18.76. Permits and Approvals.pdf](#)

You don't often get email from rebecca@privateclientlegal.com. [Learn why this is important](#)

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

Dear All:

First, I want to offer my tremendous gratitude to Mayor Burt, Vice Mayor Kou, and Council Members Stone, Dubois, and Filseth. I - and many others - are grateful for the thoughtful and articulate ways that you dug deep into Castilleja's predicament, and -- despite errors and omissions made by our City Staff -- made groundbreaking progress in revealing a great deal of the truth surrounding Castilleja proposed unprecedentedly large development on lots zones R1 in the middle one of our most admired and desired (of many) residential neighborhoods in our beautiful town of Palo Alto. Your hard work made a very positive impact on our community. Speaking personally, it was monumental to feel heard and understood. This is local government at its best.

In that regard, I submit my factual correction of today's (otherwise mostly great!) article in today's Palo Alto online at: <https://www.paloaltoonline.com/news/2022/05/24/palo-alto-looks-to-scale-back-castillejas-growth-plan> . I also submit a few supporting documents demonstrating (1) that City Manager Keane commenced revocation hearings in 2013 and (2) that Nancy Kaufman proposed a compliance schedule (which she later disregarded); and (3) that the parties decided in 2013 that if Castilleja did not comply with its existing CUP, that its CUP would be revoked (next time for serious). I believe that you agree with my corrections, given that your questions uncovered the truth about Castilleja's violations and potentially its motivations, that we now better understand.

I also offer my profound gratitude to City Council for its repeated insistence that it cannot rationally determine the impact of Castilleja's application, if approved, on the community, without a thorough Construction Plan. Given Castilleja's long history of aspirational promises and 2 decades of under-delivery on those promises, I agree strongly with your (indisputable) conclusion that we cannot simply take Castilleja's word that its unprecedented construction project in the middle of a single family home neighborhood would be "climate neutral or climate positive" and "not harmful to the community."

I imagine that Castilleja's army of lawyers have already descended upon Jonathan Lait, so I hope he can respond by reminding Castilleja that without a thorough and detailed construction plan, Castilleja cannot rationally expect that its application would be approved.

In particular, I am perhaps most grateful for the reminder from the Mayor (with agreement from the vice mayor and other 3 council members) that there is no precedent for a private school of Castilleja's size and density existing in a R-1 neighborhood, and there even is no precedent of a private school with Castilleja's proposed density in any neighborhood - commercially zoned (like Eytz Chayim) or not. (The reason, of course, that our Muni Code did not address an underground commercial garage in a residential neighborhood is due to the fact that such a profoundly inappropriate facility would never exist in a residential neighborhood and certainly does not exist in a R-1 neighborhood in Palo Alto. **As a reminder, Eytz Chayim is NOT located in a residential neighborhood, but rather is zoned commercially.** Therefore, Castilleja's constant comparisons to Eytz Chayim are wholly misplaced.

Because of the potential impact of Castilleja's construction -- especially the unavoidable harm to our natural environment and to Castilleja's neighbors -- that would be caused by the construction of Castilleja's underground garage, I also attach a legal cite to the Palo Alto Municipal Code section, which clarifies that a CUP shall not be given if it causes harm, or even inconvenience, to the community. I am extremely grateful that Council demanded a Construction Plan from Castilleja last night, and I wholly agree with Council's determination that the extent to which Castilleja's construction will impact the neighborhood cannot be measured unless and until a thorough description of that plan is provided. When Castilleja provides that plan - which should be before the next meeting if they reasonably expect resolution the matter - then I believe that City Council may find that Castilleja's construction plan will cause significant "harm and inconvenience" to the neighborhood which would render the recommendation of the CUP illegal, because per the Code, the City has no right to approve a CUP that causes harm (or inconvenience) to the neighborhood.

(Fortunately, Castilleja truly does NOT need a garage. Neighbors would be FAR happier if fewer cars drove down the street -- no matter where those cars park. Castilleja should eliminate parking altogether at its campus, like Nueva and many other comparable schools, and instead, also like Nueva and most others, provide a **robust system of private shuttles**. This should not even cost Castilleja any money - and would SAVE all of the construction costs of the garage! -- as most of these schools pass on the cost of the shuttle to parents, who, excited for the opportunity of their children to be able to attend such prestigious and superior schools, are happy to pay the costs. Remember, 80% of Castilleja families pay full freight tuition of almost \$60,000/year, and the garage is intended to serve the cars owned by these teenage girls, so clearly those families can afford to chip in to a shuttle.)

Below is my submitted correction to Palo Alto Online's mis-statement that Castilleja is now in compliance -- because as Jonathan Lait confirmed, it is still in violation of its CUP. I also correct the statement that the legal violations culminated in 2013, because as Lait confirmed, Castilleja's legal violations -- from which it benefits approximately \$2 million/year in illegally gained revenues through over-enrollment -- continue today.

Thank you for your consideration, and **thank you again for your exceptional work on behalf of the Palo Alto Community last night!**

Best,

Rebecca

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

From: **Rebecca Eisenberg** <rebecca@privateclientlegal.com>

Date: Tue, May 24, 2022 at 3:18 PM

Subject: Castilleja article - thank you, and quick correction (with longer explanation!)

To: Bill Johnson <bjohnson@paweekly.com>, Gennady Sheyner <gsheyner@paweekly.com>

Cc: Andie Reed <andiezreed@gmail.com>

Hi Bill and Gennady -

I hope you are well! It was nice to see you, Gennady, after the City Council meeting last night (although you seemed confused when I said hello? Seems reasonable as I think you were trying to catch a remaining council member). I REALLY appreciate your thorough coverage of this complicated and extremely important issue.

I know you were working under an extremely tight deadline to get this article out this morning, and overall I think you did a great job, for which I am grateful. That said, there is one sentence I am hoping you can correct, because that sentence gets to the heart of how and why many of us believe that the City has been providing extraordinarily large and unprecedented special treatment to Castilleja, by allowing Castilleja to increase its annual revenues by approximately \$2 million/year through intentional violation of its CUP enrollment cap - violations that have continued for 22 years, and which continue today.

This is the problematic sentence:

Many alluded to the school's failure **in the past** to comply with its enrollment cap, a violation that **culminated** in a [\\$285,000 fine in 2013](#).

Which I think should be replaced with something like:

Many alluded to the school's 20-year failure to comply with its enrollment cap, a violation that exists to this day, as confirmed by Jonathan Lait in last night's meeting, and which has resulted in Castilleja receiving significantly more revenue in tuition than the amount to which it is legally entitled*. (*although Castilleja is tax-exempt, it is not charitable, it lacks a public benefit, and its tax records suggest that it is profitable)
(The last parts of that 'corrected version' are merely aspirational, of course.)

Here is why I believe that the insinuation that Castilleja is in compliance is worthy of correction. I provide backup support, and Andie Reed, cc'd, can confirm, as she and her group of neighbors and friends have spent years gathering public records and trying to educate our leadership, and she deserves much credit for the tremendous breakthrough that happened last night when five of the city council members put Jonathan Lait and Nancy Kaufman on the seat, asking them tough questions and assessing the (often inadequate) responses. What a great night!

Here is why that sentence deserves a re-write (along with later references to Castilleja's continuing violations):

1. **Castilleja's violations are not in the past.** As Lydia Kou and others asked, and

Jonathan Lait confirmed, **Castilleja still is in violation of its existing CUP -- as it has been for more than 20 years.** This is a very important distinction because those of us who argue that Castilleja should be held to the same rules as other businesses and residences in Palo Alto continue to point out that Castilleja has not come into compliance with its 415 enrollment cap in more than 20 years, despite Nancy Kaufman having made numerous promises, some of them contractually binding (in my legal opinion, as well as the opinion of Jim Keane and others with whom I spoke about the matter), to come into compliance. That is a big reason that we do not believe that Castilleja should be able to increase its cap immediately to 450, as it never complied with its current cap of 415, despite having its CUP almost revoked in 2013 due to its over-enrollment.

2. Similarly, **these violations did not "culminate in 2013" with the significantly reduced fine.** Culmination indicates a resolution or peak, neither of which occurred in 2013 - rather, when occurred in 2013, per attached, was that the City Manager Jim Keane commenced revocation hearings, which Castilleja negotiated or bullied its way out of. And, notably, that fine was a vastly reduced figure given by Palo Alto, apparently (so I was told) in exchange for Castilleja making a promise that if it did not reduce its enrollment to 415 by 2016, Castilleja would leave Palo Alto.

As a reminder, Palo Alto's Municipal Code provides for statutory damages for code violation (like virtually all similarly situated cities) at \$500 per violation per day. Although these code sections provide for a two-year reachback when it is the fault of the City for not assessing the fines, in 2013, it was the fault of Castilleja that Palo Alto had not fined Castilleja. Castilleja had been intentionally understating its enrollment (Kaufman explained this as "confusion" over what is "enrollment." She claimed she had used "average daily attendance" instead of "enrollment," but the Planning Commission and Jim Keane correctly rejected her explanation.

For most of the previous years. Castilleja has had between 20 and 40 students over enrollment, averaging over 30 (I can provide for you the actual enrollment numbers ultimately released by Castilleja if you like). But using a conservative 30 students over Castilleja's legal cap, that means that Castilleja has accrued statutory fines of 30 violations times \$500/day = \$15,000/day. Given that Castilleja describes that it is open approximately 300 days/year, means that Castilleja, under Palo Alto's Municipal Code, should have been assessed \$4.5 Million a year.*

(*Here is an article in the Palo Alto Weekly referencing these municipal code penalties, which amount to \$500-\$5000 per day per violation: <https://www.paloaltoonline.com/news/2017/03/06/penalties-likely-to-stand-for-edgewood-owner>) (I also am happy to provide you the code sections)

\$4.5 million a year may seem a high assessment for a private school (even a profitable one like Castilleja), but those fines serve a purpose. Castilleja charges almost \$60,000/year and only offers (mostly partial) financial support to 20% of its students (Castilleja's website now claims 21%, but the amount of aid it provides has not gone up).

This means that while Castilleja continues to be overenrolled, it benefits financially by its legal violations. For example, at 30 students over enrollment, Castilleja increases its guaranteed revenue -- apart from the donations to the school fund and capital fund that are expected of private school parents (I know this as a former private school parent myself) -- by an additional \$1.8 MILLION, [not including donations to its school fund and capital fund \(which has raised \\$100 million\)](#).

As community members pointed out, enforcement of the enrollment cap is the ONLY incentive that Castilleja has to comply with the law and its CUP. Castilleja has been bringing in millions of dollars illegally through over enrollment for more than 20 years, so it IS extremely material and essential for the accurate reporting of this story to make it clear that Castilleja STILL is violating Palo Alto's zoning laws (in ways beyond enrollment, e.g. providing false information re square footage, as some mentioned last) as well as Castilleja's existing CUP.

What I recommend for the sentence above is the following:

Many alluded to the school's **20-year** failure to comply with its enrollment cap, a violation that **exists to this day, as confirmed by Jonathan Lait in last night's meeting.**

In sum, Palo Alto's city government has allowed Castilleja to continue to benefit financially (as much as \$2.4 million/year during the many years Castilleja was at 40 student over-enrollment), without any Municipal Code enforcement. Had the City enforced our muni codes against Castilleja as it does regularly against residential applicants, our General Fund would have had millions of dollars more every year. (This is the basis of one of the many causes of action against the city that residents have been discussing with their attorneys. There is a third party cause of action plus attorneys fees under the false claims act, for example, among other state laws that address this kind of problem).

That is why it is essential to point out that Castilleja is still in violation of its existing CUP, that it never was in compliance, and that Castilleja is benefitting financially from its illegal actions.

Please reach out to me if you have any questions about this. Also, I can put you in touch with a lawyer who handles municipal finance at a law firm, if you like.

No matter where you stand on Castilleja's right to benefit financially from its CUP violations, I beg you to correct your article to clarify that Castilleja may have paid a reduced fine, but it never came into compliance, even though it promised it would agree to CUP revocation if it did not reduce its enrollment to 415. A few of the letters between Castilleja and the City are attached, starting with the time when Jim Keane commenced CUP revocation against Castilleja in 2013.

Thank you for considering. I thought that emailing you directly would be more helpful than posting a comment on the board, given that my correction is easily confirmable, and an easy fix for you to make.

Thank you again for your responsive and thorough coverage of the many issues that impact our community of Palo Alto!

Best,
Rebecca Eisenberg
415-235-8078

Rebecca Eisenberg, Esq.
Principal & Founder
Netskink Positive Impact Investments
Private Client Legal Services
www.linkedin.com/in/eisenberg
rebecca@privateclientlegal.com

415-235-8078

Chapter 18.76

PERMITS AND APPROVALS

Sections:

18.76.010	Conditional Use Permit (CUP)
18.76.020	Architectural Review
18.76.030	Variance
18.76.040	Neighborhood Preservation Exception
18.76.050	Design Enhancement Exception (DEE)
18.76.060	Reserved

18.76.010 Conditional Use Permit (CUP)

(a) Purpose

The purpose of a conditional use permit is to provide for uses and accessory uses that are necessary or desirable for the development of the community or region but cannot readily be classified as permitted uses in individual districts by reason of uniqueness of size, scope, or possible effect on public facilities or surrounding uses.

(b) Applicability

- (1) A conditional use permit may be granted for any use or purpose for which such permit is required or permitted by the provisions of this title; or
- (2) Any expansion in the building size or site area of an existing conditional use shall necessitate the amendment of the conditional use permit. Denial of an application for amendment of a conditional use permit does not constitute a revocation of the original conditional use permit.
- (3) No application for a conditional use permit is necessary for existing uses which were lawful conforming permitted uses and which were rendered conditional by reason of rezoning or changes to this title, provided that any expansion in the building site or site area of such a use shall be subject to the issuance of a conditional use permit.

(c) Findings

Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will:

- (1) 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) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

(d) Conditions

In granting conditional use permits, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience,

to secure the purposes of this title, and to assure operation of the use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity.

(e) Application Review and Action

Applications for conditional use permits shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.020 Architectural Review

(a) Purpose

The purpose of architectural review is to:

- (1) Promote orderly and harmonious development in the city;
- (2) Enhance the desirability of residence or investment in the city;
- (3) Encourage the attainment of the most desirable use of land and improvements;
- (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
- (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

(b) Applicability

No permit required under Title 2, Title 12 or Title 16 shall be issued for a major or minor project, as set forth in this section, unless an application for architectural review is reviewed, acted upon, and approved or approved with conditions as set forth in Section 18.77.070.

- (1) Exempt Projects. Single-family and two-family residences do not require architectural review, except as provided under subsections (2)(C) and (2)(D).
- (2) Major Projects. The following are “major projects” for the purposes of the architectural review process set forth in Section 18.77.070, and are subject to review by the architectural review board:
 - (A) New construction, including private and public projects, that:
 - (i) Includes a new building or building addition of five thousand square feet or more; or
 - (ii) Is not exempt under the California Environmental Quality Act (CEQA) (Section 21000 *et seq.* of the California Public Resources Code); or
 - (iii) Requires one or more variances or use permits and, in the judgment of the director, will have a significant effect upon the aesthetic character of the city or the surrounding area;
 - (B) Any multiple-family residential construction project that contains three or more units;

- (C) Construction of three or more adjacent single-family homes or duplexes;
 - (D) In the Neighborhood Preservation Combining District (NP), properties on which two or more residential units are developed or modified, except when one of those units is a “second dwelling unit,” as described in Section 18.10.140(d);
 - (E) Any project using transferred development rights, as described in Chapter 18.87;
 - (F) A master sign program, pursuant to Chapter 16.20;
 - (G) Signs that do not meet all applicable design guidelines adopted by the city council or do not conform to a previously approved master sign program;
 - (H) Signs requiring a sign exception pursuant to Chapter 16.20;
 - (I) Any minor project, as defined in subsection (3), that the director determines will significantly alter the character or appearance of a building or site.
- (3) Minor Projects. The following are “minor projects” for the purposes of the architectural review process set forth in Section 18.77.070, except when determined to be major pursuant to subsection (2)(I):
- (A) New construction, including private and public projects, that involves a new building or building addition of fewer than 5,000 square feet, and which is exempt under the California Environmental Quality Act (CEQA) (division 13 of the Public Resources Code, commencing with section 21000);
 - (B) Signs that meet all applicable guidelines and conform to any previously approved master sign program;
 - (C) Landscape plans, fences, exterior remodeling, and design of parking areas, when not part of a major project;
 - (D) Any project relating to the installation of cabinets containing communications service equipment or facilities, pursuant to any service subject to Chapter 2.11, Chapter 12.04, Chapter 12.08, Chapter 12.09, Chapter 12.10, or Chapter 12.13.
 - (E) Minor changes to the following:
 - (i) Plans that have previously received architectural review approval;
 - (ii) Previously approved planned community district development plans;
 - (iii) Plans that have previously received site and design approval;
 - (iv) Previously approved plans for projects requiring council approval pursuant to a contractual agreement, resolution, motion, action or uncodified ordinance;
 - (v) Existing structures requiring council site and design approval or approval pursuant to a contractual agreement, resolution, motion, action, or uncodified ordinance.

As used in this subsection, the term “minor” means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for Architectural

Review approval of a major project, Site and Design approval, Planned Community District approval, or other applicable approval is required.

- (F) Any changes to previously approved plans requiring architectural review as a minor project as part of the conditions of a permit or approval.

(c) Preliminary Review

For the purpose of securing the advice of the architectural review board prior to making an application for the board's recommendation on a project, an applicant, upon paying a preliminary application fee, as set forth in the municipal fee schedule, may bring a design before the board for preliminary review. If the applicant wishes to proceed with the project, he or she must then file an application and pay a regular application fee. The comments of the architectural review board members during a preliminary review shall not be binding on their formal recommendation.

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

- (1) The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;
- (2) The design is compatible with the immediate environment of the site;
- (3) The design is appropriate to the function of the project;
- (4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;
- (5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;
- (6) The design is compatible with approved improvements both on and off the site;
- (7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
- (8) The amount and arrangement of open space are appropriate to the design and the function of the structures;
- (9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;
- (10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
- (11) Natural features are appropriately preserved and integrated with the project;
- (12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;

- (13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
- (14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;
- (15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:
 - (A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;
 - (B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;
 - (C) Design for easy pedestrian, bicycle and transit access;
 - (D) Maximize on site stormwater management through landscaping and permeable paving;
 - (E) Use sustainable building materials;
 - (F) Design lighting, plumbing and equipment for efficient energy and water use;
 - (G) Create healthy indoor environments; and
 - (H) Use creativity and innovation to build more sustainable environments.
- (16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).

(e) Conditions

In granting architectural review approval, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, to secure the purposes of this title, and to:

- (1) Promote the internal integrity of the design of the project;
- (2) Assure compatibility of the proposed project's design with its site and surroundings;
- (3) Minimize the environmental effects of the proposed project; provided, however, that the architectural review board's sole responsibility with respect to the storage of hazardous materials is to require compliance with Title 17 (Hazardous Materials Storage).

(f) Application Review and Action

Applications for Architectural Review shall be reviewed and acted upon as set forth in Section 18.77.070 (Architectural Review Process).

(g) Phased Projects and Enforcement of Approval Conditions

An application for a phased project may be submitted and a specific development schedule may be considered and approved. In no event, however, shall such a development schedule exceed five years from the original date of approval. Approved project plans and conditions of approval imposed through the architectural review process shall be enforceable as approved unless the application is revised or withdrawn in accordance with this title.

(h) Architectural Review Approval Prior to Demolition

No building demolition, except for tenant improvements or where necessary for health and safety purposes (as determined by the director), shall be permitted on any site requiring architectural review approval, until such architectural review approval is granted by the director, including review of subsequent conditions by the architectural review board, where required.

(Ord. 4966 § 1, 2007: Ord. 4964 §§ 19, 20, 2007: Ord. 4959 § 1, 2007: Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.030 Variance**(a) Purpose**

The purpose of a variance is to:

- (1) Provide a way for a site with special physical constraints, resulting from natural or built features, to be used in ways similar to other sites in the same vicinity and zoning district; and
- (2) Provide a way to grant relief when strict application of the zoning regulations would subject development of a site to substantial hardships, constraints, or practical difficulties that do not normally arise on other sites in the same vicinity and zoning district.

(b) Applicability

Variances may be granted to the following:

- (1) Site development regulations (except limitations on residential density and size of establishment) and parking and loading regulations (except those accessible parking regulations mandated by state and/or federal law and contained in Chapter 18.54) applicable within any district established by this title (Zoning);
- (2) The special requirements that apply to site development and parking and loading regulations applicable within any district established by this title (Zoning), except provisions which restrict expansion of grandfathered uses that are subject to the special requirements of a specific zoning district. Special requirements in any district do not include special provisions and exceptions as set forth in Chapters 18.40 and 18.42 except for the location of accessory buildings;
- (3) The requirements of Title 20 (Precise Plans);

- (4) The requirements of Chapter 16.24 (Fences) except Sections 16.24.040 (Fences at Intersections) and 16.24.070 (Prohibited Fences);

(c) Findings – General

Neither the director, nor the city council on appeal, shall grant a variance, unless it is found that:

- (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. Special circumstances that are expressly excluded from consideration are:
 - (A) The personal circumstances of the property owner, and
 - (B) Any changes in the size or shape of the subject property made by the property owner or his predecessors in interest while the property was subject to the same zoning designation.
- (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, and
- (3) The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning), and
- (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.

(d) Findings – Flag Lot

In addition to the above-listed findings, in the case of a flag lot, neither the director, nor the city council on appeal, shall grant a variance, unless it is found that:

- (1) The granting of the application will not disrupt established neighborhood character and aesthetics, and will not affect the health of the residents by significantly blocking out light and air;
- (2) The granting of the application will not result in excessive paving, parking, potential traffic conflicts on busy streets, street tree removal or loss of private landscaping;
- (3) The granting of the application will not negatively impact the privacy and quiet enjoyment of adjoining single-family residences, for both indoor and outdoor use.

(e) May Not be Granted for Unauthorized Use

A variance shall not be granted for a parcel that authorizes a use or activity that is not otherwise expressly authorized by the zone regulations governing the subject property.

(f) Conditions

In granting variances, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title (Zoning).

(g) Application Review and Action

Applications for variances shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.040 Neighborhood Preservation Exception**(a) Purpose**

The purpose of the neighborhood preservation exception is to foster retention of existing single-family structures and to maintain the existing historic and general character of neighborhoods in the neighborhood preservation (NP) combining district.

(b) Applicability

For properties within the neighborhood preservation (NP) combining district, a neighborhood preservation exception may be granted to site development regulations (except limitations on residential density), parking regulations, and special setback requirements of Title 20 (Precise Plans).

(c) Findings

Neither the director, nor the city council on appeal, shall grant a neighborhood preservation exception unless it is found that:

- (1) The granting of the application will facilitate the preservation of an existing residential structure on the same property and will be of benefit in maintaining the existing historic and general character of the surrounding neighborhood; and
- (2) The granting of the application 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.

(d) Conditions

In granting neighborhood preservation exceptions, reasonable conditions or restrictions may be imposed as deemed appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(e) Application Review and Action

Applications for neighborhood preservation exceptions shall be reviewed as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.050 Design Enhancement Exception (DEE)**(a) Purpose**

The purpose of a design enhancement exception is to permit a minor exception to zoning regulations when doing so will:

- (1) Enhance the design of a proposed project without altering the function or use of the site, or its impact on surrounding properties; or
- (2) Enable the preservation of the architectural style of existing improvements on the site.

(b) Applicability

- (1) Design enhancement exceptions may be granted to the site development and parking and loading requirements otherwise applicable under this title (Zoning), as part of the architectural review process, when such exceptions will enhance the appearance and design of commercial and multiple-family development and other development subject to architectural review.
- (2) Items for which design enhancement exceptions may be granted include, but are not limited to, dormers, eave lines, roof design, bay windows, cornices, parapets, columns, arcades, fountains, art, ornamentation, atriums, balconies, trellises, moldings, balustrades, stairs, entry features, and other minor architectural elements and design features.
- (3) Generally, design enhancement exceptions are limited to minor changes to the setback, daylight plane, height, lot coverage limitations, parking lot design and landscaping configuration, and additional flexibility in the required proportion between private and common open space.
- (4) No design enhancement exception shall be granted under this section that would increase floor area, decrease the number of required parking spaces, decrease the amount of required on-site landscaping, or decrease the required open space.

(c) Findings

Neither the director, nor the city council on appeal, shall grant a design enhancement exception unless it is found that:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district;
- (2) The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d); and
- (3) The exception is related to a minor architectural feature or site improvement that 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.

(d) Conditions

In granting design enhancement exceptions, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(e) Application Review and Action

Applications for a design enhancement exception shall be reviewed and acted upon as set forth in Section 18.77.070 (Architectural Review).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.060 Reserved

Editor's Note: Former Section 18.76.060, *Home improvement exception (HIE)*, derived from Ord. 4826 § 117 (Exh. 2), was repealed by § 38 of Ord. 4869.



December 20, 2013

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

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

Dear Ms. Kauffman:

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

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

Enrollment Reduction Plan

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

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

Transportation Demand Management Plan

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

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

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

Conditional Use Permit Revocation

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

Payment of Penalties for Nonconformance

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

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

Amendments to the Conditional Use Permit

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

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

Sincerely,



Steven Turner
Advance Planning Manager

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

MEMORANDUM

DATE: October 25, 2013

TO: Steve Turner, City of Palo Alto

FROM: Nanci Kauffman, Head of School, Castilleja School

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

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

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

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

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



PLANNING & COMMUNITY ENVIRONMENT

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

September 25, 2013

VIA CERTIFIED MAIL

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

Re: NOTICE OF NONCOMPLIANCE AND REQUEST TO ABATE

Dear Ms. Kauffman:

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

Enrollment Violation

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

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

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

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



CityOfPaloAlto.org

Printed with soy-based inks on 100% recycled paper processed without chlorine.

Request for Abatement

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

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

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

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

Penalties for Nonconformance

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

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

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

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

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

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

Request for Supplemental Information Regarding Additional Possible Violations.

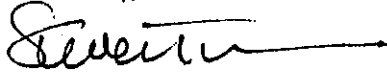
In addition to the primary area of non-conformance the school has provided statements indicating the status of conformance with the use permit conditions of approval. The City will require additional information, as outlined in Attachment A to this letter, to validate these conformance claims. The requested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

Further Enforcement Proceedings

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

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

Sincerely,



Steven Turner
Advance Planning Manager

Attachment

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

From: [Scott O'Neil](#)
To: [Council, City; Planning Commission; HeUpdate](#)
Subject: Report: Housing Element Fabian/E-Meadow/Bayshore Groundtruthing
Date: Wednesday, May 25, 2022 12:06:08 AM
Attachments: [967FB09DE1DD4FE3AB80713113A2E6EE.png](#)
[E0C418B60CEF4EEE861D4B3AAF8ED450.png](#)
[08C4465574704C229F8200B26111BC6B.png](#)

Some people who received this message don't often get email from scottoneil@hotmail.com. [Learn why this is important](#)

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

Dear Palo Alto City Council; Palo Alto Planning and Transportation Committee; Palo Alto Housing Element Working Group; and City Staff:

March 30, 2022

Dear Palo Alto City Council; Palo Alto Planning and Transportation Committee; Palo Alto Housing Element Working Group; and City Staff:

I am writing today to share Housing Element ground-truthing results about various sites in South Palo Alto around East Meadow Circle, Bayshore, and Fabian. Many of these sites comprising 297 units are categorized as low-income sites because the acreage is high, but with the low-income designation comes a heightened degree of scrutiny with respect to site suitability. The city must prove a substantial likelihood of development. Several of these sites fail that test.

Additionally, a series of lots at the corner of Fabian and Charleston comprising 48 units of moderate income housing should be disallowed. The city recently rejected housing at this site, and the facts around that rejection create a strong case that housing here will not be feasible at the envisioned density.

Google-Owned Sites

Around East Meadow Circle, Google has engaged in a pattern of land acquisition that indicates intent to establish a campus. This has been documented by the media. Specifically, Google owns 1020, 1035, 1036, 1053, 1076, 1085 on East Meadow Circle. These sites are largely contiguous. Google has started to move into some of them, and Google has contributed \$1 million toward the construction of a pedestrian bridge nearby. I have previously made the Housing Element Working Group aware of this pattern of facts, both in oral public comment, and in written communication.

If Google has provided a letter demonstrating interest in housing development for these sites, then the city should say so, but we do not believe that to be the case. As things stand, the city does not have substantial evidence of housing development. In fact: it has substantial evidence for future allowed office development. The city should allow housing on these sites and others, but because it cannot meet the substantial evidence threshold it cannot count them as low-income sites in the inventory at a probability of development of one hundred percent. We suggest 5% is a more likely development probability.

Displacement Baseline

For many areas in this part of Palo Alto, the streets themselves are being used for workforce housing. This is true in ROLM and light industrial areas such as East Meadow Circle, but not true in areas with residential development. This pattern is likely due to the city's complaint-based parking enforcement policy, with residents reporting parked housing while businesses focus on business.

This use of the curb is housing. If these areas convert to residential, as the city claims, then the housing use of the curb will cease as residents call in complaints. The city should therefore account for the displaced housing by counting it as baseline in the Housing Element inventory.

We walked the area on 5/21 and found 7 RVs. See photos attached. It is unlikely that any are there for long-term storage, because it is difficult for owners to keep an eye on them there and make sure they are not ticketed and towed. It is more likely that '7' units is an undercount, because there are at least as many long-term parked cars in the area, which are also frequently used as workforce housing in Palo Alto. One RV was audibly running a generator as we passed.

If the city does not want to account for lost vehicular housing in its baseline, then it has another possible approach. It can legalize long-term parking throughout the city. That would guarantee that these units do not become displaced. But if the city is not going to take such measures to prevent RV displacement, then it should account for the loss of this housing as it plans for the conversion of the surrounding areas to a use that will generate complaints and displacement.

Sites Available for Lease

Similarly, sites that are currently listed for lease cannot meet the substantial evidence threshold. The site owner is demonstrating an intent for a contrary use that is likely to persist throughout the planning period. There are many such sites being counted in the inventory for housing in the inventory.

3350 W. Bayshore (126 low income)

3350 W Bayshore Rd
5,821 SF of Flex Space Available in Palo Alto, CA

SPACE	SIZE	TERM	RATE	SPACE USE	CONDITION	AVAILABLE
2nd Fl, Ste 210	5,821 SF	Negotiable	Upon Request	Flex	Full Build-Out	Now

ALL AVAILABLE SPACE(1) Display Rental Rate as S/SF/YR

Joseph Cammarata

3500 W. Bayshore (44 low income)

3500-3550 W Bayshore Rd
Palo Alto, CA 94303
 Flex Property for Lease

Flex Space / California / Palo Alto / 3500-3550 W Bayshore Rd, Palo Alto, CA 94303

YOU MAY ALSO LIKE

- 2910-2960 Scott Blvd - San To...
53,459 SF Available
- 48501 Warm Springs Blvd - War...
11,781 SF Available

3600 W. Bayshore (66 low income)

Thirty-Six Hundred Building | 3600 W Bayshore Rd
 15,160 SF of Office Space Available in Palo Alto, CA

ALL AVAILABLE SPACES(3)

SPACE	SIZE	TERM	RATE	SPACE USE	CONDITION	AVAILABLE
1st Fl, Ste 103A	1,897-4,533 SF	Negotiable	\$45.00 /SF/YR	Office	-	Now
2nd Fl, Ste 200	9,562 SF	Negotiable	\$45.00 /SF/YR	Office	-	Now
2nd Fl, Ste 203	1,065 SF	Negotiable	\$45.00 /SF/YR	Office	-	Now

Display Rental Rate as **\$/SF/YR**

Andrew Muehle
CBRE
 650-494-5125

3940 Fabian (40 low income)



3960 Fabian (21 low income)



846 Charleston/3997 Fabian, 5 lots, 48 moderate income





This applies to APNs:

- 127-37-001 (7 moderate)
- 127-37-002 (7 moderate)
- 127-37-003 (8 moderate)
- 127-37-005 (12 moderate)
- 127-37-007 (14 moderate)

There are two additional APNs that are contiguous with these (127-37-004 and 1237-37-006), and are under the same control. They should all be considered together, and might yield different analysis when the structures are combined with the lots. We know they have common control because a 2020 [PHZ proposal](#) considered them together. The Council [denied](#) this proposal, and the applicant clearly is not going forward with height reductions and other changes demanded by the City Council.

Denying housing on a given site via discretionary review means it is particularly unlikely this site will redevelop as housing.

- We know that the allowed use is incompatible with economically feasible housing because it didn't redevelop under city rules.
- We know that discretionary review will not suffice for this specific site because the owner effectively reached impasse with the Council..
- The HE inventory is using densities far lower than the PHZ proposal, which was rejected.

The city does not have as high a burden of proof as they would for the lower-income sites, but taken together, these points demonstrate that there is an overwhelming case that this specific site will not produce housing in the 6th cycle.

Which brings us to a broader point. This project should be addressed in the city's constraints analysis, as it is a clear data point showing one case where the city's height and density limits have defeated redevelopment into housing, and how far they would need to change to make that housing feasible. There are many other sites on the inventory that are equally unlikely, for similar reasons. See Robert Chun's recent letter making this case.

- -

We will get to more sites soon, but we want to share our results early and often. Please send any questions. Thank you for your attention and all you're doing on the Housing Element.

-Scott O'Neil

Appendix 1 - RVs on East Meadow Circle on 5/21



2 RVs



2 RVs



3 RVs.

From: [mark.weiss](#)
To: [Rebecca Eisenberg](#)
Cc: [Lydia Kou](#); [Greer Stone](#); [Council, City](#); [Shikada, Ed](#); [Andie Reed](#); [Kerry Yarkin](#); [Pat Burt](#); [Tom DuBois](#) tom.dubois@gmail.com; [Filseth, Eric \(Internal\)](#); [Lait, Jonathan](#); [Planning Commission](#); [Aram James](#); [Roberta Ahlquist](#); [Curtis Smolar](#); [Alison Cormack](#); greg@gregtanaka.org
Subject: Re: Kol Emeth
Date: Wednesday, May 25, 2022 1:11:30 PM

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

I met Rebecca Eisenberg for the first time in 2018, walking our dogs, at Peers Park. I had noticed her applications to BCCs. Since that time we've had numerous conversations, mostly about public policy and the law. (Sometimes, baseball or music).

I've known Molly Stump longer but not as well. She invited me to see her art-lights in her office, but changed her mind. I think she's done a satisfactory job, over 10 years here.

But Rebecca went to Stanford, and Harvard Law. Molly Pomona and Cal. All fine schools, but given our proximity to Hoover Tower, I'd wager Rebecca is correct here, and Molly wrong: Casti is bluffing, or a bad actor.

We should be deliberating in public the assertions of staff.

Mark Weiss
In Palo Alto

Sent from my iPhone

On May 24, 2022, at 9:52 PM, Rebecca Eisenberg
<rebecca@privateclientlegal.com> wrote:

I am told that Castilleja refers to Kol Emeth instead of Etz Chayim for garage precedent.

Kol Emeth is also zoned for commercial uses.

<https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/current-planning/forms-and-guidelines/zone-map-2021.pdf>

Which brings up the bad-neighborly fact that Castilleja is threatening baseless 14th Amendment claims against Palo Alto regarding the garage. Should it file such a lawsuit, it will be dismissed on summary judgment, if not sooner. It is long-established law that Zoning law does not implicate 14th amendment protection unless it was done in order to impact a protected class, including racial minorities, non-dominant religions, and women. Castilleja making this argument will be viewed even worse than Woodside claiming to be a mountain lion protection area.

As an aside, it violates Palo Alto public policy that the Planning Department continues to ignore PA's sustainability goals. Failing to measure the impact of the groundwater removal and the tons of cement

used in constructing the underground garage, and the increase of cars on the street from larger enrollment (as all previous measures prove), was illegal of them. Given that there is not yet a sustainability commission, the Planning Department is required to consider the public interest in its evaluations, including the irreparable harm that would be caused by millions of gallons of groundwater pumping and cement. That Jonathan Lait said with a straight face that the construction would not harm Palo Alto's progress towards sustainability and harm neighbor's quality of life is wholly bizarre. Who would argue that? And his refusal to include (1) a no-garage option and (2) an option where Castilleja moves entirely or in part (second campus) is reversible error. No one thinks that Castilleja needs a garage and can't afford a second campus. All along Castilleja said that neighbors want a garage, but **neighbors would much prefer no cars on their street, and instead want SHUTTLES** like all other private schools. Why would neighbors want more car trips when they could have NO car trips? Castilleja's arguments never made any sense.

Regardless, if Castilleja wants a toxic, carbon-emitting, environmentally hazardous underground garage like Kol Emeth, it can! **It just needs to move to an area zoned commercial, or mixed use.** In fact, the Stanford Research area has numerous empty corporate campuses with enormous parking lots, none of which can currently be used for residential purposes due to toxic waste from the HP Superfund Site. But they can be used for commercial purposes, including a school. The HP Campus at 1501 Page Mill is perfect! [Tesla is taking over 325,000 square feet of that campus, leaving almost 300,000 feet for Castilleja.](#) (There are numerous other sites as well.)

In the past, Palo Alto has made harmful decisions, e.g. President Hotel, out of fear of being sued. The President Hotel protected itself from lawsuit by making settlement agreements which included financial compensation along with releases of all rights to sue, so there was no motivated and harmed plaintiff to sue about the President Hotel.

But here, Castilleja spent (I'm told) \$12 million on lawyers, but has not made any efforts to strike financial deals with neighbors, so **every neighbor and impacted community member has the right to sue, and almost certainly will sue, if Castilleja's garage is approved.** And, every time that Palo Alto is sued by citizens (rather than by big businesses or the police force) IT LOSES. See, for example, the Foothills Park case, the Utilities Transfer case, and the many police brutality cases that all cost PA millions in legal fees and settlements. Castilleja is bluffing. They have money to sue, and they may sue, but they will lose even more prestige in the community if they do, and already Stanford Admissions has started admitting fewer of their students, many say.

Anyway, here is one of many explanations about how zoning does not create constitutional cases, and in California, **it's even legal to spot zone, if doing so is necessary to protect the community interest** -- and even to preserve the natural environment. If Molly messes up this case, she should be fired. (Hopefully she is doing some rethinking of her legal advice; she seemed very agitated when she snapped at me while having a "private meeting" with Ed Shikada right after the hearing. At

the time she was two feet away from Castilleja's attorneys, and Molly should know that giving legal advice in the presence of third parties destroys the attorney-client privilege and makes all of her advice discoverable, including by public records act request, which I won't file for, even though I could and maybe should.)

<https://www.californialandusedevelopmentlaw.com/2020/01/09/city-general-plan-policies-allowing-exemptions-from-zoning-requirements-did-not-violate-fourteenth-amendment-or-result-in-spot-zoning/>

Why am I so obsessed with Castilleja? **Because I cannot stand it when people lie** - and dislike most of all when the people and companies with the most resources use those resources to create false narratives that convince communities and individuals to act against their own interests. E.g. Trump, and others.

Best,
Rebecca

On Tue, May 24, 2022 at 4:04 PM Rebecca Eisenberg
<rebecca@privateclientlegal.com> wrote:

Dear All:

First, I want to offer my tremendous gratitude to Mayor Burt, Vice Mayor Kou, and Council Members Stone, Dubois, and Filseth. I - and many others - are grateful for the thoughtful and articulate ways that you dug deep into Castilleja's predicament, and -- despite errors and omissions made by our City Staff -- made groundbreaking progress in revealing a great deal of the truth surrounding Castilleja proposed unprecedentedly large development on lots zones R1 in the middle one of our most admired and desired (of many) residential neighborhoods in our beautiful town of Palo Alto. Your hard work made a very positive impact on our community. Speaking personally, it was monumental to feel heard and understood. This is local government at its best.

In that regard, I submit my factual correction of today's (otherwise mostly great!) article in today's Palo Alto online at: <https://www.paloaltoonline.com/news/2022/05/24/palo-alto-looks-to-scale-back-castillejas-growth-plan> . I also submit a few supporting documents demonstrating (1) that City Manager Keane commenced revocation hearings in 2013 and (2) that Nancy Kaufman proposed a compliance schedule (which she later disregarded); and (3) that the parties decided in 2013 that if Castilleja did not comply with its existing CUP, that its CUP would be revoked (next time for serious). I believe that you agree with my corrections, given that your questions uncovered the truth about Castilleja's violations and potentially its motivations, that we now better understand.

I also offer my profound gratitude to City Council for its repeated insistence that it cannot rationally determine the impact of Castilleja's application, if approved, on the community, without a thorough Construction Plan. Given Castilleja's long history of

aspirational promises and 2 decades of under-delivery on those promises, I agree strongly with your (indisputable) conclusion that we cannot simply take Castilleja's word that its unprecedented construction project in the middle of a single family home neighborhood would be "climate neutral or climate positive" and "not harmful to the community."

I imagine that Castilleja's army of lawyers have already descended upon Jonathan Lait, so I hope he can respond by reminding Castilleja that without a thorough and detailed construction plan, Castilleja cannot rationally expect that its application would be approved.

In particular, I am perhaps most grateful for the reminder from the Mayor (with agreement from the vice mayor and other 3 council members) that there is no precedent for a private school of Castilleja's size and density existing in a R-1 neighborhood, and there even is no precedent of a private school with Castilleja's proposed density in any neighborhood - commercially zoned (like Eytz Chayim) or not. (The reason, of course, that our Muni Code did not address an underground commercial garage in a residential neighborhood is due to the fact that such a profoundly inappropriate facility would never exist in a residential neighborhood and certainly does not exist in a R-1 neighborhood in Palo Alto. **As a reminder, Eytz Chayim is NOT located in a residential neighborhood, but rather is zoned commercially.** Therefore, Castilleja's constant comparisons to Eytz Chayim are wholly misplaced.

Because of the potential impact of Castilleja's construction -- especially the unavoidable harm to our natural environment and to Castilleja's neighbors -- that would be caused by the construction of Castilleja's underground garage, I also attach a legal cite to the Palo Alto Municipal Code section, which clarifies that a CUP shall not be given if it causes harm, or even inconvenience, to the community. I am extremely grateful that Council demanded a Construction Plan from Castilleja last night, and I wholly agree with Council's determination that the extent to which Castilleja's construction will impact the neighborhood cannot be measured unless and until a thorough description of that plan is provided. When Castilleja provides that plan - which should be before the next meeting if they reasonably expect resolution the matter - then I believe that City Council may find that Castilleja's construction plan will cause significant "harm and inconvenience" to the neighborhood which would render the recommendation of the CUP illegal, because per the Code, the City has no right to approve a CUP that causes harm (or inconvenience) to the neighborhood.

(Fortunately, Castilleja truly does NOT need a garage. Neighbors would be FAR happier if fewer cars drove down the street -- no matter where those cars park. Castilleja should eliminate parking altogether at its campus, like Nueva and many other comparable schools, and instead, also like Nueva and most others, provide a **robust system of private shuttles**. This should not even cost Castilleja any money -- and

would SAVE all of the construction costs of the garage! -- as most of these schools pass on the cost of the shuttle to parents, who, excited for the opportunity of their children to be able to attend such prestigious and superior schools, are happy to pay the costs. Remember, 80% of Castilleja families pay full freight tuition of almost \$60,000/year, and the garage is intended to serve the cars owned by these teenage girls, so clearly those families can afford to chip in to a shuttle.)

Below is my submitted correction to Palo Alto Online's mis-statement that Castilleja is now in compliance -- because as Jonathan Lait confirmed, it is still in violation of its CUP. I also correct the statement that the legal violations culminated in 2013, because as Lait confirmed, Castilleja's legal violations -- from which it benefits approximately \$2 million/year in illegally gained revenues through over-enrollment -- continue today.

Thank you for your consideration, and **thank you again for your exceptional work on behalf of the Palo Alto Community last night!**

Best,

Rebecca

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

From: **Rebecca Eisenberg** <rebecca@privateclientlegal.com>

Date: Tue, May 24, 2022 at 3:18 PM

Subject: Castilleja article - thank you, and quick correction (with longer explanation!)

To: Bill Johnson <bjohnson@paweekly.com>, Gennady Sheyner <gsheyrner@paweekly.com>

Cc: Andie Reed <andiezreed@gmail.com>

Hi Bill and Gennady -

I hope you are well! It was nice to see you, Gennady, after the City Council meeting last night (although you seemed confused when I said hello? Seems reasonable as I think you were trying to catch a remaining council member). I REALLY appreciate your thorough coverage of this complicated and extremely important issue.

I know you were working under an extremely tight deadline to get this article out this morning, and overall I think you did a great job, for which I am grateful. That said, there is one sentence I am hoping you can correct, because that sentence gets to the heart of how and why many of us believe that the City has been providing extraordinarily large and unprecedented special treatment to Castilleja, by allowing Castilleja to increase its annual revenues by approximately \$2 million/year through intentional violation of its CUP enrollment cap - violations that have continued for 22 years, and which continue today.

This is the problematic sentence:

Many alluded to the school's failure **in the past** to comply with its enrollment cap, a violation that **culminated** in a [\\$285,000 fine in 2013](#).

Which I think should be replaced with something like:

Many alluded to the school's 20-year failure to comply with its enrollment cap, a violation that exists to this day, as confirmed by Jonathan Lait in last night's meeting, and which has resulted in Castilleja receiving significantly more revenue in tuition than the amount to which it is legally entitled*. (*although Castilleja is tax-exempt, it is not charitable, it lacks a public benefit, and its tax records suggest that it is profitable)
(The last parts of that 'corrected version' are merely aspirational, of course.)

Here is why I believe that the insinuation that Castilleja is in compliance is worthy of correction. I provide backup support, and Andie Reed, cc'd, can confirm, as she and her group of neighbors and friends have spent years gathering public records and trying to educate our leadership, and she deserves much credit for the tremendous breakthrough that happened last night when five of the city council members put Jonathan Lait and Nancy Kaufman on the seat, asking them tough questions and assessing the (often inadequate) responses. What a great night!

Here is why that sentence deserves a re-write (along with later references to Castilleja's continuing violations):

1. **Castilleja's violations are not in the past.** As Lydia Kou and others asked, and Jonathan Lait confirmed, **Castilleja still is in violation of its existing CUP -- as it has been for more than 20 years**. This is a very important distinction because those of us who argue that Castilleja should be held to the same rules as other businesses and residences in Palo Alto continue to point out that Castilleja has not come into compliance with its 415 enrollment cap in more than 20 years, despite Nancy Kaufman having made numerous promises, some of them contractually binding (in my legal opinion, as well as the opinion of Jim Keane and others with whom I spoke about the matter), to come into compliance. That is a big reason that we do not believe that Castilleja should be able to increase its cap immediately to 450, as it never complied with its current cap of 415, despite having its CUP almost revoked in 2013 due to its over-enrollment.

2. Similarly, **these violations did not "culminate in 2013" with the significantly reduced fine**. Culmination indicates a resolution or peak, neither of which occurred in 2013 - rather, when occurred in 2013, per attached, was that the City Manager Jim Keane commenced revocation hearings, which Castilleja negotiated or bullied its way out of. And, notably, that fine was a vastly reduced figure given by Palo Alto, apparently (so I was told) in exchange for Castilleja making a promise that if it did not reduce its enrollment to 415 by 2016, Castilleja would

leave Palo Alto.

As a reminder, Palo Alto's Municipal Code provides for statutory damages for code violation (like virtually all similarly situated cities) at \$500 per violation per day. Although these code sections provide for a two-year reachback when it is the fault of the City for not assessing the fines, in 2013, it was the fault of Castilleja that Palo Alto had not fined Castilleja. Castilleja had been intentionally understating its enrollment (Kaufman explained this as "confusion" over what is "enrollment." She claimed she had used "average daily attendance" instead of "enrollment," but the Planning Commission and Jim Keane correctly rejected her explanation.

For most of the previous years. Castilleja has had between 20 and 40 students over enrollment, averaging over 30 (I can provide for you the actual enrollment numbers ultimately released by Castilleja if you like). But using a conservative 30 students over Castilleja's legal cap, that means that Castilleja has accrued statutory fines of 30 violations times \$500/day = \$15,000/day. Given that Castilleja describes that it is open approximately 300 days/year, means that Castilleja, under Palo Alto's Municipal Code, should have been assessed \$4.5 Million a year.*

(*Here is an article in the Palo Alto Weekly referencing these municipal code penalties, which amount to \$500-\$5000 per day per violation: <https://www.paloaltoonline.com/news/2017/03/06/penalties-likely-to-stand-for-edgewood-owner>) (I also am happy to provide you the code sections)

\$4.5 million a year may seem a high assessment for a private school (even a profitable one like Castilleja), but those fines serve a purpose. Castilleja charges almost \$60,000/year and only offers (mostly partial) financial support to 20% of its students (Castilleja's website now claims 21%, but the amount of aid it provides has not gone up).

This means that while Castilleja continues to be overenrolled, it benefits financially by its legal violations. For example, at 30 students over enrollment, Castilleja increases its guaranteed revenue -- apart from the donations to the school fund and capital fund that are expected of private school parents (I know this as a former private school parent myself) -- by an additional \$1.8 MILLION, [not including donations to its school fund and capital fund \(which has raised \\$100 million\)](#).

As community members pointed out, enforcement of the enrollment cap is the ONLY incentive that Castilleja has to comply with the law and its CUP. Castilleja has been bringing in millions of dollars illegally through over enrollment for more than 20 years, so it IS extremely material and essential for the accurate reporting of this story to make it clear that Castilleja STILL is violating Palo Alto's zoning laws (in ways beyond enrollment, e.g. providing false information re square footage, as some mentioned last) as well as Castilleja's existing CUP.

What I recommend for the sentence above is the following:

Many alluded to the school's **20-year** failure to comply with its enrollment cap, a violation that **exists to this day, as confirmed by Jonathan Lait in last night's meeting.**

In sum, Palo Alto's city government has allowed Castilleja to continue to benefit financially (as much as \$2.4 million/year during the many years Castilleja was at 40 student over-enrollment), without any Municipal Code enforcement. Had the City enforced our muni codes against Castilleja as it does regularly against residential applicants, our General Fund would have had millions of dollars more every year. (This is the basis of one of the many causes of action against the city that residents have been discussing with their attorneys. There is a third party cause of action plus attorneys fees under the false claims act, for example, among other state laws that address this kind of problem).

That is why it is essential to point out that Castilleja is still in violation of its existing CUP, that it never was in compliance, and that Castilleja is benefitting financially from its illegal actions.

Please reach out to me if you have any questions about this. Also, I can put you in touch with a lawyer who handles municipal finance at a law firm, if you like.

No matter where you stand on Castilleja's right to benefit financially from its CUP violations, I beg you to correct your article to clarify that Castilleja may have paid a reduced fine, but it never came into compliance, even though it promised it would agree to CUP revocation if it did not reduce its enrollment to 415. A few of the letters between Castilleja and the City are attached, starting with the time when Jim Keane commenced CUP revocation against Castilleja in 2013.

Thank you for considering. I thought that emailing you directly would be more helpful than posting a comment on the board, given that my correction is easily confirmable, and an easy fix for you to make.

Thank you again for your responsive and thorough coverage of the many issues that impact our community of Palo Alto!

Best,
Rebecca Eisenberg
415-235-8078

Rebecca Eisenberg, Esq.
Principal & Founder
Netskink Positive Impact Investments
Private Client Legal Services
www.linkedin.com/in/eisenberg
rebecca@privateclientlegal.com
415-235-8078